

Regulatory Guidance Letter 91-01

SUBJECT: Extensions of Time for Individual Permit Authorizations

DATE: November 06, 1991

EXPIRES: December 31, 1996

1. The purpose of this guidance is to provide clarification for District and Division offices relating to extensions of time for Department of the Army permits (See 33 CFR 325.6).

2. **GENERAL:** A permittee is informed of the time limit for completing an authorized activity by General Condition #1 of the standard permit form (ENG Form 1721). This condition states that a request for an extension of time should be submitted to the authorizing official at least one month prior to the expiration date. This request should be in writing and should explain the basis of the request. The DE may consider an oral request from the permittee provided it is followed up with a written request prior to the expiration date. A request for an extension of time will usually be granted unless the DE determines that the time extension would be contrary to the public interest. The one month submittal requirement is a workload management time limit designed to prevent permittees from filing last minute time extension requests. Obviously, the one month period is not sufficient to make a final decision on all time extension requests that are processed in accordance with 33 CFR 325.2. It should be noted that a permittee may choose to request a time extension sooner than this (e.g., six months prior to the expiration date). While there is no formal time limit of this nature, a request for an extension of time should generally not be considered by the DE more than one year prior to the expiration date. A permit will automatically expire if an extension is not requested and granted prior to the applicable expiration date (See 33 CFR 325.6(d)).

3. **REQUESTS FOR TIME EXTENSIONS PRIOR TO EXPIRATION:** For requests of time extensions received prior to the expiration date, the DE should consider the following procedures if a decision on the request cannot be completed prior to the permit expiration date:

- a. The DE may grant an interim time extension while a final decision is being made; or
- b. The DE may, when appropriate, suspend the permit at the same time that an interim time extension is granted, while a final decision is being made.

4. **REQUESTS FOR TIME EXTENSION AFTER EXPIRATION:** A time extension cannot be granted if a time extension request is received after the applicable time limit. In such cases, a new permit application must be processed, if the permittee wished to pursue the work. However, the DE may consider expedited processing procedures when:

1. the request is received shortly (generally 30 days) after the expiration date,
2. the DE determines that there have been no substantial changes in the attendant circumstances since the original authorization was issued, and
3. the DE believes that the time extension would likely have been granted.

Expedited processing procedures may include, but are not limited to, not requiring that a new application form be submitted or issuing a 15 day public notice.

5. This guidance expires 31 December 1996 unless sooner revised or rescinded.

FOR THE DIRECTOR OF CIVIL WORKS:

JOHN P. ELMORE, P.E.

Chief, Operations, Construction and Readiness Division
Directorate of Civil Works