

U.S. Army Corps of Engineers (USACE) Improving Performance of Federal Permitting and Review of Infrastructure Projects Agency Plan

Background

The USACE (here after USACE interchangeable with Corps) is embarking on a Civil Works (CW) Transformation which focuses in four overarching areas: 1) Improving the Planning project development process, 2) Transforming the budget development process (by linking CW business lines to national objectives, strategic goals and emerging trends, and promoting Integrated Water Resources Management by moving toward watershed-based budget development), 3) developing an Infrastructure Strategy that will improve the sustainability and reliability of key water resources infrastructure, and 4) improving Methods of Delivery (reassess the way the USACE delivers products by improving technical competencies, process and procedures, and quality of products and services). Within these focus areas there are many imbedded actions to improve the review and permitting process. More specifically, there are actions in place to reduce the completion time and cost of studies to three years and no more than \$3 million in most cases; improve expertise and methods of delivery using the Corps Centers of Expertise; and reinforce competencies and improve quality of products. The objective of the transformation is to have a competent work force ready to deliver quality products faster and in a more cost effective manner resulting in the realization of anticipated public benefits sooner. The Civil Works transformation fully supports the goals and objectives of the Executive Order to improve performance of federal permitting and review of infrastructure projects.

a) Mission Authorities:

The Authorities for Civil Works Missions derive from congressional legislation. Some of the key authorities are:

- 1824: Rivers & Harbors Act authorized the Corps to work clearing obstacles on Ohio, Mississippi Rivers and at ports. Subsequent R&H Act authorizes USACE improvements of other U.S. navigable waters. Further, the 1944 Flood Control Act authorizes recreation areas at projects; large reservoirs on the Missouri River.
- 1899: Sec. 10, Rivers & Harbors Act gives Corps regulatory authority over construction in navigable waterways.
- 1928: Mississippi River & Tributaries Flood Control project.
- 1936: Flood Control Act (and subsequent F.C. Acts) - nationwide Corps flood protection mission.
- 1938: Flood Control Act authorizes construction of hydropower plants.
- 1955: P.L. 84-99, Corps mission in flood fighting, repair of damaged flood control works, etc.

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- 1946: Shore Protection Cost Sharing Act.
- 1970: National Environmental Policy Act requires environmental analysis of all proposed Corps activities
- 1970: Office of the Assistant Secretary of the Army (Civil Works) established in law; first filled in 1975.
- 1972: Clean Water Act gives USACE regulatory authority over dredging and fill operations in all “waters of the U.S.” including many wetlands.
- 1986: Water Resources Development Act requires cost sharing for most projects; Sec. 1135 authorizes existing projects to be modified for environmental improvement.
- 1990: Water Resources Development Act establishes environmental preservation/restoration as project purpose on par with navigation and flood risk management.
- 2007: Water Resources Development Act calls for equal consideration of economic, environmental and social benefits in planning Civil Works projects.
- Sections 9 and 10 of the Rivers and Harbors Act of 1899.
- Section 404 of the Federal Water Pollution Control Act, as amended in 1972 (commonly known as the Clean Water Act (CWA)).
- Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972.
- 33 U.S.C. 408, Taking possession of, use of, or injury to harbor and river improvements.

b) Reviews and permits:

The USACE has several review processes which follow the principles of the Project Management Business Process (PMBP) and the Quality Management System (QMS). These reviews apply to studies, projects and regulatory permits. These processes are described in more detail under this section. For USACE projects, there are generally three major types of reviews that occur during the development of the reporting officer’s report or decision document (Chief’s Reports or other authorizing documents for Project Development). These include technical reviews, legal reviews, and policy reviews and are all founded upon the 1983 “Economic and Environmental Principles and Guidelines for Water and Land Related Resources Implementation Studies”. Within these broad review categories, there may be sub-categories of reviews. Some are a matter of good business practice and some are statutorily required. The primary goal of the reviews is to ensure the preparation of a decision document that accurately reflects the views of the reporting USACE official. Reviews examine the Federal interest in the problems and opportunities addressed, the plans considered, and the solution recommended. Reviews are conducted within USACE at the local, regional, and national level and by experts outside of USACE.

The USACE proposed seven projects under the Executive Order for *Improving Performance of Federal Permitting and Review of Infrastructure projects*. The seven projects were selected to illustrate various aspects of the CW Transformation initiative. Four of the

listed projects are in the study phase and were selected as examples of projects with a significant opportunity to reduce the study time and cost. One project has been authorized by the Congress for construction and reflects an important opportunity to accelerate the construction start. One project is nearing completion of construction and is paired with a USDOTD project that will be necessary to fully realize a broad array of benefits. Finally, the list includes an ongoing project that is employing new processes to align with local sponsor requirements to secure the required Section 408 Permit to alter an existing federal project. These projects reflect new ideas for improving USACE project delivery and reflect the goal that all projects can be similarly improved. Similarly, the USACE Regulatory program affects infrastructure projects implemented by others, including, Tribes, federal, state, and local governments, and private entities. The proposed studies, projects and permits follow the current review processes with the aim to improve or expedite review and permitting timelines. ***(All schedules provided are subject to change as these are estimated and subject to unforeseen events and changes-for schedule tracking purposes visit OMB MAX since the system will be updated as schedules are achieved or changed)***. The review processes that these efforts will follow are described on pages 4-7. The seven projects are:

1. Charleston Harbor Post 45 study-Navigation Study.
2. Jacksonville Harbor Channel Deepening-Navigation Study.
3. Savannah Harbor Expansion study-Navigation Study.
4. Central Everglades-Ecosystem Restoration Study.
5. Miami Harbor construction-Navigation.
6. New York, New Jersey Harbor Deepening-Navigation.
7. The Metro-East Levee System-Section 408 Permit.

For the first four studies, the target date for completing all federal permit and review decisions is September 2015, Charleston Harbor; April 2014, Jacksonville Harbor; November 2012, Savannah Harbor; and August 2013, Central Everglades study. For Miami Harbor, construction is scheduled to be completed in 2024.

Charleston Harbor feasibility study will examine the benefits and costs of deepening the federal navigation channel for Charleston Harbor from its existing depth of 45 feet to a maximum of 50 feet to accommodate larger cargo vessels and other ships. The study is expected to be complete within 3 years – several years earlier than originally anticipated.

Jacksonville Harbor feasibility study is examining the benefits and costs of deepening the federal navigation channel at the port from its existing authorized project depth of 40 feet up to maximum project depth of 50 feet to accommodate larger cargo vessels and other ships. This study is being conducted under the modernized planning process so recommendations for improvements are expected to be made several years earlier than originally anticipated. In a separate action, the port of Jacksonville is constructing an Intermodal Container Facility (ICTF) to increase its capacity to handle containers that arrive or depart by rail, and thereby will reduce

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truck traffic on local and regional roads. The project will include a five-track rail yard, two wide-span electric cranes, and a paved area for stacking containers and several support uses, including a road gate for truck movement of cargo, a parking area, and storm water retention facilities. The facility will also use zero-emission, wide-span electric cranes for all lift operations. This \$45 million project is being financed through a public-private partnership, including US Department of Transportation TIGER grant funding of \$10 million.

The proposed Savannah Harbor project would deepen the channel from its current depth of 42 feet to a depth of 47 feet to enable the Port of Savannah to accommodate larger cargo vessels and other ships. The study involved a multiyear collaborative effort with the Environmental Protection Agency, the Department of Interior and the Department of Commerce. As a result of this collaboration, the project includes an extensive mitigation plan, which is an integral part of the recommended improvements. The mitigation plan is intended to restore, preserve, and adaptively manage the surrounding ecosystem, which includes the Savannah National Wildlife Refuge.

Central Everglades Ecosystem Restoration study will examine opportunities to restore the original river of grass in the Central flow way of the Florida Everglades by increasing flows of fresh, clean water to the central and southern portions of the Everglades, including the Everglades National Park. This project is a key step in the effort to restore the Everglades, one of the largest and most complex ecosystem restoration projects in the world. The study requires extensive inter-agency, inter-governmental and public coordination. The study is expected to be complete within 2 years.

Miami Harbor. Construction of this authorized project involves deepening the federal navigation waterway at the port from its current depth of 42 feet to a depth of 50 feet. The project would enable the port to accommodate larger cargo vessels and other ships. Through a progressive partnership the Port Authority of NY & NJ is contributing to the costs of the funds needed to construct this project, the time frame for its construction has been advanced by years. Related infrastructure improvements include landside investments funded in part by the Department of Transportation.

The New York/New Jersey Harbor Deepening is expected to complete construction in FY 2015. This project has involved 18 dredging contracts and construction of four marsh restoration projects (two as mitigation for the project and two as beneficial use of dredged material – part of the broad project goal of beneficially using all material dredged in the project's construction). Completion of the deepening with restoration of wetlands is designed to enable the port to accommodate larger cargo vessels and other ships, coupled with the restoration of estuarine habitat. The Corps New York District is serving as the primary federal regulatory agency. A regulatory coordination process is underway, which involves coordination with the U.S. Environment Protection Agency for the sampling and testing followed by the determination that material to be dredged in the upcoming construction contract is suitable for ocean disposal at the Historic Area Remediation Site (HARS). The District schedules periodic as well as ad hoc coordination

meetings with the Environmental Protection Agency to identify separate testing reach areas, review, and finalize testing plans. With EPA's expeditious and detailed review, this activity is scheduled to be completed by July 2012. Once the sediment sampling and testing is completed and outcome of the testing is known, the results undergo a Quality Assurance review as well as the memorandum that reflects the joint agency determination. This activity is scheduled for completion in May 2013.

Metro East Levee System. The Metro East Consolidated Levee System was constructed 55 years ago and has suffered continual deterioration due to frequent flood events. Because the proposed project will involve modifications to the structures and operations of the levee system, pursuant to Section 33 U.S.C. 408, the USACE will evaluate the proposals and make a determination if the modifications will not affect the performance of the federal project or result in structural or public safety concerns. The USACE is employing an innovative and accelerated Section 408 review process to support the Southwestern Illinois Flood Prevention District (FPD), request to modify the federally authorized project to meet the non-federal sponsors' proposed construction schedule. Design reviews ensure that the FPD's proposed solutions can be successfully integrated into the levee system without compromising public safety. Both, USACE and the sponsor are working to identify commonalities where federal funds could be used to expedite the construction.

If the USACE approves moving forward with the proposed project under section 408, the next step would be to conduct its CWA Section 404 analysis. The plan is to review an over-arching provisional Section 404 permit application based upon the 60% design after the USACE receives information. The USACE is able to accept and expend funds under the Water Resources Development Act (WRDA) of 2000, Section 214, as amended, authority, to expedite permit decision making on applications of non-federal, public entities, which may be a useful tool to expedite this project.

Review Processes

1. Technical reviews include peer reviews and public reviews, reviews conducted internal to USACE, and reviews conducted by external experts. These reviews focus on the methodology and analysis of results specific to particular professional areas of expertise. For internal reviews, this consists of District Quality Control (DQC) and Agency Technical Review (ATR). For external reviews, these include three statutorily directed reviews: Independent External Peer Review (IEPR) as required by Sections 2034 and 2035 of WRDA 2007 (P.L. 110-114); public reviews required by NEPA; and state and agency review required by the 1944 Flood Control Act (P.L. 78-534).

2. District Quality Control is an internal district review process of basic science and engineering work products focused on fulfilling the project quality requirements. It is a series of measures taken by USACE District leadership to ensure the quality of

technical decisions made throughout project development. Senior district leaders overseeing planning, engineering, real estate, and project management (and other disciplines as necessary) are responsible for and expected to be directly involved in DQC. Quality checks and reviews occur during the development process and are carried out as a routine management practice. All civil works planning, engineering, and operation and maintenance products undergo DQC.

3. Agency Technical Review (ATR) is an internal U.S. Army Corps of Engineers review which verifies the DQC. It is not a replacement for DQC, but rather follows it. ATR is consistent with the Office of Management and Budget (OMB) peer review requirements under the Information Quality Act (Section 515 of the Treasury and General Government Appropriations Act of 2001, P.L. 106-554) and OMB's "Final Information Quality Bulletin for Peer Review" (referred to as the "OMB Peer Review Bulletin"). ATR assesses whether the analyses presented are technically correct and comply with published USACE guidance, and whether the document explains the analyses and results in a reasonably clear manner for the public and decision makers. The ATR team validates the quality and credibility of the government's scientific information, including that resulting from in-kind services provided by non-federal sponsors.

4. A National Environmental Policy Act document is circulated to agencies, organizations and members of the public known to have an interest in the study. Draft and final environmental assessments (EA) and draft and final Environmental Impact Statements (EIS) and supplements are made available to the public as provided in 40 Code of Federal Regulations (CFR) 1502.19 and 1506.6. The final report, final EA or final EIS and the proposed Report of the Chief of Engineers (Chief's Report) is circulated to interested parties for public review and filed with the EPA pursuant to regulations of the President's Council on Environmental Quality for implementing NEPA and 40 CFR Parts 1500-1508. NEPA documents are prepared concurrently with and utilize data from analyses required by other environmental laws and executive orders. Reviews and consultation requirements, analyses, and status of coordination associated with applicable laws, executive orders and memoranda are summarized in the draft document.

5. Independent External Peer Review (IEPR) is applied in cases that meet certain criteria where the risk and magnitude of the proposed project are such that a critical examination by a qualified team outside of USACE is warranted. IEPR is provided for in Sections 2034 and 2035 of WRDA 2007. IEPR is divided into two types: Type I is generally for decision documents and Type II (Safety Assurance Review (SAR)) is generally for implementation documents. The differing criteria for conducting the two types of IEPR can result in work products being required to have Type I IEPR only, Type II IEPR only, both Type I and Type II IEPR, or no IEPR. Any work product, report, evaluation, or assessment that undergoes DQC and ATR also may be required to undergo IEPR under certain circumstances.

6. The State and Agency (S&A) Review by pertinent agencies is required by Executive Order 12372, the 1944 Flood Control Act (P.L. 78-534), and the Fish and Wildlife Coordination Act (P.L. 85-624).

7. Legal review begins early in the study process so that issues are identified and addressed promptly, with elevation to higher authority as appropriate. These reviews ensure compliance of the investigations, reports, and recommendations with laws that govern the development of water resources solutions, including environmental laws such as NEPA; project specific and general provisions from WRDAs, River and Harbor Acts, and/or Flood Control Acts. Legal certification by District Counsel is required prior to release of the draft decision document for public review, and legal review must continue as the final report is developed, with specific focus on changes in the decision document. All final decision documents must be legally certified and final legal compliance reviews are performed by HQUSACE unless this responsibility has been delegated.

8. Headquarters USACE is responsible for the policy review and approval of all decision documents requiring approval by the Chief of Engineers or the ASA(CW), all decision documents recommending Congressional action, and documents intended to inform the Congress. Congressional action involves authorization or modification of projects, including increases in the authorized cost of projects. Policy reviews verify compliance of the investigations, reports, and recommendations with prevailing policies that were developed in response to laws, Executive Orders, and other directives governing the development of water resources solutions. Policy review involves the analysis of decision factors and assumptions used to determine the extent and nature of federal interest, project cost sharing and cooperation requirements, and related issues. It also ensures that established policy and procedures are applied uniformly nationwide and identifies policy issues that must be resolved, such as where judgment plays a substantial role in decision making. Policy compliance review also confirms that the proposed action is consistent with the overall goals and objectives of the Civil Works Program. The policy review team is engaged throughout project development to identify potential policy conflicts, to address conflicts when they can be most efficiently and effectively addressed, and to ensure that they can be supported by the Chief of Engineers.

Similarly, the following reviews are used by USACE as it manages its Regulatory program:

Regulatory Program review process. Authorities include Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA), Section 404 the Federal Water Pollution Control Act, as amended in 1972 (commonly known as the Clean Water Act (CWA)), and Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972. Under these authorities, Corps authorization is needed for work performed in, over or under a navigable water of the U.S.; for discharge of dredged or fill material into waters of the U.S., including jurisdictional wetlands; and for transportation of dredged material to the ocean for disposal. In nearly all situations, authority rests with District Commanders for permit decisions.

The Corps Regulatory Program tracks eight performance measures (see Appendix for list of performance measures). Two of these measures are focused on permit processing times, one for Individual Permits (IPs) and one for General Permits (GPs). GPs, such as

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nationwide permits, are issued for categories of similar activities determined to have a minimal impact on the environment, both individually and cumulatively and enable a more streamlined evaluation and coordination process to the regulated public. IPs are for those projects whose impacts are more than minimal and require a more detailed Corps evaluation, public involvement, and interagency coordination to ensure appropriate environmental protection is balanced with the proposed benefits of project implementation. Specifically, the Regulatory Program's performance measures for FY2012 associated with permit application evaluation are: 50% of all IPs (excluding those involving formal Endangered Species Act (ESA) coordination) should be completed in 120 days or less from the date a federally complete application is received. For GPs, the goal for FY2012 is that 75% of all actions be completed in 60 days or less. Y 13 performance measures will be established once appropriations for FY 2013 have been made; if appropriations do not substantially increase over FY 2012 amounts, the performance measure percentages will remain the same as Regulatory Program appropriations primarily fund labor. The Appendix presents performance information from FY2007-FY2011.

Corps regulations (33 CFR § 320-332) and subsequent guidance also contain time frames for Regulatory processes associated with permit decisions (e.g. Jurisdictional Determination coordination for isolated waters, issuing public notices, evaluation of application completeness, historic properties coordination (Appendix C), nationwide permit verifications, interagency preconstruction notifications).

In addition, regulation 33 CFR § 325.2, *Processing of applications*, provides specific timelines for components of the USACE Standard permit review process. 33 CFR § 330.1, *Notification*, provides specific timelines for components of the USACE Nationwide Permit Verification process.

Example: 33 CFR § 325.2(a)(2) mandates that a public notice will be published within 15 days of the receipt of a completed application, or a request for additional information necessary to further process the application be sent to the applicant within the same timeframe.

Example: 33 CFR § 330.1, *Nationwide Permit Program, Purpose and Policy*, provides specific timelines for components of the USACE Nationwide Permit Verification process.

Example: 33 CFR § 330.1(e) states that a permittee may presume a project qualifies for reporting nationwide permit unless otherwise notified by the Corps within 30-days of the receipt of the notification package.

The Regulatory Program undertook a robust Lean Six Sigma evaluation from 2006-2010 of the individual permit process to identify areas for improved internal efficiency, while ensuring full compliance with applicable laws, regulations, and policies and sound decision making. National decision document templates for all types of permits are undergoing reviews and revisions to further

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increase internal efficiencies paying close attention to Quality Assurance (QA) /Quality Control (QC). Lessons learned will continue to be documented and shared with Corps and other agencies. Throughout the year, there are monthly calls with HQ-Division-Districts to increase consistency and disseminate policy guidance. These calls are supplemented with an annual national conference and regional conferences to exchange ideas regarding best practices.

Since the late 1980s, the Corps and the Federal Highway Administration have had a successful, ongoing relationship in the area of reducing sequential reviews and increasing concurrent evaluation. The first major products of this collaboration were the 1988 “Red Book” and the NEPA/404 merger agreements which were subsequently expanded to include other agencies. Conducting and completing Endangered Species Act coordination consultations is one of the more challenging areas where the Corps is working with federal resources agencies to find ways to avoid and minimize. Building upon the NEPA/404 merger concept to include broad synchronized decisionmaking in a context appropriate to the permit evaluation workload. Further the Corps is a signatory to *Eco-Logical: an ecosystem approach to developing infrastructure projects* and regulatory program staff participated in its development.

Many Districts have developed joint applications with state water quality agencies to reduce duplication/sequential reviews. Additionally, Districts have state programmatic general permits in those states with statutes protecting jurisdictional waters and wetlands, which enable the state agency to carry out on behalf of the Corps, permit evaluation for proposed activities that will have no more than minimal impacts on the aquatic environment, further increasing efficiency. Final permit actions are published on the Regulatory USACE home page. Under WRDA of 2000, Section 214, as amended, the Corps is able to accept and expend funds, to expedite permit decisionmaking on permit applications from non-federal, public entities. The Regulatory program also accepts and expends funds under the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users, Section 1309 Authority which enables affected agencies to accept funds to participate in environmental reviews associated with transportation projects.

The 2008 Mitigation Rule (33 C.F.R. part 332) was developed jointly by the Corps and EPA and is used to ensure that applicants avoid, minimize, and appropriately compensate for impacts to aquatic resources. A key feature of the rule is that it emphasizes the use of watershed approaches to take into account a variety of factors regarding aquatic resources, landscapes, future development, and likelihood of mitigation project success when determining whether to mitigate on-site and in-kind or out-of-kind in terms of functional replacement. Thus, taking a broad policy perspective, the Corps will be able to benefit from and contribute to watershed efforts being pursued by other agencies at all levels of government.

Information Technology

The USACE is focused on leveraging, expanding, or adopting technical capabilities to collect data, share information, and collaborate across the federal government, stakeholders, local entities and communities, Tribal governments and private industry. Technology

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transfer and capacity building is a priority in all mission areas. This information is shared via web links, collaborative efforts and partnerships and sharing of models and tools.

Review Processes: Throughout the review process, information technology is being harnessed to allow continuous monitoring and vertical team integration. Web portals, webinars and share drives are available through our USACE main website to facilitate information sharing, communication internally-between the project delivery team members as well as the Districts, Major Subordinate Commands, and Headquarters-and externally related to projects under review. In addition, project specific metrics related to cost and schedule are reviewed on a monthly basis using videoteleconference technology to coordinate nationwide and to facilitate senior leader participation. For the conduct of the various studies, Geographic Information Systems (GIS) technology is collected for studies and projects to leverage existing data and minimize additional data collection efforts. Districts have GIS information that in many times is shared within regional study areas/project areas. In addition, project specific websites are established to facilitate data sharing with the general public as well as with other Federal agencies

Permitting: Within the Regulatory program, the Corps has used its OMBIL Regulatory Module 2 (ORM2) data base to document key information about regulatory permit activities. ORM2 is used by all 38 District offices data is shared electronically with U.S. EPA on a daily basis. Data on mitigation and conservation banks and in lieu fee mitigation programs, such as types and numbers of mitigation and conservation bank and in-lieu fee program sites, associated documents, mitigation credit availability, service areas, as well as information on national and local policies and procedures that affect mitigation and conservation bank and in-lieu fee program development and operation is housed on a dedicated website found at <http://geo.usace.army.mil/ribits/index.html>. The site was developed by the Corps with support from the U.S. Fish and Wildlife Service and the U.S. EPA. Federal Highway Administration has recently contributed funds to enhance the capability of the website for transportation end users. The regulatory program is openly seeking opportunities to appropriately share data when it is mutually beneficial to do so and when applicants' privacy/proprietary information can be protected.

The Corps will continue to consider the feasibility of electronic RHA/CWA-permit applications that could also be used by other agencies pursuant to their authorities as discussed by the Infrastructure Principals group. However, based on an initial consideration, a number of serious challenges would have to be overcome: 1) many applicants for Corps permits do not access electronic media and may be at a disadvantage if only electronic forms are available; 2) there could be Environmental Justice issues; 3) it would take time to coordinate and agree upon electronic systems requirements, the content of universal applications, how the information would be obtained and shared, and who would fund system maintenance; and 4) may existing joint efforts, protocols, and local application forms would be mooted, eliminating considerable efficiency. To elaborate, applications for permits come to the Corps from a broad range of citizens, many of modest means, and many in remote areas without reliable internet access (e.g. large portions of Alaska) and from Tribes. Often, applications are received that have been completed by hand, with drawings also hand-sketched by the applicant

themselves. Moving wholly to an electronic application may either increase the lack of compliance with the laws (due to the inability to access the system into which information can be submitted) or be prohibitively expensive to a subset of the program's applicants. Additionally, design, plans and engineering drawings are not conducive to being submitted electronically and in a universal format in a manner that is easily translated into—a form that may be circulated for comment via public notice.

All permit processing timelines and consultations processes associated with the permit review process are tracked internally to the USACE Regulatory Program via the ORM2 database within each District office. Data is rolled up regionally and nationally to determine if the national performance metrics are being met. Eight annual performance measures related to compliance are tracked, non-compliance, enforcement, and permit processing times. This data is compiled annually on a national basis; District-specific performance information is also available (Please provide a summary of this information in an Appendix, including average processing times (or targets or both) or link to most recent report here).

Public Outreach

Every Civil Works project has within its scope a significant public outreach component which is followed in the different phases of a project or activity. As required by NEPA, public workshops and meetings are held at various times throughout the study process to solicit input from stakeholders as well as the general public. This input is considered as alternatives are developed, screened, and analyzed. Social media is used to disseminate information from the public and to solicit feedback and views. Coordination with state, local, and tribal governments is also conducted as part of the public involvement process.

For the Regulatory Program, the Corps regulations and associated policy guidance offer applicants for Department of the Army permits the opportunity to engage in what is referred to as “pre-application consultation” to discuss the proposed project, learn how to most efficiently prepare a complete permit application, and to begin a dialogue on how to avoid, minimize, and if necessary, compensate for unavoidable impacts to aquatic resources. Engagement using the pre-application process provides potential applicants information on potential alternatives, aquatic and other natural and cultural resource concerns, and fosters an open dialogue between the regulators and the regulated community. The goal of the pre-application process is to provide potential applicants with all helpful information necessary in pursuing their application, including factors which the Corps must consider in its permit decision making process. It is especially helpful to follow this approach for large, complex, and sometimes controversial infrastructure projects.

Other examples of stakeholder outreach efforts include public information meetings designed to provide information on the application and permit evaluation. Often times, applicants experience application evaluation delays because of a lack of understanding of what is required for the Corps to initiate review. To address this information gap and increase the percentage of applications that are deemed complete upon receipt, the Corps has invested in public outreach and education through development of

web-based video libraries. These libraries inform the public about our program, regulations and the permit application process, and include on-line tutorials and AVATARS that lead prospective applicants through our application form, the review process and potential consultations that may be needed as part of the Corps review. The Corps Regulatory video library can be accessed at <http://www.saj.usace.army.mil/Divisions/Regulatory/gallery.htm>. An example of an interactive permit application tutorial can be accessed at <http://www.usace.army.mil/CECW/Documents/avatar2/index.html>.

Furthermore, a series of videos has been developed and regionally specific application “help-kits” to assist applicants in completing materials. Outreach is a priority of the Regulatory program and will remain a focus into the future. The Corps Regulatory video library can be accessed at <http://www.saj.usace.army.mil/Divisions/Regulatory/gallery.htm>. An example of an interactive permit application tutorial can be accessed at <http://www.usace.army.mil/CECW/Documents/avatar2/index.html>.

Appendices

Regulatory Performance Metrics:

1. Inspect XX% of total individual permits issued during the previous FY
2. Inspect XX% of total general permits issued during the previous FY
3. Inspect XX% of active mitigation sites each year
4. Inspect/audit XX% of active mitigation banks and in lieu fee programs annually
5. Reach resolution on XX% of all pending enforcement actions from the previous and current FY
6. Reach resolution on XX% of pending non-compliance actions from previous and current FY
7. Reach permit decision on XX% of all general permits within 60 days
8. Reach permit decision on XX% of individual permits within 120 days

The Regulatory Program budget is performance based; therefore, the XX% in any FY is tied to that year’s budget allocation.

Table 1. Program Performance by Permit Instrument Type

Permit Instrument	Factors Affecting	Federal Agencies with	Related Tribal, state, or local	Number of applications	Average processing time	Multi-year trends
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	Timing	Related Responsibilities	processes	initiated annually		
Standard Individual Permit	Complete applications, single and complete projects, consultation with tribes, states, and local governments, LEDPA determinations, mitigation, project scale	USFWS, NMFS, USEPA, USCG	State Water Quality (Clean Water Act Sec. 401), NPDES (Clean Water Act Sec 402), Coastal Zone Management Act, National Historic Preservation Act Sec. 106,	FY 07 6013 FY 08 5343 FY 09 4524 FY 10 4187 FY 11 3874	FY 07 384 days FY 08 382 days FY 09 346 days FY 10 318 days FY 11 284 days	Number of new applications trends downward while complexity of applications is trending upward
Nationwide Permits (required reporting)	Complete pre-construction notification, single and complete projects, consultation with tribes, states, and local governments	USFWS, NMFS, USEPA, USCG	State Water Quality (Clean Water Act Sec. 401), NPDES (Clean Water Act Sec 402), Coastal Zone Management Act, National Historic Preservation Act Sec. 106,	FY 07 29819 FY 08 29738 FY 09 34892 FY 10 35782 FY 11 32993	FY 07 62 days FY 08 81 days FY 09 63 days FY 10 68 days FY 11 59 days	Number of new applications trends downward
Letters of Permission	Complete applications, single and complete projects, consultation with	USFWS, NMFS, USEPA, USCG	State Water Quality (Clean Water Act Sec. 401), NPDES (Clean Water Act Sec 402),	FY 07 3087 FY 08 3167 FY 09 2822 FY 10 2533	FY 07 194 days FY 08 170 days FY 09 117 days FY 10 119 days	Number of new applications trending downward, along with processing

	tribes, states, and local governments, LEDPA determinations, mitigation, project scale		Coastal Zone Management Act, National Historic Preservation Act Sec. 106,	FY 11 2512	FY 11 113 days	times
Regional General Permits	Complete pre-construction notification, single and complete projects, consultation with tribes, states, and local governments	USFWS, NMFS, USEPA, USCG	State Water Quality (Clean Water Act Sec. 401), NPDES (Clean Water Act Sec 402), Coastal Zone Management Act, National Historic Preservation Act Sec. 106,	FY 07 19603 FY 08 17619 FY 09 14900 FY 10 16224 FY 11 17243	FY 07 62 days FY 08 59 days FY 09 53 days FY 10 57 days FY 11 54 days	Number of new applications trending upward
Programmatic General Permits	Complete pre-construction notification, single and complete projects, consultation with tribes, states, and local governments,	USFWS, NMFS, USEPA, USCG	State Water Quality (Clean Water Act Sec. 401), NPDES (Clean Water Act Sec 402), Coastal Zone Management Act, National Historic Preservation Act Sec. 106,	FY 07 10233 FY 08 9389 FY 09 8678 FY 10 8551 FY 11 7797	FY 07 44 days FY 08 28 days FY 09 21 days FY 10 16 days FY 11 27 days	