

Questions to ask yourself during the application process

- 1) What is the purpose and need of the project? What alternatives have I considered?
- 2) What are the aquatic impacts and how have I avoided/minimized/compensated for those impacts?
- 3) What are the additional resources in the project area?
 - Federally listed species and State and Tribal sensitive species
 - Cultural, Archaeological, Historical Resources



Purpose and Need



- Purpose/need statement describes transportation problem (need) and solution (purpose).
- Problems defined: Safety and Design standards, lack of access, congestion, etc.



Why the Purpose and Need is Important

- Foundation for decision-making
- Provides strong foundation for alternatives development
- For WCA purposes, purpose and need is used to determine eligibility of BWSR road program.



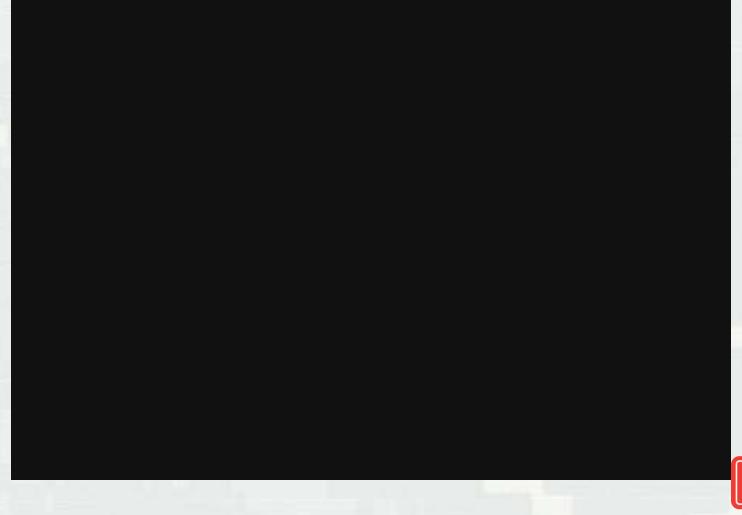
404(b)(1) Guidelines

Alternatives analysis (40 CFR 230.10)

- "No discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem"
- Practicable alternatives: available and capable of being done considering cost, existing technology, and logistics in light of overall project purpose
- Applicant required to submit necessary information for Corps to determine compliance with the guidelines.



Mitigation sequencing





Other resources to consider

Biological resources: Federally listed
(ESA) or state or tribal sensitive species?



 Cultural resources: archaeological/historic sites or traditional cultural/historic





What do I do now?

- Consider pre-application meeting early in the road planning process.
 - Determination of who has jurisdiction/what will be regulated
 - Discussion of additional information that may be needed for permit review





What happens when I involve the agencies late in the process?



- ► If you skip the pre-application meeting and your project has significant environmental impacts:
 - May revisit the project development process from the beginning
 - Corps may request revisions to satisfy 404:
 - Broaden project purpose
 - Evaluate additional alternatives
 - Modify the proposal
 - ➤ Corps may find that proposal cannot comply with 404 requirements (fatal flaw)



Info for Complete Application

- √ Name, address, signature and date
- ✓ Description of project & location
- Drawings/plans showing ALL proposed activities
- ✓ Purpose and need for project
- ✓ Name/address of adjoining property owners
- ✓ Description of fill type, quantity, locations
- ✓ List of all authorizations required for proposal including all approvals received/denied

**If application complete, public notice can be issue



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Info for Permit Decision

- ✓ Waters/wetlands accurately identified (boundary concurrence)
- ✓ Thorough analysis of alternatives to avoid/minimize impacts
- ✓ Dismiss alternatives if:
 - > they do not meet project purpose or
 - > are not practicable or
 - are more damaging to the natural environment
- ✓ Compensatory mitigation plan

