Permit Application Components

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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 issued**

Source: 33 CFR 325.3
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