

HONOLULU DISTRICT REGULATORY PROCESS

Prepared by Shane McCoy
Acting Chief, Regulatory Office

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HONOLULU DISTRICT REGULATORY BOUNDARIES

2

Jurisdiction extends to 3 nautical miles (or the outer continental shelf)



REGULATORY MISSION

3

To protect the Nation's aquatic resources and navigation capacity, while allowing reasonable development through fair, flexible and balanced permit decisions.



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CORPS AUTHORITIES

Section 10 Rivers and Harbors Act (1899)

- Permits required for all work in, over or under navigable waterway, tributaries of navigable waterways, or interstate lakes or rivers.
- Focus is on maintaining navigability.

Section 404 Clean Water Act (1972)

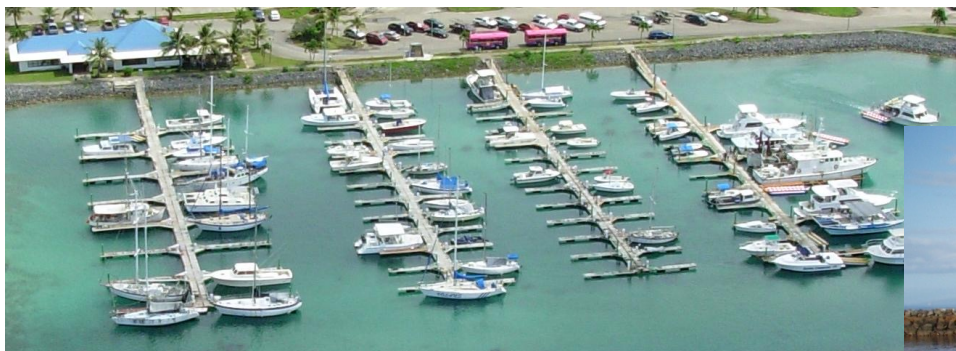
- Permits required for discharging dredged or fill material into waters of the United States, including wetlands.
- Focus is on protecting aquatic resources; Restoring and maintaining the chemical, physical and biological integrity of the waters of the U.S.



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COMMON SECTION 10 ACTIVITIES



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WHEN DO YOU NEED A PERMIT?

In **TIDAL & FRESH** waters
(Tidal + streams, channels,
drainage ditches, wetlands, etc.)

➤ **DISCHARGE OF FILL
MATERIAL**

- temporary AND permanent
- Examples: sandbag berm for stream diversion, mechanized pushing of sediment in unlined stream, construction of in-water access/staging, mechanized veg removal that disturbs roots
- (**Section 404**, Clean Water Act)



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COMMON ACTIVITIES REGULATED UNDER SECTION 404 CWA

Bank Stabilization
Boat Ramps
Fish pond repair
Residential
Development
Beach Nourishment
Seawall Construction



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MAINTENANCE OF PROJECTS

- Exemption: Maintenance, including emergency reconstruction (within a reasonable amount of time) of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures
 - No Permit Required under Section 404*
 - IF: no change to character, scope or size of original fill design
 - Examples:
 - Debris/sediment removal using a bulldozer that pushes sediment around flood control channel to remove → No Permit Required
 - Replacing dislodged stones from bank stabilization to restore to previous design → No Permit Required
 - *However, **PERMIT REQUIRED UNDER SECTION 10 IF MAINTENANCE WORK IS IN TIDAL WATERS**



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OTHER LEGAL REQUIREMENTS

Endangered Species Act



Essential Fish Habitat



National Historic Preservation Act



Fish and Wildlife Coordination Act

Coastal Zone Management Act

NEPA Section 408



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TYPES OF PERMITS

General Permits

- Nationwide Permits
- Regional General Permits
- Corps processing time is 60 days

Standard Permits

- Individual Permits
- Letters of Permission
- Corps processing time is 120 days



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APPLICATION INFORMATION

Online Application at:

<http://www.poh.usace.army.mil/Missions/Regulatory/>

- Submit via email to **CEPOH-RO@usace.army.mil**
- Questions? Call: **808-835-4303**

Necessary info:

- **Where:** Location (waterway, TMK, coordinates), Existing environment/resources
- **What:** Describe activity
- **How:** Describe means, method, sequence and schedule
- **Avoidance/Minimization:** Describe BMPs to address water quality, endangered species, essential fish habitat and historic properties

****PRE-APPLICATION CONSULTATION MEETING****



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OTHER REGULATORY UPDATES

Ongoing Honolulu Initiatives

State Historic Preservation Division

- Monthly meetings have been productive
- Mutual understanding of projects and differences in Section 106 vs. State process
- Non-Federal Designee Discussion
- Programmatic agreement being developed for emergency work DOT/FHWA
- Developing a Coral Assessment Tool

Upcoming National Initiatives

Nationwide Permit Renewal– currently published in FR

- 16 NWPs reissued in 2021
- 40+1 NWPs to be renewed in 2022
- Revised Regional Conditions
- Proposed Blanket Certification



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CONTACT US!

Honolulu District, U.S. Army Corps of Engineers
Regulatory Branch (CEPOH-RB), Bldg. 230
Fort Shafter, Hawaii 96858

Email: CEPOH-RO@usace.army.mil

Phone: 808-835-4303

Chief: Linda Speerstra



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