

2015 DREGING CONFERENCE BREAKOUT SESSION USE OF FEDERAL PLACEMENT AREAS FOR PRIVATE DREDGE MATERIAL

Presented By:

Joe Hrametz, Chief of Operations

Tim Nelson, Chief of Real Estate



Private Dredged Material Placement in Federal Placement Areas Clean Water Act 401(c)

THREE (3) PART CLEARANCE PROCESS:

- Regulatory Clearance
- CWA §401(c) Approval
- Real Estate Clearance



STEP 1: Evaluate What You Have

- Each applicant **MUST** have a **valid Regulatory permit for dredging BEFORE** a CWA §401(c) approval or a Real Estate Outgrant may be issued.

- **If you do not** have a valid Regulatory permit for dredging contact the SWG Regulatory Division and initiate the permit process.

<http://www.swg.usace.army.mil/BusinessWithUs/Regulatory.aspx>.



STEP 2: PREPARE A REAL ESTATE OUTGRANT APPLICATION

- The **new Real Estate Application** (RE App) is now available on line:
<http://www.swg.usace.army.mil/BusinessWithUs/RealEstateDivision/Outgrants.aspx>
- The new RE App is designed to assure **pertinent information** is submitted for **specific types of requests**.
- Dredging Applicants need to **complete Sections VII** (General Information) and **VIII** (Applicants seeking to use a Federal Placement Area).
- **Additional information** may be requested. Applicants are responsible for assuring all requested information is submitted.



Step 2 Continued: FILING OUT AN RE APP FOR DREDGING

FILLABLE FORM FOR EASY USE

DREDGING SECTION VIII REQUIRES YOU ANSWER 6 QUESTIONS

1. Project Description – What do you want to do?
 2. Hydrographic Surveys – Provide showing area to be dredged.
 3. Placement Areas Requested – Provide preferences?
 4. New Work Material or Maintenance?
 5. Schedule – When do you want to dredge?
 6. MOA Signatory and Legal Principal Officer who will sign?
- See Section V FREQUENTLY ASKED QUESTIONS
 - RE Website will have videos to assist applicants with filling out the RE App for specific types of actions.
 - POC for RE Dredging is Al Moreno 409-766-3023 or by email at Alfonso.V.Moreno@usace.army.mil



STEP 3: SUBMIT RE APP

- The completed RE APP should be submitted to the **RE Div** at: SWG-RE@usace.army.mil
- Submitted applications are logged and assigned a **Real Estate Intake Number (REIN)**. An email identifying the assigned REIN and points of contact for the Operations and Real Estate Divisions is sent to the applicant and agent. The REIN should be **used on all correspondence** with the District regarding the application, once it has been assigned.
- Acceptance of the RE APP and assignment of a REIN **DOES NOT** assure the ultimate approval of the application. It only means the District is **reviewing** the request.



STEP 4: RE APP REVIEW

- The Real Estate Division (RE Div) completes an initial review of each RE App and the Federal real estate interests involved and forwards a **Report** to the Operations Division (OPs) for its technical review **AND APPROVAL.**
- **IF OPs approves** the request it completes its **technical review** .



STEP 5: CWA §401(c) Clearance

- OPs is also responsible for coordinating CWA §401(c) approvals within the District.
- CWA §401(c) approval requires:
 - ▶ Short-term & Long-term project impact review
 - ▶ Sediment Sampling and Analysis Plan



STEP 5: CONTINUED

- ▶ Determination of Public Interest to insure:
 - Sufficient Capacity is Available
 - Work is directly linked to use of the federal navigation project
 - Work is environmentally acceptable
- USACE HQ is currently the **approving authority** for CWA §401(c)



STEP 6: EXECUTION OF DOCUMENTS AND PAYMENT BY APPLICANT

Applicant Must **Execute** and **Return**:

- ▶ The Memorandum of Agreement (**MOA**) for Payment of Tipping Fees
- ▶ The Real Estate **Outgrant**
AND
- ▶ A **\$check** paying the Tipping Fees



STEP 7: FINALIZED DOCUMENTS

- Upon receipt of Applicant Executed MOA, Outgrant and check for Tipping Fees
District executes the MOA (District Engineer), **Outgrant** (Real Estate Contracting Officer).
- Fully executed documents sent to Applicant.



STEP 8: COORDINATION OF DREDGING APPLICANT ACTIVITY

- Before Dredging the Applicant must:
- After Dredging the Applicant must:



STEP 9: RECONCILIATION

Before and After Dredge surveys are **reconciled** to finalize the actual cubic yards of dredged material placed in the Federal Placement Area.

- ▶ If $cy = MOA$ – Action closed
- ▶ If $cy > MOA$ – Additional Payment Req'd. Upon receipt of payment action closed.
- ▶ If $cy < MOA$ – A Refund will be Processed. When refund issued action closed.



CONCLUSION

THREE (3) PART CLEARANCE PROCESS:

- Regulatory Clearance = Permit
- CWA §401(c) Approval = MOA & \$
- Real Estate Clearance = Outgrant



What are your questions?

