

## FAQs

### **Why do I need both a Regulatory Permit and an Outgrant to perform maintenance dredging and use a Federal Dredged Material Disposal Facility (DMDF)?**

Regulatory Permits are issued to the Permittee for dredging within Waters of the United States. Maintenance Dredging Permits are typically issued for a period of 10 years. The Regulatory Permit request is reviewed and evaluated with respect to environmental impacts, adjacent property owners, etc. Whereas an Outgrant is required for use of lands which have a Federal interest.

Outgrants are required for usage of federal property by a non-Federal entity. If the project does not significantly impact the Operations and Maintenance of the Federal Project, then an Outgrant may be issued.

A Regulatory Permit is valid for the term of the Permit. If a Regulatory Permit is issued, the Permittee can perform multiple maintenance dredging events within the Permit term without further coordination. An Outgrant; however, is valid for one-time use of the Federal DMDF. A separate Outgrant is required for each dredging and associated disposal event.

### **Why does the U.S. Army Corps of Engineers charge a Disposal Fee for use of a DMDF?**

The U.S. Army Corps of Engineers has constructed DMDFs for the purpose of providing disposal capacity for dredged material originating from the Federal project. When a non-Federal entity is granted permission to place dredged material into the Federal DMDF, the constructed capacity is depleted. Therefore, a Disposal Fee is assessed for this depleted capacity. DMDF fees are determined from the actual DMDF construction costs and assessed on a dollar per cubic yard basis (\$ / cy).

### **If there is no capacity available in the DMDF, can the applicant construct the capacity?**

USACE, and a limited number of non-Federal Sponsors, are the only entities currently able to construct additional capacity with a Federal DMDF. Galveston District is coordinating with Headquarters to potentially allow this in the future.

### **What would delay the approval to use a Federal DMDF?**

Sediment Testing - Testing of sediment samples is typically 4 to 6 months, depending on which firm is performing the testing and how many samples need to be analyzed. SAP should be developed in accordance with the *Sampling and Analysis Plan Protocol* and *Sampling and Analysis Plan Protocol Figures and Tables*. This documentation can be found on the [Navigation Land Use Webpage](#). Once USACE – Galveston District provides approval of the

SAP, the applicant must collect the sediment samples and perform chemical testing in accordance with the approved SAP.

Soil Sample collections and tests will be valid up to 2 years.

Hydrographic Surveys - A hydrographic survey of the waterway must be obtained before dredging can occur. Depending upon the contractor, this work can take time to schedule and perform.

Environmental Windows or Restrictions - There are windows that apply to dredging and placement into DMDF. These windows are a result of a variety of environmental and natural resource issues. Email Operations Division at [SWG-LandUseCoordinator@USACE.army.mil](mailto:SWG-LandUseCoordinator@USACE.army.mil) and leave contact information for queries regarding environmental windows or restrictions.

### **What are ways to speed up the approval process to use Federal DMDF?**

- 1) Contact the Galveston District Regulatory Division to apply for a Dredging Permit or additional Permits if needed.
- 2) Contact Galveston Operations Division to identify restrictions or windows that exist for the proposed dredging area and Federal DMDF.
- 3) Contact the non-Federal Sponsor of the Federal DMDF to inform them of intentions in advance.
- 4) Schedule a hydrographic survey and upon receiving approval of the SAP, perform the sediment sampling and testing as soon as possible.

### **What is a 401 (c)?**

Section 401 (c) of the Clean Water Act, states:

The Secretary of the Army is authorized, if it is deemed to be in the public interest, to permit the use of spoil DMDF under his jurisdiction by Federal licensees or Permittees, and to make an appropriate charge for such use. Assembling a 401 (c) Clean Water Act package is required whenever a DMDF is to be utilized by a Non-Federal entity.

The 401(c) process applies to DMDFs that are already constructed. The Galveston District must verify that the disposal site has been designed with sufficient capacity to accommodate Non-Federal dredging so as not to reduce the availability for placement of Federal dredged material.

The request must be for navigation purposes directly linked to use of the Federal project. The material must be environmentally acceptable. Applicable Permits will also be checked for

substantiation. Upon approval of the request from USACE Headquarters, the applicant will enter into a Memorandum of Agreement with the government.