

REGULATORY AND DREDGING

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COMMON REGULATORY STATUTES FOR DREDGING

Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 401)

Structures and/or work (i.e. Dredging) in or affecting navigable waters of the United States

Section 404 of the Clean Water Act (33 U.S.C. 1344)

Discharge of dredged or fill material including Runoff or overflow from a contained land or water disposal area

Section 103 of the Marine Protection, Research, and Sanctuaries Act
(Ocean Dumping Act – 33 U.S.C. 1413)

Transportation of dredged material by vessel or vehicle for purpose of dumping (disposal) in ocean waters at disposal sites designated by EPA under 40 CFR 228



PERMITTING A DREDGE PROJECT

Nationwide Permits (60 days)*

- Authorizes Section 10 and Section 404 actions
- Expedite permit review process
- NWP 19 for Minor Dredging & NWP 35 for Maintenance Dredging of Existing Basins

Letters of Permission (120 days)*

- Authorizes Section 10 Actions ONLY
- Non-Controversial Actions
- Commonly used for 10-year Maintenance dredge permits

Standard Permit (120 days)*

- Authorizes Section 10, Section 404, and Section 103 Actions
- Controversial Actions

* Processing goals are based on receipt of a complete permit for processing.



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COORDINATING AND DOCUMENTING A DREDGE PROJECT

Nationwide Permit (NWP)

- Few NWPs require coordination with agencies.
- Decision documented in a Statement of Findings of not More than Minimal Impact

Letter of Permission

- Minimum 15-day Interagency Coordination notice required. May use a 15-Day public notice if potentially controversial.
- Decision documented in a Statement of Findings
- NEPA Categorical Exclusion

Standard Permit

- 30-day public notice; subsequent coordination as needed
- Decision documented in a combined Statement of Finding/Environmental Assessment
- Permits pursuant Section 103 require written concurrence from the Environmental Protection Agency prior to issuance.



REGULATORY CHALLENGES

While dredging may have an impact, the primary issue when evaluating a dredge project is placement of the material.

- Confined upland placement capacity is greatly reduced.
- Beneficial use requires additional review, specifically material testing and alternatives analysis.
- Use of offshore dredge material placement sites requires additional evaluation for capacity, specific materials testing and an alternatives analysis for dredge placement in addition to the dredge project.



HOW WE CAN HELP

- Early consultation can save you schedule and budget headaches.
- Pre-application meetings are available for the regulated public to get feedback in your project planning stages.
- Regulatory project managers and administrative staff are there to assist you. If there's a question, ASK!



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