Expedited Standard Individual Permit Processing Pilot Program (XIP)

This program is being implemented in the San Francisco District, in the Sacramento District within California only, and in the Albuquerque District in New Mexico only effective 30 September 2005 for one year.

A. Pre-Application Process: Whenever possible, pre-application meetings shall be held as far in advance of application submittal as possible (ideally, several months prior). The applicant/agent shall prepare and submit a proposed jurisdictional delineation to be verified by the Corps PM prior to the pre-application meeting. Once the delineation is approved by the Corps, the applicant shall submit a draft proposed project and draft Section 404(b)(1) alternatives analysis to be discussed at the pre-application meeting and the Corps shall determine its scope of analysis (permit area) for the proposed project. Commenting agencies are encouraged to attend the pre-application meeting(s); however, for agencies that cannot attend, the applicant shall provide each agency detailed project information as presented at the pre-application meeting. The goal is to preclude the need for extensive review time during the Public Notice (PN) comment period. If, after the pre-application meeting, it is determined there are controversial issues to resolve, the PM shall advise the applicant whether the specific project qualifies for the expedited process. After the pre-application meeting and using the draft proposed project, the applicant/agent shall submit a biological evaluation, if required, and a cultural resources survey, if required, and the Corps PM shall begin any required consultation(s) in accordance with Section 7 of the Endangered Species Act and/or Section 106 of the National Historic Preservation Act. This shall allow any Biological Opinion or Memorandum of Agreement to be finalized in time to prevent long delays at the end of the 404 permitting process. The applicant/agent should be advised that, if unforeseen problems arise during the consultations that are out of the control of the Corps PM, permit processing may be delayed past the goal of 66 days.

B. Application Process: For standard individual permit (SIP) applications accompanied by an alternatives analysis which meets the criteria of the attached guidelines and habitat mitigation and monitoring plan which complies with the appropriate District's guidelines (reference each District's website) the following procedures shall be followed:

a. Incoming SIP applications shall be immediately date-stamped and provided to the appropriate PM no later than 2 days after receipt in the office. Within 5 days of the stamped receipt of an application, the PM shall review the application for completeness and send an electronic or mailed notification stating either the date the application was complete or listing the specific information required to complete the application. If complete, the notification shall list the anticipated dates for 1) PN issuance, 2) close of PN comment period, and 3) completion of the decision document and resulting draft permit or a letter of

denial. Additionally, if applicable, the notification shall indicate the period of time the PM will be unavailable due to training, scheduled vacation, etc., and how that will affect the schedule.

b. Within 10 days of receipt of a complete application including public notice figures as pdfs, the PN shall be published with detailed project information including statement of the basic and overall project purposes and a summary of the proposed habitat mitigation and monitoring plan.

c. The PN comment period shall be 21 days. Adverse comments received during the PN comment period shall be furnished to the applicant or designated agent within two days of the close of the comment period. The time required for applicants/agents to respond to substantive comments is not counted in the 66 days since it is beyond the Corps' control.

d. Preparation of the decision document and other appropriate documents shall be completed and the applicant notified of permit decision 30 days after the close of the PN comment period.

C. Issuance of Draft/Final Permit or Denial Letter: The issuance of the draft/final permit or denial letter shall be expedited by employing such strategies as the use of electronic review and faxed signing of documents by supervisors, overnight mail paid for by the applicant, or applicant signing of permits in the appropriate office to finalize permit processing in the minimum amount of time.

ATTACHMENT 1

Standards for Submittal of a Section 404(b)(1) Alternatives Analysis

1. **General**: Under the Section 404(b)(1) Guidelines (40 CFR 230), the U. S. Army Corps of Engineers may only permit discharges of dredged or fill material into waters of the United States that represent the least environmentally damaging practicable alternative, so long as the alternative does not have other significant adverse environmental consequences. The burden of proof to demonstrate compliance with the Guidelines rests with the applicant; where insufficient information is provided to determine compliance, the Guidelines require that no permit be issued 40 CFR 230.12(a)(3)(iv).

2. **Purpose and Need**: During the preapplication process, the applicant shall define the purpose and need for the project. The Corps shall consider the applicant's need and purpose and define the basic project purpose (for water dependency) and the overall project purpose (to develop the alternatives)

3. **Alternatives Analysis**: Describe the alternatives that would meet the overall project purpose and have an identifiable and discernible difference in adverse impacts. The following types of alternatives shall be addressed in sufficient detail to enable a practicability determination:

a. The proposed alternative.

b. Alternatives that would involve no discharges of dredged or fill material into waters of the United States, including wetlands (no action, off-site, on-site).

c. Alternatives that would involve discharges that would have less adverse impact to waters of the United States, including wetlands (off-site, on-site).

d. Alternatives that would involve discharges that would have greater adverse impact to waters of the United States, including wetlands (off-site, on-site).

Consider alternatives that would (a) involve both smaller and larger areal coverage, (b) be sited in different locations and (c) would have alternative phase-in times for different features of a project. Focus this analysis on potential alternatives that might have less adverse impact on the aquatic ecosystem, but also consider alternatives that may have more impact on the aquatic ecosystem but do not have other significant adverse environmental consequences.

4. **Practicability**: Address the practicability of the above alternatives. To be practicable, an alternative must be available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall purposes. If it is otherwise a practicable alternative, an area not presently owned by the applicant that could reasonably be obtained, utilized, expanded, or managed in order to fulfill the overall purpose of the proposed activity should be considered. Technical and logistical factors that should be considered include, but are not limited to: access, transportation needs, utilities, topography, social effects, and available construction techniques. A table of the specific itemized costs for each alternative should be

provided. The determination of what constitutes an unreasonable cost shall generally consider whether the projected cost is substantially greater than the costs normally associated with the particular type of project. Address the consequences on the applicant and the public of not implementing the project.

4. **Environmental Impact**: Assess the impact (adverse and beneficial) of each alternative on the aquatic ecosystem and the environment overall. Compare the impact of the alternatives and identify which, in your view, is the least environmentally damaging practicable alternative and why. Identify practicable alternatives that have no significant or easily identifiable difference in impact from the least environmentally damaging practicable alternative.

5. **Mitigation**: If the alternative you have identified as the least environmentally damaging practicable alternative still has adverse impacts to the aquatic ecosystem, identify how you propose to further minimize those impacts and provide compensatory mitigation for any remaining unavoidable adverse impacts. The habitat mitigation and monitoring standards/guidelines of your specific Corps district should be used in developing your mitigation plan.