



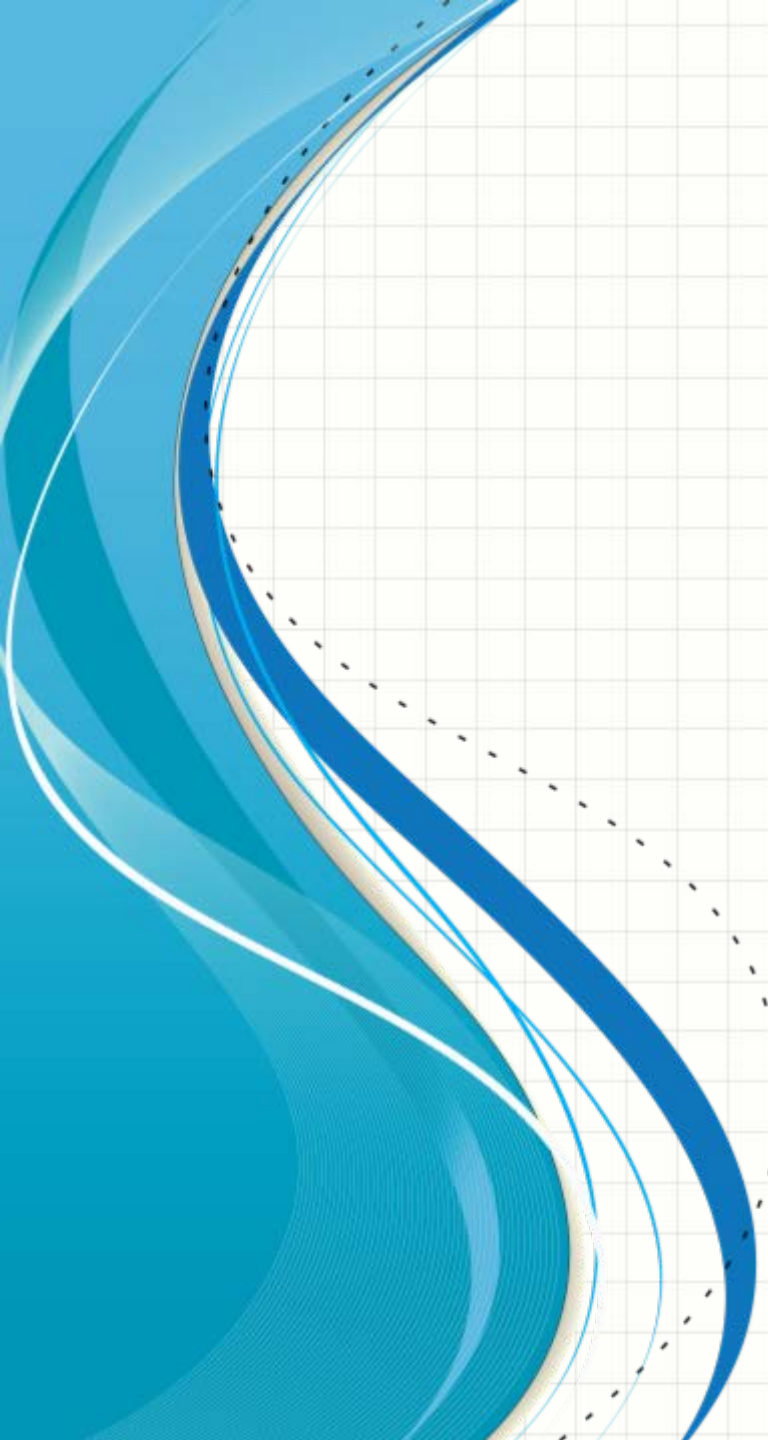
COORDINATING NEPA & PERMITS

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2013 Engineering Conference



INITIATIVES TO COORDINATE NEPA AND PERMITTING

1. Identification of wetland/streams during surveying
2. Early coordination with agencies
3. NEPA and Permitting Coordinators
4. Inclusion of information needed for permit in NEPA documentation



PITFALLS THAT AFFECT PROJECT SCHEDULES



Common Pitfalls

1. Threatened & Endangered Survey Windows
2. Essential Fish Habitat
3. Cultural Resources
4. Public Involvement Timeframes

Threatened & Endangered Species

- A survey window is the months during the year that the species can be identified.
- If survey window is missed then would have to wait until the next year.



Schweinitz's sunflower

Only blooms in August, September, October



Carolina Heelsplitter

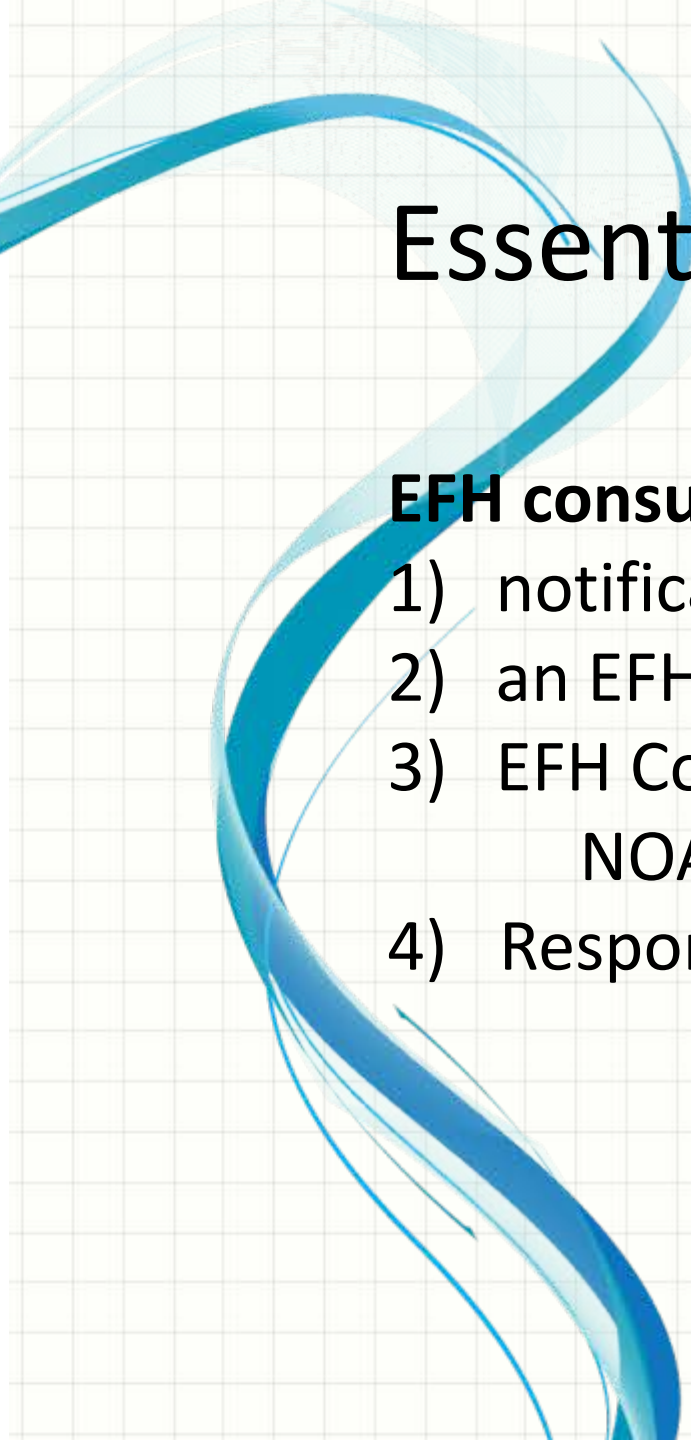
A survey window of March through September



Essential Fish Habitat (EFH)

- Waters necessary to fish for spawning, breeding, feeding, or growth to maturity
- If anticipated impacts to EFH are determined to be adverse the EFH Consultation is required





Essential Fish Habitat (EFH)

EFH consultation –

- 1) notification to NOAA Fisheries,
- 2) an EFH assessment
- 3) EFH Conservation Recommendations from NOAA Fisheries
- 4) Response to NOAA Fisheries



MORATORIUM

Cultural Resources



Section 4(f) consultation

FHWA legal sufficiency review





PUBLIC MEETING TIMEFRAMES

- Advertise 15 days prior to meeting
- 2 week comment period after meeting
- Responding to comments (if a Public Hearing)
- Public Hearing Certification Package
- Request a Finding of No Significant Impact



MAINTENANCE PROJECTS & PERMITS

USACE & SCDHEC Permits

- SCDHEC
 - 401 Water Certification
 - OCRM Critical Permit
 - OCRM Coastal Zone Consistency
- USACE
 - Individual Permit
 - General Permit
 - Nation Wide Permit

Maintenance Repairs and NWP #3 (Culverts, Bridges, Armoring, etc.)

- Repair, Rehabilitation, or Replacement of EXISTING
 - Non-Reporting NWP #3(a)
 - Allowed except in tidal areas
 - USACE can approve
 - SCDHEC –OCRM will need separate approval (Critical Permit)
 - Coordinate with Environmental Office to understand constraints



Constraints to NWP #3(a)

- MINOR Deviations allowed due to:
 - Construction techniques/ codes
 - Material changes
 - Safety standards
 - Configuration
- Fill may change provided it is minimal and associated with above

Stream Channel Deviations

- **LIMITED TO MINIMUM NECESSARY**
 - **EXCAVATION – CULVERT REPLACEMENT**
 - **FILL (MINIMUM) - RIPRAP**
 - **WITHIN STRUCTURE BOUNDARY**
 - **IMMEDIATELY ADJACENT TO PROJECT**



Emergency Repair NWP #3 (a)

- Fire, Storm, Flood, Hurricane, Tornado, Etc.
 - 2-year Replacement
 - Footprint is maintained
 - Minor Deviations
 - Impacts Minimum Necessary





Maintenance Dredging

- **EQUIPMENT ON HIGH GROUND**
- **NO FILL IN STREAM OR WETLANDS FOR ACCESS**
- **EXCAVATED MATERIAL STORED ON HIGH GROUND OR TRUCKED OFF**
- **CHANNEL IS NOT RE-SHAPED OR RE-CONTOURED**
- **EXCAVATE TO ORIGINAL GROUND**
- **MINIMUM NECESSARY TO RESTORE FLOW**
- **ALLOWED ON SMALL CREEKS AND TRIBUTARIES**

NO PERMIT BUT COORDINATE WITH EMO

SUMMARY

- No Permit for Repair, Rehab, Replace of EXISTING Structures (MINOR deviations)
- No Permit for Emergency Repair (MINOR)
- Exception in Tidal need OCRM
- No Permit Maintenance Dredging
 - Minor
 - Upland access and storage
 - Creeks and Tributaries

EMO Recommendations

- Contact EMO Office to go over plan or design
- Have an Inspector onsite during construction
 - Photo log
 - Daily written log
- Contact EMO if Pre-Bid or Pre-Con



QUESTIONS ???