

PART II

Regulatory Program Priorities

Part II divides the Regulatory Program into six distinct segments and lists the work that should be prioritized within each segment as well as the lower priority work for each segment. It is recognized that all districts are performing lower priority work within these segments and it is not intended that Part II of the SOP dissuade districts from doing so. However, all districts should perform the high priority work within each segment before expending resources on the lower priority work. In addition, the degree to which districts perform lower priority work, along with the associated resource implications, will be considered when responding to districts' requests for additional resources. Part II is a work in progress that we believe will become more comprehensive as revisions are made.

It should be noted that four of the segments have associated ranges of percentages which indicate the percent range of the districts' annual budget that should be expended on that segment. The Public Outreach and Watershed Approaches segments have a lower range of 0% which indicates that these are not mandatory segments of Regulatory Program work. However, these are important segments because their execution can make districts' regulatory efforts more efficient. The other two segments, Mitigation and Staff Support/Administration do not have percentages because they must be accomplished on an as needed basis.

As previously stated, Part II is a work in progress that we believe will become more comprehensive as revisions are made. For example, the lists within each of the segments contain policy as well work types and are somewhat redundant to Part I. We intend to work with the MSCs, as well as the Workload Indicator Task Force, to refine the lists so as to identify priority work types in each of the segments for funding purposes.

WATERSHED APPROACHES (0%-20%)

ABOVE THE LINE

1. Watershed Plans (SAMPs) should result in a more expedient permit process (RGPs, PGPs, no permit by permit alternatives analysis).
2. Focus priority on watersheds with a high volume of regulatory activity.
3. Coordinate Corps programs to minimize conflict and identify potential opportunities.
4. Coordinate with other agencies to minimize conflict and identify potential opportunities.

BELOW THE LINE

5. Be innovative and flexible.
6. Use for cumulative impact assessment.
7. Work/develop partnerships with state/federal/local agencies. Encourage partner funding of watershed plans/efforts.
8. Use USGS mapping and stream classification.
9. Use and encourage GIS analysis
10. Use HGM

PERMIT EVALUATION (60%-80%)

ABOVE THE LINE

1. Resource permit evaluation for timely decisions.
2. Maximize use of lowest form of authorizations (RGP, NWP).
3. Ensure decision documents are concise and minimal length necessary.
4. Ensure scope of analysis is properly defined.
5. Define overall project purpose and ensure alternatives analysis is commensurate with project impacts.

BELOW THE LINE

6. Field wetland delineations for non-“Mom and Pop”.
7. Extensive negotiation with other agencies to reach consensus.
8. Project specific EIS, where “significance” of impact is questionable.
9. Expend GRF funds on special studies and external reviews.
10. Multiple site visits/meetings of extensive pre-applications.

PUBLIC OUTREACH (0%-10%)

ABOVE THE LINE

1. Provide public information about the Regulatory Program on website, including Public Notices.
2. Keep website updated/current.
3. Encourage use of Public Meetings in lieu of Public Hearings.
4. Use national survey to get feedback from the regulated public.
5. Use P.A.O. more effectively to deal with media on regulatory matters.

BELOW THE LINE

6. Conduct regular meetings with applicant and public interest groups.
7. Respond to all requests for speakers.
8. Develop/update district's regulatory brochures.
9. Develop extensive information on issues that are related to the regulatory program (e.g., plant guides brochures on wetlands).

ENFORCEMENT (10%-25%)

ABOVE THE LINE

1. Assure permit conditions are enforceable.
2. Implement self-reporting and certification for compliance.
3. Prioritize compliance actions, on high quality environmental loss and navigation.
4. Strive for environmental results in all enforcement actions, including extra mitigation for the loss prior to resolution.
5. Prioritize on-going violations, and consider interim measures.

BELOW THE LINE

6. Low Priority for compliance on 401, CZM, and RPM conditions.
7. Low priority for either unauthorized or compliance effort where low environmental loss is involved.
8. Ensure that litigation and criminal actions are only initiated where clearly appropriate.

STAFF SUPPORT/PROGRAM ADMINISTRATION

ABOVE THE LINE

1. Provide effective training – for staff both Prospect and within district.
2. Optimize use of Field Offices.
3. Provide adequate travel budget for training and field visits.
4. Report all QPDS data accurately and timely.
5. Budget: Schedule 100% / Obligate 100% / Expend 96%.

BELOW THE LINE

6. Additional data entry (beyond that required for QPDS) requirements for PMs.
7. More than two reviewers for NPR, NWPs, RGPs, LOPs, Denials w/o Prejudice.
8. More than three reviewers for SPs, EISs, Denials w/Prejudice, MBIs, and SAMPs.

MITIGATION

ABOVE THE LINE

1. Mitigation should be reasonable, practicable, commensurate with impacts, and what's best for the aquatic environment.
2. Require and review monitoring reports on mitigation banks and other substantial mitigation, including in-lieu fee approaches to assure success.
3. Encourage development/use of mitigation banks; and encourage in-lieu fee approaches, where responsible third parties are available, e.g., State and local agencies, conservation organizations.
4. Corps determines appropriate type and level of mitigation and whether mitigation is required.
5. Delegate MBI signature to district, and simplify MBIs.

BELOW THE LINE

6. Compliance inspections for all mitigation.
7. Looking for mitigation options for non-mom and pop applicants.
8. Multiple site visits to a mitigation site.