

Regulatory Division Jacksonville District

State of Florida Assumption of the 404 Program

14 December 2020



U.S. ARMY



NAVIGATION

US Army Corps of Engineers
BUILDING STRONG®



Regulatory



**Environmental
Stewardship**



Hydropower



Flood Damage Reduction



Recreation

Assumption

- Assumption Recap
- To Prepare for EPA's Decision
- If EPA Agrees on State Assumption
 - ▶ Transition to State 404 Program
 - ▶ Actions After Effective Date
 - ▶ How You Can Help



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Assumption Recap

17 December 2020 – Environmental Protection Agency (EPA) makes their decision on State 404 Assumption

If EPA approves the State Section 404 program, the **effective date** of the State 404 program is the date published in the federal register.

If EPA approves the state Section 404 program, the U.S. Army Corps of Engineers (Corps) transfers pending applications to the State of Florida upon the effective date.



To Prepare for EPA's Decision

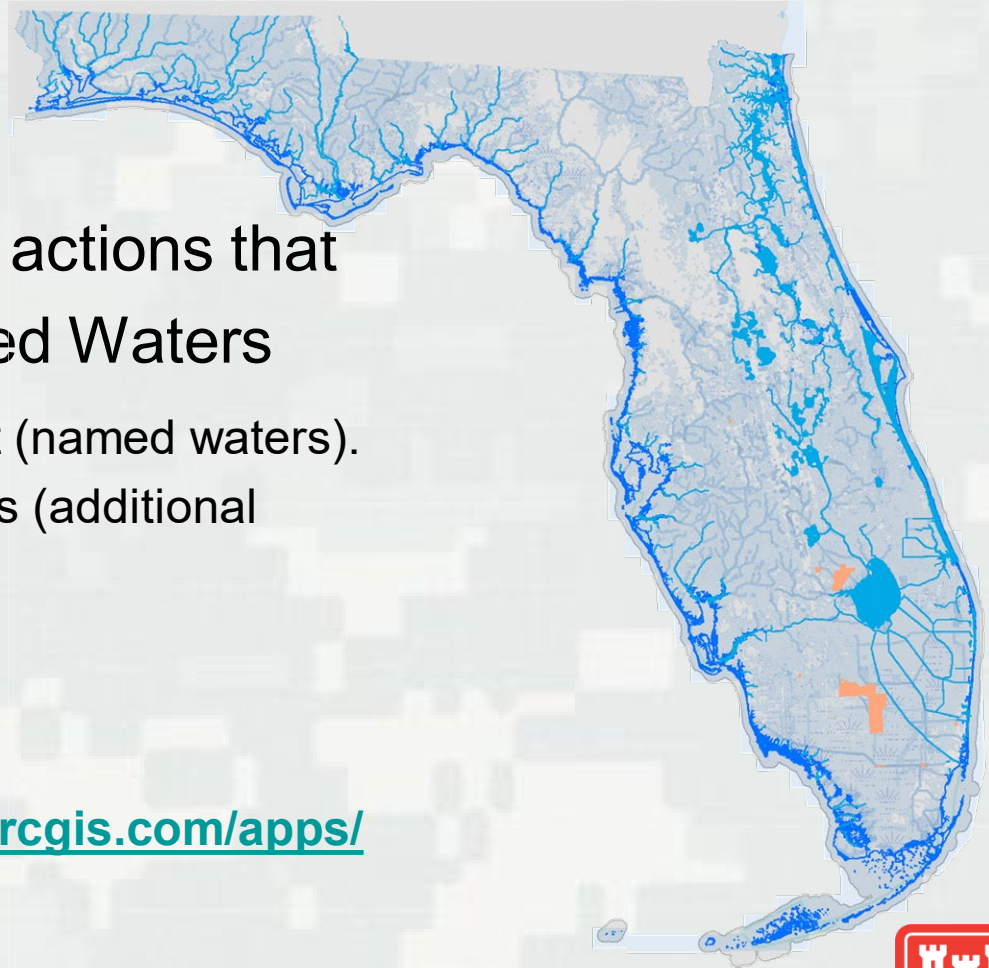
Screening Files

- GIS Data Layer
- Identify pending actions that occur in Assumed Waters

-  Retained Waters List (named waters).
-  Retained Tidal waters (additional waters not named).
-  Indian Country

the link:

<https://fdep.maps.arcgis.com/apps/webappviewer>



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Preparing for EPA's Decision

- Outreach and Education
 - ▶ Public
 - ▶ Corps
 - Regulatory Division
 - Other Corps Divisions
- Prioritize workload
 - ▶ Focus on older applications and modifications in assumed waters.
- If EPA
 - ▶ Approves, we begin our transition process.
 - ▶ Disapproves, business as usual for the Corps.



Transition to State 404 Program

- Following procedures will occur if the State 404 program is approved by EPA.
- The Corps will:
 - ▶ Post a public notice and issue a press release
 - ▶ Update website
 - ▶ Upon effective date
 - Transmit email message to applicants if their application is being transferred to FDEP because it is in assumed waters.
 - Transfer pending actions in assumed waters to FDEP.



Transition to State 404 Program

- The Corps will prepare files for transfer:
 - Organize files. Scan any paper files.
 - Obtain internal confirmation for the project status of “Assumed” and “Retained” projects
- Continue to screen incoming applications for location in assumed or retained waters.
- Corps will continue to process applications in State Assumed Waters until the effective date.



Actions after the Effective Date

- Transfer pending applications/requests in assumed waters to FDEP.
- Send email message to each applicant/consultant indicating that their application/request is being transferred to FDEP or retained by the Corps.
- Screen all incoming applications
 - ▶ If in assumed waters, notify applicant request occurs in retained waters and to contact FDEP.
- On-going communications with FDEP
- Corps cannot make decisions/determinations in State Assumed Waters

Corps will continue to process applications in Retained Waters



How You Can Help

- Initial Proffered Permits
 - Counter-signature of permits should be completed prior to the effective date of Assumption
 - Otherwise, the Corps is unable to sign/issue the permit in assumed waters after the effective date of Assumption.



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How You Can Help

■ Intent to Issue

- An intent to issue letter is provided to an applicant when the Corps is ready to make a decision but has not received water quality certification (WQC).
- If you have received an intent to issue letter and your project is in assumed waters, please provide the WQC as soon as possible.
- If WQC is not received in enough time for the Corps to proffer and countersign the permit and your project occurs in assumed waters, the application will be transferred to FDEP on the effective date.



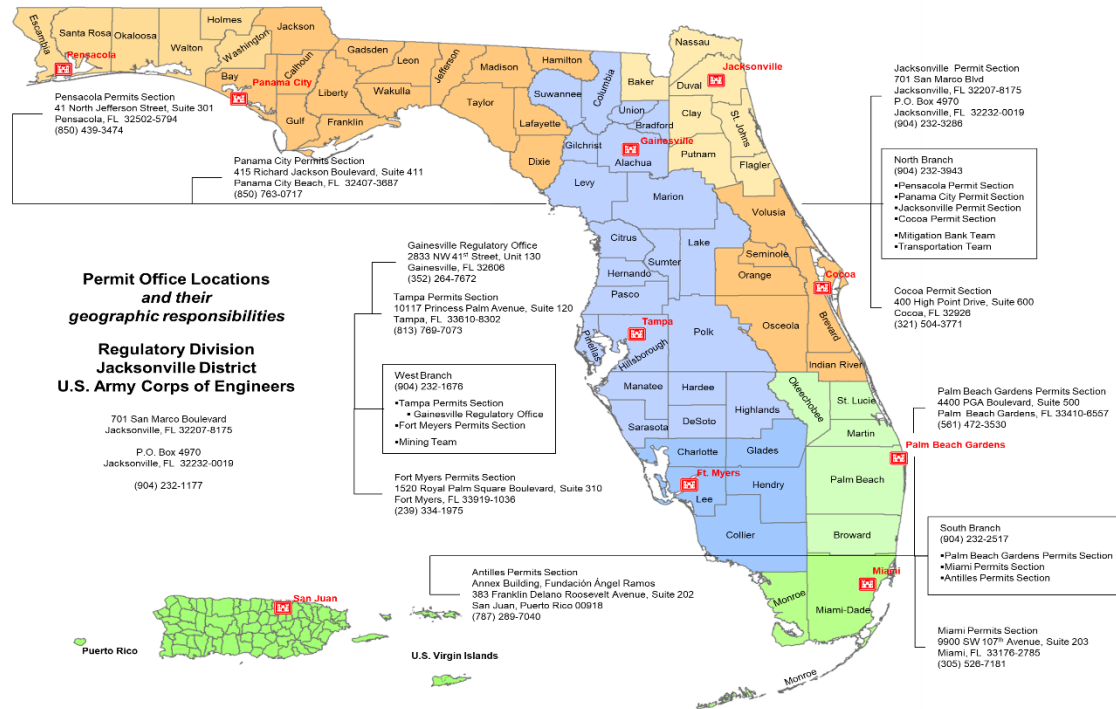
How You Can Help

- Screen your projects with GIS tool prior to submittal
- GIS tool is only the approximate boundary, if project is close to a retained water then you should
 - ▶ Show the Ordinary High Water or Mean High Water mark on drawings
 - ▶ Indicate the 300-foot administrative boundary on design plans
 - ▶ Show specific area of proposed fill



How You Can Help

- Submit applications to the Corps at:
<https://www.saj.usace.army.mil/Missions/Regulatory/Office-Locations/>



Questions?

**FOR THE CORPS, PLEASE VISIT THE CORPS' WEBSITE UNDER
"REGULATORY NEWS" AT:**

[HTTPS://WWW.SAJ.USACE.ARMY.MIL/MISSIONS/REGULATORY](https://www.saj.usace.army.mil/missions/regulatory)

**IF YOU HAVE GENERAL QUESTIONS REGARDING THE CORPS
IMPLEMENTATION, EMAIL US AT:**

FLORIDA404PROGRAM@USACE.ARMY.MIL



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