



US Army Corps of Engineers

New York District



**ASCE Met Section  
Infrastructure Group Seminar 2009**

***Regulatory Considerations for a  
Storm Barrier System***

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US Army Corps of Engineers

New York District

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## AN ORGANIZATION WITH MANY HATS



- Military Engineering, Military Construction (MILCON) in Theatre



- MILCON at Home



- Civil Works (Storm Damage Reduction, Navigation, Infrastructure, Ecosystem Restoration, Hydropower, Water Supply)



- Emergency Response



- Regulatory (Navigable Waterways, Wetlands, other Waters of the United States)



- Lakes and Recreation



- Interagency and International Support

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## MORE ABOUT US

Approximately 200 Military and 35,000 civilians worldwide providing support to the Nation

### U.S. Army Corps of Engineers' Mission

- Provide vital public engineering services in peace and war to strengthen our Nation's security, energize the economy, and reduce risks from disasters.

### U.S. Army Corps of Engineers' Vision

- A GREAT engineering force of highly disciplined people working with our partners through disciplined thought and action to deliver innovative and sustainable solutions to the Nation's engineering challenges.

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## STORM BARRIER – WHICH HAT?



- Military Engineering, Military Construction (MILCON) in Theatre



- MILCON at Home



- Civil Works (Storm Damage Reduction, Navigation, Infrastructure, Ecosystem Restoration, Hydropower, Water Supply)



- Emergency Response



- **Regulatory (Navigable Waterways, Wetlands other Waters of the United States)**



- Lakes and Recreation (part of Civil Works)



- Interagency and International Support

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# *Regulatory for Dummies (Like Me) (a.k.a. Regulatory 101)*



*DID YOU KNOW... USACE EXPERTISE IS USED TO RESTORE AQUATIC ECOSYSTEMS. THE MOST SIGNICANT UNDERWAY IS THE FLORIDA EVERGLADES.*

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**DID YOU KNOW... USACE PROJECTS REDUCE RISKS OF STORM DAMAGE IN COASTAL AREAS. US HAS OVER 84,000 MILES OF COASTLINE. (OCEAN AND GREAT LAKES)**

- The Regulatory Program of the U.S. Army Corps of Engineers (USACE) plays a critical role in the protection of the nation's aquatic ecosystem and navigation.
- USACE authorities are derived from three main statutes:
  - **Section 10 of the Rivers and Harbors Act of 1899**
  - *Construction in or over Navigable Waterways affecting course, location, condition or capacity*

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## USACE authorities (cont'd):

- ***Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972***
  - *Requires approval prior to the transportation of dredged material for the purpose of dumping it into ocean waters.*
- ***Section 404 of the Clean Water Act***
  - *Requires approval prior to discharging dredged or fill material into the waters of the United States, including wetlands.*

***DID YOU KNOW... USACE OPERATES 117 WATER SUPPLY PROJECTS, 9.5 MIL ACRE-FT, SERVING 10 MIL PEOPLE IN 36 STATES.***

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**DID YOU KNOW... USACE DESIGNS AND CONSTRUCTS UNDER THE MILCON PROGRAM WORLDWIDE. EXAMPLES ARE THE PENTAGON AND QUDAS POWER PLANT, IRAQ.**

## • Regulatory Activities (Program Administration)

- **Perform Jurisdictional Determinations (JD's) for wetlands, navigable waterways, and other "Waters of the United States"<sup>(1)</sup>.**

<sup>(1)</sup> Waters of the United States include navigable waters and may include other parts of the **surface water tributary system down to the smallest of streams** (e.g., tributary that only contains water after a rain event), **lakes, ponds, or other water bodies on those streams, and adjacent wetlands** (e.g. sloughs, swamps, and some seasonally flooded areas) if they meet certain criteria. **Isolated waters such as playa lakes, prairie potholes, old river scars, cutoff sloughs, and abandoned construction and mining pits may also be waters of the United States if they meet certain criteria.** An important point is that waters of the United States include areas that are man-made, or man-induced, as well as natural. Activities that occur in waters of the U.S. that **require a permit** may include, but are not limited to, shoreline and bank stabilization; boat ramps; roads; residential and commercial developments; utilities; **flood control facilities**; mining; oil, gas and water wells; and in some cases **dredging and other excavation.**

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**DID YOU KNOW... USACE PRODUCES 24% OF THE NATION'S HYDROPOWER (2% OF TOTAL POWER)**

### • Regulatory Activities (Program Administration)

- **Evaluate applications for Individual or General Permits**
- **Ensure compliance of issued permits**
- **Enforcing requirements of the law for unpermitted activities falling under USACE jurisdiction.**
- *USACE works closely with other federal, state, and local natural resource agencies and the public in exercising these responsibilities.*
  - USEPA, USFWS, NMFS, SHPO, State and Local Environmental Agencies, Tribes

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**DID YOU KNOW... USACE IS THE #2 PROVIDER OF RECREATION SITES (NPS IS #1). USACE IS #1 IN VISITORS WITH 100 MIL MORE THAN NPS.**

## • Regulatory Activities (Program Administration) (cont'd)

- **Individual Permit\***
  - *Most Complex, generally requiring public notice and extensive coordination*
- **General Permits\***
  - *Many types – predefined conditions requiring simpler procedures as long as conditions are met. If no requirements for notification or conditions, no permit or application is required.*

**\* USACE EVALUATED OVER 70,000 APPLICATIONS IN 2008 AFFECTING OVER \$200 BILLION WORTH OF CONSTRUCTION**

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NAVIGATION

WILDLIFE

WETLANDS

© 2009 Europa Technologies  
Gray Buildings © 2008 Sanborn  
© 2009 Tele Atlas  
Image © 2009 DigitalGlobe

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Imagery Dates: Jul 19, 2006 - Jul 5, 2007 40°36'21.58" N 74°02'44.17" W elev 245 ft

Eye alt 4420 ft

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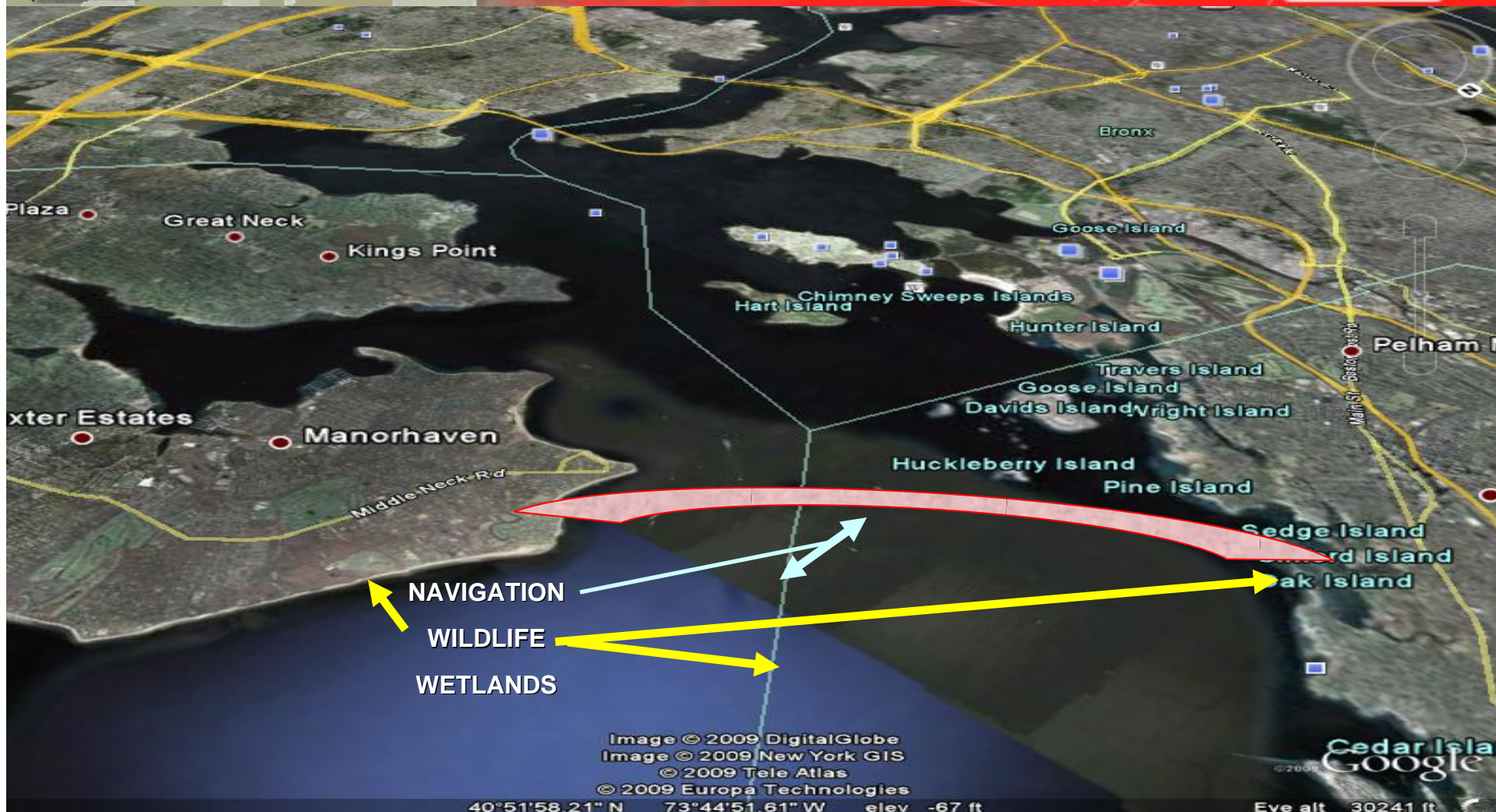


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# Questions?



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USACE NAVIGATION PROGRAM



USACE FLOOD RISK MANAGEMENT

CONEY ISLAND BEACH  
RENOURISHMENT



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## Would You Like to Know More?

### Regulatory References:

**New York District Corps of Engineers Regulatory Homepage**

<http://www.nan.usace.army.mil/business/buslinks/regulat/index.htm>

**Headquarters Corps of Engineers Regulatory Homepage**

[http://www.usace.army.mil/CECW/Pages/cecwo\\_reg.aspx](http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx)

**New York District Corps of Engineers Homepage**

<http://www.nan.usace.army.mil>

**Headquarters Corps of Engineers Homepage**

<http://www.usace.army.mil>

Additional Questions?

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