

SOUTH PACIFIC DIVISION OPERATIONS & REGULATORY UPDATE FOR CMANC

Tori White
Operations & Regulatory Chief

Heather Schlosser
Coastal & Navigation Program Manager

South Pacific Division
Date: May 17, 2024



San Francisco Main Ship Channel



Port of Long Beach



U.S. ARMY



US Army Corps
of Engineers®



U.S. ARMY

SPD AREA OF RESPONSIBILITY



COL James Handura
Commander



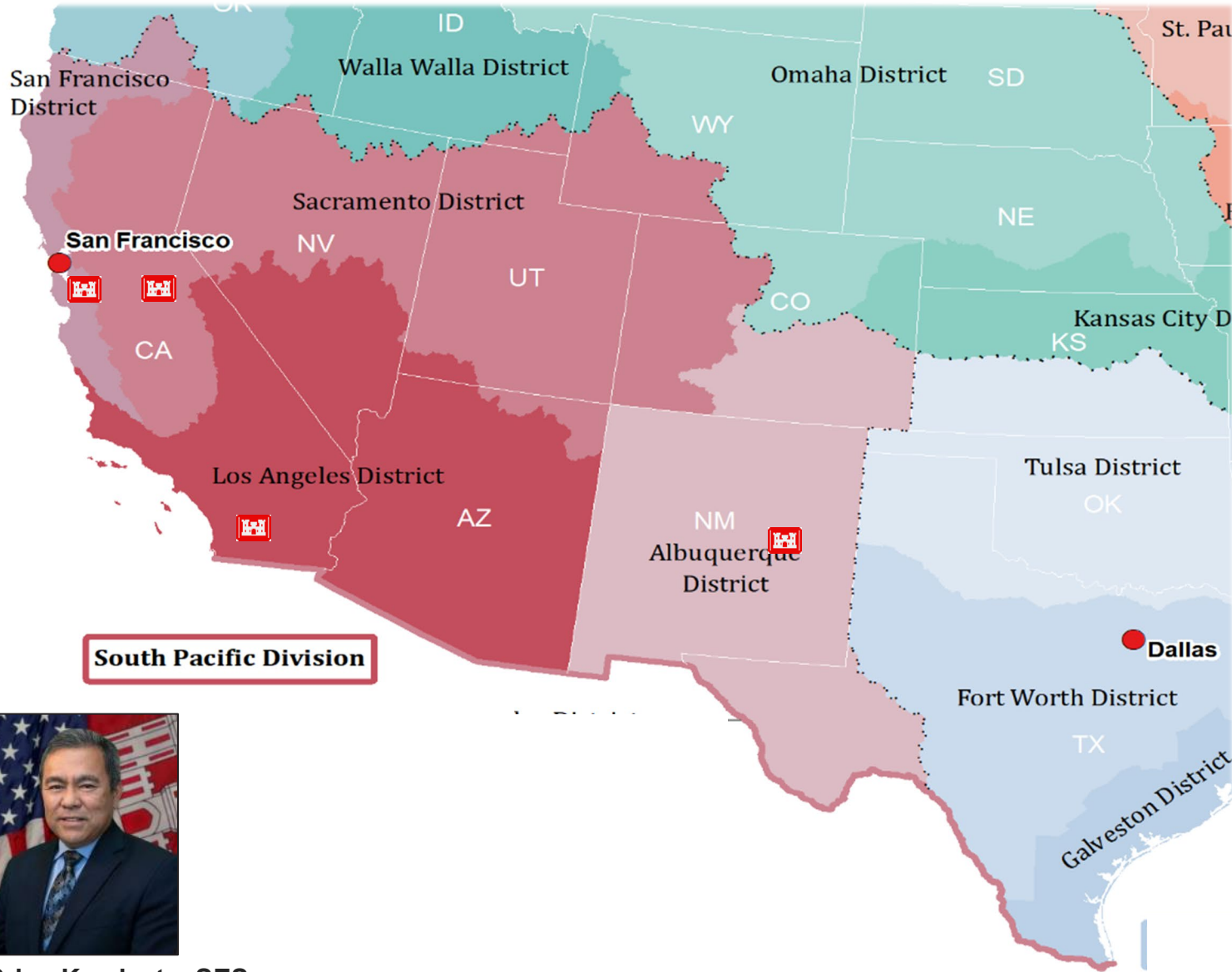
COL Michael Baim
Deputy Commander



Mr. David Hibner, SES
Director of Programs



Mr. Brian Kamisato, SES
Regional Business Director



LTC Jerre Hansbrough
Albuquerque District



Jacob Pauley
Albuquerque DPM



COL Chad Caldwell
Sacramento District



Beth Salyers
Sacramento DPM



COL Andrew Baker
Los Angeles District



Justin Gay
Los Angeles DPM



LTC Timothy Shebesta
San Francisco District



Tommy Williams
San Francisco DPM



U.S. ARMY

SPD OPERATIONS & REGULATORY TEAM



Tori White
Chief

Operations



Heather Schlosser
Coastal, Navigation, & Engineering with Nature



Tom Ehrke
Recreation, Environmental Stewardship, & Sustainability



Brian Dela Barre
Flood Risk Management, Water Supply, & Section 408



Chris Schooley
Asset Manager

Regulatory



Philip Shannin
Regulatory



Travis Morse
Appeals Review Officer



Shannon Johnson
Technical Regional Execution Center (TREC)



Kasey Sirkin
TREC Team Leader

Blue denotes temporary



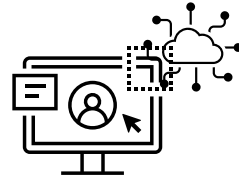
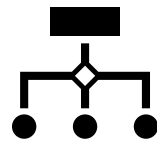
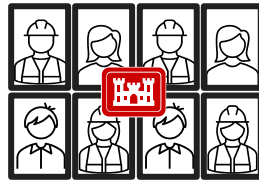
U.S. ARMY



Transforming the USACE Regulatory Program

Our Goal

Develop the relationships, processes, and technology that will enable USACE Regulatory Program to continue to effectively deliver decisions that balance natural resource protection with the need for progress and economic growth.



- **Agile Workforce and Organizational Structure**

Leverage expertise to enhance delivery of efficient, collaborative, coordinated environmental reviews and permit decisions.

Lead interagency efforts in recruiting, on-boarding, and training new generation of permitting professionals.

- **Innovative Processes**

Facilitate implementation of cutting-edge concepts (e.g., Regulators without Borders).

- **Technology**

Identify, fund, and implement technology for process improvement.

- **Strengthen Relationships**

Meet action agencies (Fed/State/Tribal/Local) where funding/priority decision-making occurs to maximize agility in resource allocation and execution.





U.S. ARMY

REGULATORY REQUEST SYSTEM (RRS)



- On May 15 USACE released Phase 1b of the RRS national database that allows for submittal of online requests for pre-application meetings, jurisdictional determinations, and permit applications.
- Users create account using LOGIN.GOV for online submittals and to receive status updates.
- Applicants can track status of their project with user friendly dashboard.

Key points for RRS success:

- Data Entry. Timely and accurate data entry is essential.
- Monitoring. Districts will review the information provided, verify accuracy, and manually enter any data that does not automatically pull over.
- Be patient. We know there will be challenges so I ask your continued patience and feedback on how we can improve the system.

<https://rrs.usace.army.mil/rrs>

RRS) is currently operating within a beta version [Learn More](#)

Welcome to the Regulatory Request System

Apply Online • Learn about the Regulatory Program • Track Request Status

[Get Started](#)

<p>Regulatory Program Information Learn the basics about the Regulatory Program, including recent announcements.</p>	<p>Jurisdiction Does the property in question contain wetlands/waters? If so does the Corps have jurisdiction?</p>	<p>Permitting Do you need a permit? Need to schedule a pre-application meeting?</p>	<p>Mitigation Discover how we help avoid and minimize impacts to aquatic resources.</p>
<p>Report Violations Submit a report of unauthorized activity or permit non-compliance.</p>	<p>RRS Support Get general system support, district contact information, submit feedback, and login.gov help.</p>	<p>Public Notices UNDER CONSTRUCTION Visit the HQ Regulatory website to find your district and get local public notices.</p>	<p>Apply for a Permit If you're ready to apply for a permit, click here to login or start a new request</p>



UPDATES TO REGULATIONS & POLICIES

- **WOTUS-** On 20 March 2023, the final "Revised Definition of 'Waters of the United States'" rule took effect. On 25 May 2023, the SCOTUS issued a decision in the case of Sackett v. Environmental Protection Agency. Army and EPA released the Conforming Rule on 08 September 2023, that aligned the WOTUS Rule with Sackett.
 - The Conforming Rule is not operative in certain states and for certain parties due to litigation. In those area and with those parties, districts implement the pre-2015 regulatory regime.
- **401-** On 27 November 2023, the final CWA Section 401 Water Quality Certification Improvement Rule went into effect. This finalized the 2023 proposed 401 rule, revising and replacing the 2020 rule.
- **APPENDIX C-** 12 February 2024, OASA(CW) released a proposed rule to remove Appendix C from the USACE Regulatory Program's permitting regulations to be replaced with Section 106 of the NHPA implementing regulations.
- **NEPA-** 01 May 2024, the White House Council on Environmental Quality (CEQ) published its Phase 2 NEPA rule which includes review and mitigation mandates and requires stronger consideration of climate and environmental justice. The revised regulations are effective 01 July 2024.
 - Time limits: one year to complete an EA; two years to complete an EIS
 - Page limits: 75-page limit for an EA; 150-to-300 page limits for an EIS



U.S. ARMY

UPDATES TO REGULATIONS & POLICIES



- **Green Sea Turtle Critical Habitat** - On 19 July 2023, the proposed rule to designate new areas of critical habitat for green sea turtle was released. This includes nearshore waters from the mean high-water line to 20 meters depth off the coasts of California and nearshore waters from the mean high-water line to 10 kilometers offshore between San Diego Bay and Mexico. NMFS has indicated a final rule would be released summer 2024.



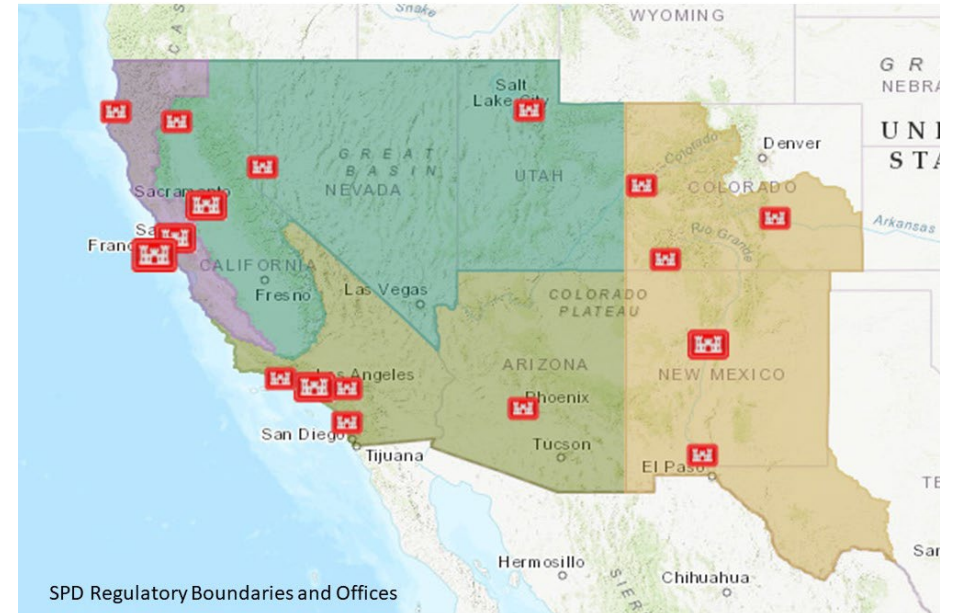
SPD REGULATORY PROGRAM FY23 PERFORMANCE



District	Mission Success Criteria	FY	QTR	Target	Numerator	Denominator	Percent	Status
SPD	1.1. OUTREACH TO APPLICANTS AND STAKEHOLDERS	2023	4	50%	93	134	69%	Green
SPD	1.2.1. PERMIT DECISIONS FINALIZED WITHIN 7 DAYS OF ISSUANCE	2023	4	90%	2827	3138	90%	Green
SPD	1.2.2. PENDING MILESTONES ENTERED WITHIN 7 DAYS OF INITIATION	2023	4	90%	1725	2941	59%	Red
SPD	3.1. GP DECISIONS REACHED 60 DAYS OR LESS	2023	4	85%	3173	3749	85%	Green
SPD	3.2. IP DECISIONS REACHED 120 DAYS OR LESS	2023	4	70%	162	228	71%	Green
SPD	4.1.1. GP COMPLIANCE INSPECTIONS	2023	4	10%	338	2717	12%	Green
SPD	4.1.2. IP COMPLIANCE INSPECTIONS	2023	4	10%	44	238	19%	Blue
SPD	4.2.1. NON-COMPLIANCE ACTIONS RESOLVED	2023	4	20%	17	75	23%	Green
SPD	4.2.2. ENFORCEMENT ACTIONS RESOLVED	2023	4	20%	61	314	19%	Amber
SPD	5.1.1. THIRD-PARTY INSTRUMENT DECISIONS REACHED WITHIN 550 DAYS OR LESS	2023	4	70%	0	3	0%	Red

Key Takeaways:

- Most permit decisions in at least 5 FYs; up 24% from FY22
- Best (most balanced) overall on Mission Success Criteria in 5 FYs.
- Best performance among all 8 Divisions
- First time in 5 FYs we were Green on GP Decisions.
- Most GP Compliance Inspections completed in at least 5 FYs.



SPD Regulatory Boundaries and Offices



U.S. ARMY

SPD ENGAGEMENT WITH OFFSHORE WIND

9



- **Offshore Wind Energy Area (WEA) Leases.** Five leases were awarded at two locations – **Morro Bay** - Equinor Wind US LLC; Central California Offshore Wind LLC; and Invenergy California Offshore LLC; **Humboldt Bay** - RWE Offshore Wind Holdings, LLC and California North Floating LLC.
- **Nearshore Port Projects - Port of Long Beach (Pier Wind)** – located within the Outer Harbor, just south of the Navy Mole which separates the Port of Long Beach from the Port of Los Angeles; and is strategically located off the main channel and near Queen’s Gate, the entrance to the port. **Humboldt Bay (Heavy Lift Marine Terminal Project)** – The nearshore project area for the Humboldt Bay Project is located on the Samoa Peninsula of Humboldt Bay.
- **Current Status -**
 - **Humboldt WEA** – Request for NWP 5 and 6 received April 19, 2024. In review.
 - **Heavy Lift Marine Terminal Project** – Pre- Application status.
 - **Morro Bay WEA** - NWP 5 issued for pre-project survey activities.
 - **Pier Wind** - Notice of Intent for the POLB Pier Wind Joint EIS/EIR was published in the Federal Register on December 19, 2023. As of April 23, 2024, the consultants for the Draft EIS/EIR continue work on the technical studies for the EIS/EIR and the Corps expects to start reviewing the technical studies in late May/early June 2024.
- **Current Engagement –**
 - SPD TREC staff working with operators for both WEAs on NWP requests.
 - SPD reviewing draft BOEM PEIS as a cooperating agency.
 - SPD TREC staff hosting interagency working group for Humboldt Heavy Lift Marine Terminal Project.
 - TNTCX staff developing tribal communications plan for wind energy projects.
 - SPD and TNTCX staff attending offshore wind conferences and DOE sponsored workshop
 - SPD TREC staff coordinating with DOT(MARAD) on NEPA for Humboldt Heavy Lift Terminal Project
 - SPD TREC participation in BOEM Offshore Wind Permitting Subgroup Webinars and Meetings
 - SPD TREC participates in NAD/SAD monthly Offshore wind coordination meetings





SPD REGULATORY INITIATIVES



- Regulators Without Borders
- 401 MOU with CA State and Regional Water Boards
- Development/Expansion of Regional RGPs
 - Regional RGP for Wildfire Pre/Post Activities (complete)
 - Regional 404 LOP Procedure (May/June delivery)
 - Regional RGP for Restoration and Habitat Conversion (in development)
- Utilizing existing scanning contracts for legacy file digitization (September)
- Updating SPD EIS QMS
- Using either HQ IDIQ or in house labor for Outreach and Regulatory Roadshows
- Verbal Judo to Regulators (delivery May)
- Developing EJ Framework (delivery May)
- Utilizing TNTCX - Tribal Treaty Viewer Layers and Best Practices Manual (delivery June)
- Developing Continuity Playbooks for each District to inform Transformation
- Digitization of 408 Layers (FY 2024-25)
- SPA development of SLOPES (FY 2024-25)





OTHER PARTNERING EFFORTS AND OPPORTUNITIES

- **CURRENT**

- Continue coordination among all California districts for consistency throughout the state
- Continue participating and hosting interagency working groups
 - San Francisco BRITT team
 - USACE hosted interagency pre-application working group
 - Monthly Corps and EPA call

- **FUTURE ACTIONS**

- CA SHPO and USACE workshop – June 21, 2024

- Identify additional engagement opportunities
- Continue to improve relationships with the public
- Roll out of public facing permit application system



SPD COASTAL/NAVIGATION HIGHLIGHTS



U.S. ARMY

- ❖ Enterprise-wide Emergency Congressional Reprogramming for FSK Bridge in Baltimore District FY20 & prior years
- ❖ 3 Beach Nourishment Projects (4 locations) under construction this year in SPL
 - Surfside-Sunset
 - San Clemente
 - Encinitas and Solana Beach
- ❖ Strategic Placement of Dredge Material Pilot Project
 - Eden Landing within SF Bay
- ❖ Upcoming Repair of Navigation Structures
 - Moss Landing
 - Dana Point Harbor
 - King Harbor (Redondo Beach)
- ❖ National Efforts
 - Beneficial Use of Dredged Material
 - Engineering with Nature
 - 100th Board on Coastal Engineering Research will be in San Francisco (AUG/SEP 2024)
 - WEDA (National Meeting JUN 2024 in Tampa); Pacific Chapter Meeting OCT 2024 in Portland.





DONOR AND ENERGY PORTS – FY24 FUNDING



Port	Port activities¹	Expanded Uses²	TOTAL
Los Angeles – Long Beach ³	\$12,563,000	\$97,055,840	\$109,618,840
Port Hueneme	\$248,000	\$1,911,000	\$2,159,000
San Diego	\$136,000	\$1,047,000	\$1,183,000
San Pablo Bay	\$153,000	\$1,183,000	\$1,336,000

NOTES:

1: Portion of the \$58M allocated across the nation to Donor and Energy Transfer Ports

2: WRDA 2020 allows for up to 12% of HMTF to go towards Expanded Uses at Donor and Energy Transfer Ports (\$332.5M funded nation-wide, which is the full 12%)

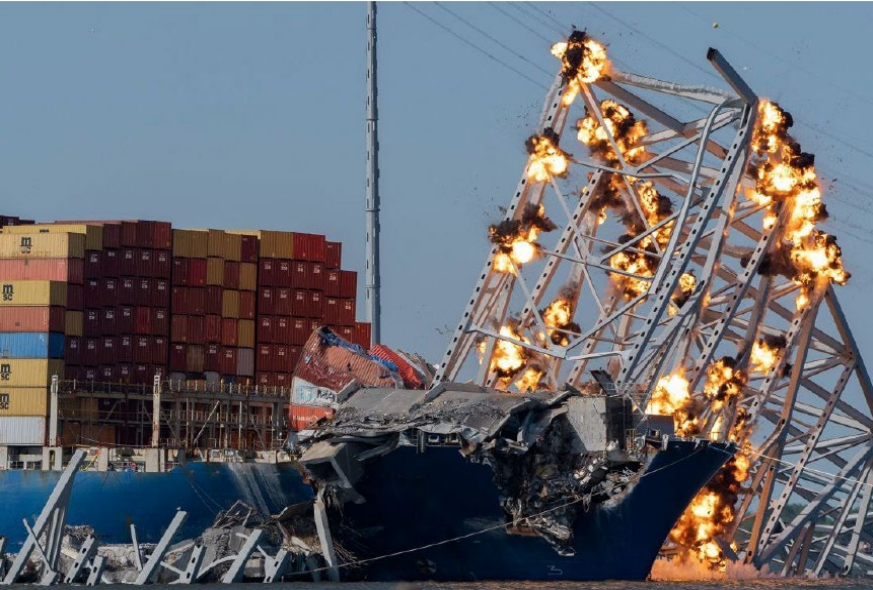
3: Breakdown by Port:

Los Angeles: \$60,606,000

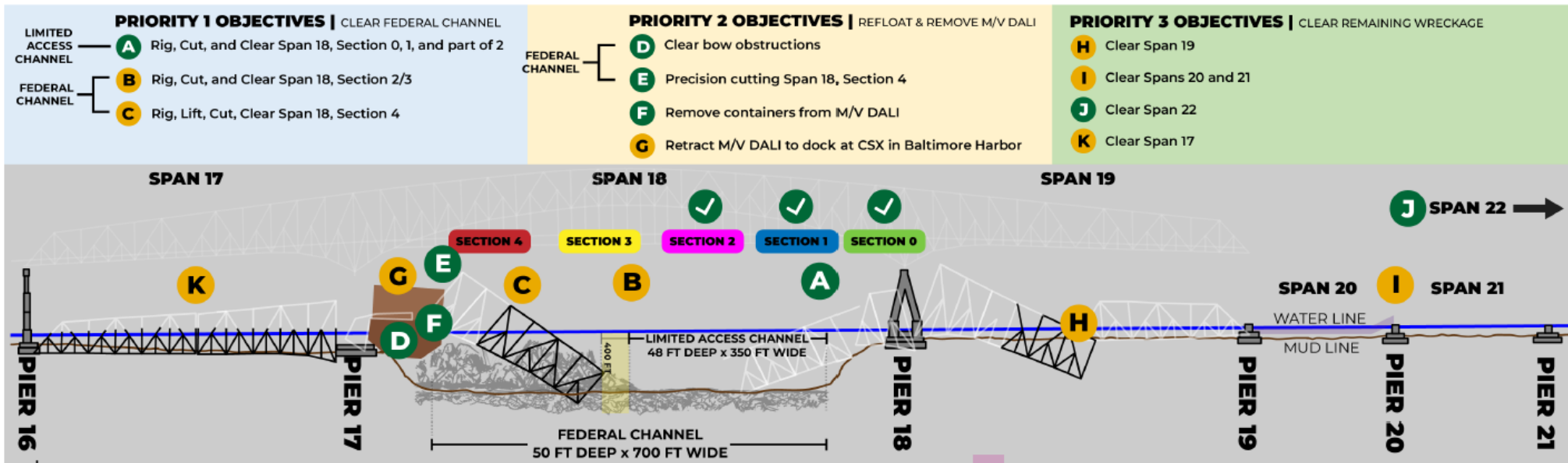
Long Beach: \$49,012,840



FRANCIS SCOTT KEY BRIDGE – USACE EFFORTS



- ❑ 1st Priority is to open the 50' Federal Navigation Channel.
- ❑ Coast Guard scheduling traffic through limited access channel and alternate channels.
- ❑ Portions of the bridge were detonated this week.





QUESTIONS?





SPD HIGH PROFILE REGULATORY ACTIONS



- **Delta Conveyance Project (SPK) -**
 - Construction of two intakes along the east bank of the Sacramento River and a tunnel to convey up to 6,000 cfs of water to the Bethany Reservoir
 - EIS in final stages – expected publication in Fall 2024
 - USACE working on PA for Section 106
- **Hell's Kitchen Stage 1 Geothermal/Lithium Extraction Project (SPL) -**
 - Construction of a new geothermal/lithium extraction power plant in the Salton Sea resulting in the loss of approximately 40 acres of wetlands.
 - Application for Stage 1 currently in process – including several workshops with agent, and EPA to discuss ongoing information needs and proposed mitigation plan.
 - Outstanding items: SHPO consultation; USFWS Section 7; 401 Water Quality Certification; complete mitigation plan.
- **Middle Mile Broadband Initiative (SPK, SPL, SPN)**
 - 10,000 miles of highspeed broad across CA
 - May 2023 – USACE designated Caltrans as federal lead
 - 29 Sept 2023 – PN for 408 categorical permission issued
 - 30 Jun 2024 – Target date for issuing Categorical Permission
- **Sites Reservoir**
 - Construction of a large reservoir system to assist in CA water management and delivery system.
 - Application received on March 1, 2024.
 - Public Notice issued March 15, 2024 – ends May 14, 2024.
 - RFI sent on April 16, 2024.