

Chicago District Regulatory Branch Workload Prioritization

Effective immediately, the Chicago District Regulatory Branch (Branch) is refining its process to emphasize review of Department of the Army (DA) permit applications and requests associated with pending DA permit applications. This process refinement will enable the Branch to allocate more resources to accomplishing its fundamental mission of regulating activities in the nation's waters and wetlands. This shift will also provide the public with more efficient, timely service when reviewing DA permit applications for projects that propose impacts to waters of the United States.

Preliminary and approved jurisdictional determinations (JDs), delineation concurrences and other documentation verified by the Branch are not prerequisites for submitting a DA permit application. These approvals and verifications are also not intended to be prerequisites for development approvals by state and local government(s). Due to the increase in development activity across Illinois and Indiana, the Branch has seen a significant increase in the number of JD requests. The Branch is also aware of increasing mandates by state and local government entities to require JDs for activities and transactions unrelated to DA permit applications. The growing volume of these standalone requests is exacerbating the Branch's already heavy workload, ultimately delaying the Branch's ability to provide efficient reviews of DA permit applications. To facilitate better public service, encourage smart development and help preserve the nation's natural resources, and as part of this process refinement, the Branch will be continuing its work with state and local government entities to further inform them of the Branch's position on the unintended consequences of their requirements, which are impacting the Branch's ability to review and process DA permit applications and associated JDs as efficiently as possible.

Chicago District Regulatory Branch project managers consult the 1987 Army Corps of Engineers Wetland Delineation Manual and appropriate regional supplement(s) to delineate wetlands and waters for purposes of federal jurisdiction. Private sector environmental consultants who *properly* rely upon and apply these documents are generally equipped to provide accurate and expeditious delineations to their clients when the Branch's review of a DA permit application is not immediately required. Over the past five years, and in accordance with Regulatory Guidance Letter No. 16-01, the Branch has routinely engaged the regulated community in response to standalone requests to discuss what level of verification, if any, is appropriate for the circumstances of a given standalone request. In many cases, the services of private sector environmental consultants may be sufficient to respond to state or local requirements in the absence of the Branch's review of a DA permit application. In furtherance of these efforts, the Branch strongly encourages members of the public seeking support not associated with a project requiring a DA permit application to leverage the robust community of environmental consultants in Illinois and Indiana in response to independent requirements of state and local government(s).

I. Chicago District Prioritization of Work: Effective immediately, the Chicago District Regulatory Branch will prioritize incoming requests in the following order:

- 1. Review and processing of new DA permit applications (Standard Permits/Nationwide Permits/Regional General Permits).** As a reminder, a depiction of aquatic resources is required for all DA permit applications as well as for "no permit required" requests. Depictions of aquatic resources should include supporting information/documentation but do NOT have to be pre-approved by the Corps. A

depiction of aquatic resources should consist of a drawing or map depicting the location and configuration of aquatic resources located on the site. Each aquatic resource must be identified and quantified (i.e., acreage and/or linear feet). Submitting a depiction of aquatic resources with a permit application is the most effective manner to expedite permit review.

2. Modifications of existing DA Permits / DA Permit Transfers.

3. JD Requests Not Associated with a DA permit application (Standalone JDs) submitted with sufficient supporting information.

II. Timeframes Associated with DA Permit Actions: Timeframes for processing DA permit applications are contingent upon the receipt of a complete application, as well as any supporting information that may be required to make a final decision on the DA permit application. In general, the Branch strives to review and process DA permit applications according to the following timelines:

- Standard Permits (120-365 days)
- General Permits (45-60 days)

Deficiencies or delays by an applicant in providing sufficient supporting information will impact the Branch's ability to process DA permit applications as efficiently as possible. Project complexity, coordination/consultation requirements, and the applicant's ability to obtain requisite state authorizations also directly affect the Regulatory Branch's timeframes for processing DA permit applications.

III. JDs: As noted above, standalone JDs are not pre-requisites for submitting DA permit applications. As such, these standalone requests are not subject to a mandatory processing timeframe. JD requests not associated with a DA permit application will still be accepted by the Regulatory Branch, but the review and processing of such standalone requests will be based on available resources, resulting in extended timelines for these requests to be fully processed.

Due to the volume of DA permit applications, this office is unable to provide approximate processing timeframes for Standalone JD requests. At this time, Standalone JD requests may have extended timelines (e.g., one year or longer) based on the size and complexity of the site, the quality of information submitted, and other Branch priorities. You will be contacted by a project manager following submission of a standalone request if additional information is required. It is recommended that standalone requests be prepared and submitted by an environmental consultant. Although this is not a requirement, it will certainly help expedite the process.