



# US Army Corps of Engineers Buffalo District



## Off-Shore Wind Power Projects: U.S. Army Corps of Engineers Regulatory Program and Permitting Process

Steven Metivier  
Buffalo District  
1776 Niagara Street  
Buffalo, NY 14207  
716-879-4314

[steven.v.metivier@usace.army.mil](mailto:steven.v.metivier@usace.army.mil)

Buffalo District: [www.lrb.usace.army.mil/regulatory](http://www.lrb.usace.army.mil/regulatory)

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



## Regulatory Authorities

- Section 10 of the Rivers and Harbors Act
  - Navigation and Structures in Navigable Waters
  - Docks, Dredging
- Section 404 of the Clean Water Act
  - Discharges of Dredged or Fill Material into Waters of the United States
  - Armored Revetments, Groins, Disposal of Dredged Material, Wetland Fills





## Other Programs

- Section 401 Water Quality Certification (State Resource Agency)
- Coastal Zone Management Program (State Resource Agency)
- Endangered Species Act (U.S. Fish and Wildlife Service)
- Section 106 of the Historic Preservation Act (State Historic Preservation Office)
  - Coordination with Tribal Nations



## International Joint Commission

- Order of Approval
  - Ice Formation/Dynamics
  - Domestic Water Use
  - Impacts to Hydropower
  - St. Lawrence Seaway

[www.ijc.org](http://www.ijc.org)



## National Environmental Policy Act (NEPA)

- Lead Permitting Agency for Off-Shore Great Lakes Wind
  - Request input from Cooperating Agencies (e.g. USCG, USFWS, USEPA, State Resource Agencies)





# Permit Requirements

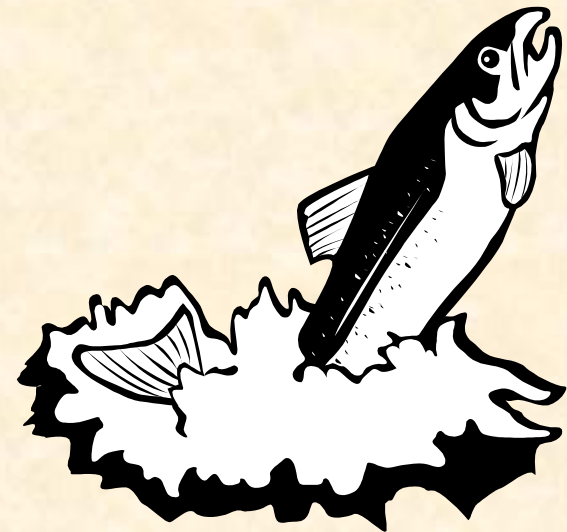


- 404 (b)(1) Guidelines
  - Project Purpose – Water Dependency
  - Alternatives Analysis
    - On-Site vs. Off-site
  - Least Environmentally Damaging Practicable Alternative
  - Avoid Impacts
  - Minimize Impacts
  - Mitigate Unavoidable Impacts



## Public Interest Review Factors

- Balancing process
  - Wetland values
  - Navigation
  - Conservation of natural resources
  - Wildlife values
  - Recreation
  - Flood hazards
  - Economics
  - Cultural resources
  - Safety





## Scope of Analysis

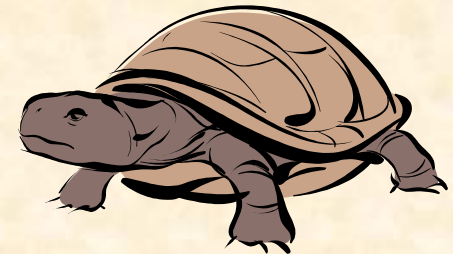
- Primary, Secondary Impacts Associated with Jurisdictional Activities
  - Wetland/Water fills
  - Structures in Waters
  - 33 CFR Part 325 Appendix B
- Special Cases
  - Endangered Species Act
  - Historic Preservation Act (33 CFR Part 325 Appendix C)





## Types of Permits

- General Permit
  - Minor Impacts – Project Specific (see web site: [www.lrb.usace.army.mil/regulatory/](http://www.lrb.usace.army.mil/regulatory/) )
  - Nationwide Permits
  - Regional Permits
- Individual Permit
  - Standard Permit
  - Letter of Permission





## Nationwide Permits

- A type of general permit used to authorize specific types of activities
- Minimal impact to aquatic environment
- Abbreviated permit review process
- Valid for 5 years
- 43 different NWP's
- 27 general conditions
- Regional conditions developed by District/State agencies
- Mitigation may be required



## Standard Permit

- Full public interest review
- Public Notice
  - 30 Day Public/Agency Comment Period
- Determination of compliance with USEPA Section 404(b)(1) Guidelines
- Preparation of Environmental Assessment (EA) and Statement of Findings (SOF)
- Results in permit issuance or denial
- Valid for 3-5 years. May obtain extension





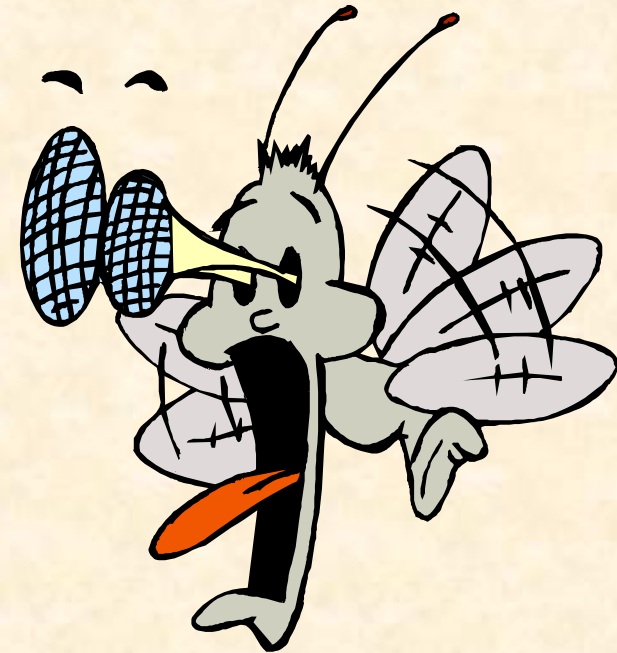
## Standard Permits Public Participation

- Public Notices Posted on Corps' Websites
- Comments Best in Writing (letter or e-mail)
- Not a Vote
- May Request e-mail Notification when Notices are Published
- Notices Sent to Adjacent Properties and Interested Parties (e.g. Great Lakes Shipping Interests for off-shore wind projects)



# Environmental Impact Statement

- “Significant Effects”
- Notice of Intent
- Scoping
- Draft EIS
- Comment
- Final EIS
- Record of Decision





## Potential Off-Shore Concerns/Issues

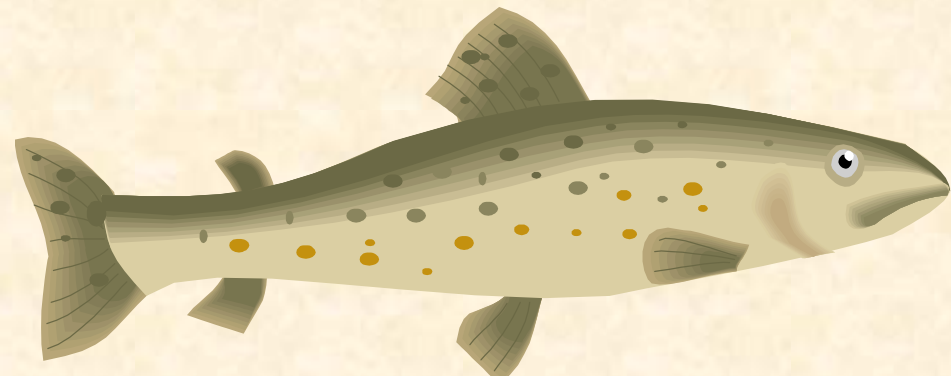
- Ice
- Navigation
- Recreational Boating Safety
- Migratory Birds/Bats
- Acoustics/Disruption
- Aesthetics
- Public Perception/Opinion
- Others????





## Recommendations

- Come to the Corps Early!
- Be Prepared to Engage Other Agencies
- Public Outreach
- Be Flexible





# US Army Corps of Engineers Buffalo District



## Corps District Information

**Buffalo District (Lakes Ontario and Erie (NY and OH))**  
US Army Corps of Engineers  
Regulatory Branch  
1776 Niagara Street  
Buffalo, New York 14207  
716-879-4330

**Chicago District (Lake Michigan (IL))**  
US Army Corps of Engineers  
Regulatory Branch  
111 North Canal Street, 6th Floor  
Chicago, Illinois 60606-7206  
312-846-5530

**Detroit District (Lakes, Erie (MI), Huron, Michigan (MI and IN) and Superior (MI))**  
U. S. Army Corps of Engineers  
Regulatory Office CELRE-RG  
P.O. Box 1027  
Detroit MI 48231-1027  
313-226-2218

**Pittsburgh District (Lake Erie (PA))**  
Regulatory Branch  
Department of the Army  
Pittsburgh District Corps of Engineers  
William S. Moorhead Federal Building  
1000 Liberty Avenue  
Suite 2200  
Pittsburgh, PA 15222  
412-395-7154

**St. Paul District (Lakes Superior (MN), Michigan (WI))**  
Department of the Army  
Corps of Engineers  
St. Paul District, Attn: OP-R  
190 Fifth Street East, Suite 401  
St. Paul, MN 55101-1638