

SUPPORTING STATEMENT - PART A

USACE Regulatory Program General Forms – 0710-0003

Summary of Changes from Previously Approved Collection

- Title of the collection changed to reflect scope of request.
- New forms added:
 - ENG 6285 – Certification of Compliance with Department of the Army Permit
 - ENG 6287 – Notification of Administrative Appeal Options and Process and Request for Appeal
 - ENG 6286 – Request for Pre-Application Meeting or Project Scoping
 - ENG 6284 – Regulatory Violation Complaint
 - ENG 6295 – Authorization to Act as an Agent
 - ENG 6294 – Right of Entry
- Incorporation of ENG 6233 (Customer Service Survey) from collection 0710-0012
- Collection currently in use, ENG 4336 (Notice of USACE Permit), added to the request.
- Updated burden estimates to reflect incorporation of new forms and changes in workload.

Regulations mandating or authorizing the collection of information: 33 CFR 320-332.

The 10 forms in the collection are described below:

Permit Application Forms:

1. ENG 4345 – Application for Department of the Army Permit
2. ENG 6082 – Nationwide Permit Pre-Construction Notification (PCN)

Other General Regulatory Program Forms:

3. ENG 4336 – Notice of USACE Permit
4. ENG 6233 – Customer Service Survey – Regulatory Program
5. ENG 6284 – Regulatory Violation Complaint
6. ENG 6285 – Certification of Compliance with Department of the Army Permit
7. ENG 6286 – Request for Pre-Application Meeting or Project Scoping
8. ENG 6287 – Notification of Administrative Appeal Options and Process and Request for Appeal
9. ENG 6295 – Authorization to Act as an Agent
10. ENG 6294 – Right of Entry

Two of the forms (ENG 4345 and ENG 6082) are permit application forms that have been included in this collection for many years.

The Customer Service Survey form (ENG 6233) is currently approved under a separate OMB Control Number (0710-0012). As part of the renewal process for collection 0710-0003, we would like to consolidate the ENG 6233 into collection 0710-0003 since it is a general Regulatory Program form and logically belongs in 0710-0003 with the other general Regulatory Program forms.

The ENG 1721 and ENG 4336 are longstanding USACE forms that were identified during our recent forms review. These two forms are 35-40 years old and have not been previously approved. They have been identified as now logically belonging in collection 0710-0003. However, only ENG 4336 is subject to the PRA. ENG 1721 will still be included in the request package as a supplementary document for OMB review.

The other six forms in this collection are new but are based on similar forms that have been used by our districts to facilitate Regulatory Program processes, such as certification of compliance with permits and requests for pre-application meetings. These needs and uses for these forms are described in further detail in the following sections.

1. Need for the Information Collection

Section 1.1 – Permit Application Forms

The U.S. Army Corps of Engineers (Corps) is required by three Federal laws, passed by Congress, to regulate construction related projects in United States (U.S) waters, which is accomplished through the review of applications for permits to conduct this work.

Information required on ENG 4345 is necessary to evaluate applicants' requests for a Corps permit for: (1) a dredging or construction related activity that would affect navigable waters of the U.S. under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403); (2) the discharge of dredged or fill material into "waters of the U.S," a broader geographic scope than navigable waters, under Section 404 of the Clean Water Act (33 USC 1344); and (3) a permit for the transportation of dredged or fill material for the purpose of ocean disposal under section 103 of the Marine Protection, Research and Sanctuaries Act (Ocean Dumping Act) (33 USC 1413). The Corps implementing Code of Federal Regulations for these three laws is codified at 33 CFR parts 320-332.

The primary purpose of this information collection is an "Application for Benefits", in the form of a Department of the Army permit decision. The regulations at 33 CFR part 330 are specific to the Nationwide Permit program. Section 404(e) of the Clean Water Act provides the statutory authority for the Secretary of the Army, after notice and opportunity for public hearing, to issue general permits on a nationwide basis for any category of activities involving discharges of dredged or fill material into waters of the United States. The Secretary's authority to issue permits has been delegated to the Chief of Engineers and his or her designated representatives. Nationwide permits are a type of general permit issued by the Chief of Engineers and are designed to regulate with little, if any, delay or paperwork certain activities in jurisdictional waters and wetlands that have no more than minimal

adverse environmental impacts (see 33 CFR 330.1(b)). Activities authorized by NWPs and other general permits must be similar in nature, cause only minimal adverse environmental effects when performed separately, and will have only minimal cumulative adverse effect on the environment (see 33 U.S.C. section 1344(e)(1)).

There are no Army Regulation (AR) documents for these regulations; it was determined by Army counsel many years ago that these were not appropriate for publishing as an AR since they are for public use and only the CFR can apply. An AR document would be duplicative and legally would not have precedence over the CFR. Authorization from the Corps is required for regulated activities in jurisdictional waters before work can begin. The Corps' Regulatory Program reviews these authorization requests and will render a decision on whether authorization is granted. A favorable decision is provided in the form of a DA permit.

ENG 4345: Information required on ENG 4345 is necessary to evaluate applicants' requests for a Corps permit.

ENG 6082: Information required on ENG 6082 is necessary to evaluate applicants' requests for verification of coverage under a Corps Nationwide permit.

Appendix - Joint Forms with States: Many Corps districts have partnered with States to develop joint permit application forms, which are designed to streamline the collection of information from members of the public who are seeking a permit from both the Corps and the State for the same activity. These joint forms are designed to collect the same information that is collected on the ENG 4345 and/or ENG 6082 for use by the Corps, but the joint forms also facilitate the collection of any additional information that the applicable state has deemed necessary a state permit application. The extent and nature of any additional information collected for the state varies by state and is outside of the control of the Corps. In states that have joint-application forms with the Corps, the joint state form substitutes in place of the ENG 4345 and/or the ENG 6082. Because the joint forms collect the same information for the Corps as the ENG 4345 and/or ENG 6082 (as applicable), and since the joint forms substitute for the ENG 4345 and/or ENG 6082 forms on a one-to-one basis, any public reporting burden is effectively captured in the information provided herein for the ENG 4345 and ENG 6082. Per OMB's request, we have included a copy of each of the existing joint forms with states with this submittal.

Section 1.2 – General Regulatory Program Forms

In addition to the two permit application forms discussed above, this collection also includes eight additional forms that are used to facilitate general aspects of the Corps Regulatory Program. The need for these additional forms is discussed below.

ENG 6233: The ENG 6233 is a customer service survey form for the Corps Regulatory Program. The ENG 6233 is necessary for the Corps to conduct surveys of customers served by our district offices, currently a total of 38 offices. Only voluntary opinions will be

solicited, and no information requested on the survey instrument will be mandatory. The survey form will be provided to the applicants when they receive a regulatory product, primarily a permit decision or wetland determination. The information collected will be used to assess whether Regulatory business practices or policies warrant revision to better serve the public. Without this survey the Corps would have to rely on less structured, informal methods of obtaining public input. The data collection instrument was minimized for respondent burden, while maximizing data quality. The following strategies were used to achieve these goals: 1. Questions are clearly written, 2. The questionnaire is of reasonable length, 3. The questionnaire includes only items that have been shown to be successful in previous analyses and ease in navigation.

ENG 6285: The ENG 6285 is a Certification of Compliance with Department of the Army Permit. This form will be used by permittees to notify the Corps when the work authorized in their Corps permit has been completed in accordance with the permit requirements and all permit conditions have been satisfied.

ENG 6287: The ENG 6287 is a Notification of Administrative Appeal Options and Process and Request for Appeal. This form will be provided to recipients of appealable Corps Regulatory actions (e.g., permit decisions, approved jurisdictional determinations) to notify affected parties of their rights and options regarding an administrative appeal of the Corps decision on their action, and to facilitate requests for administrative appeals.

ENG 6286: The ENG 6286 is a Request for Pre-Application Meeting or Project Scoping. This form will be used by members of the public who wish to discuss their proposed project with the Corps prior to submittal of a permit application. This form collects from the requestor all project-specific details needed by the Corps to prepare for the pre-application meeting.

ENG 6284: The ENG 6284 is a Regulatory Violation Complaint. This form will be used by members of the public who wish to report a suspected violation of Corps Regulatory requirements. This form collects from the requestor all project-specific details needed by the Corps to initiate an investigation into the complaint of the alleged activity.

ENG 4336: The ENG 4336 is a notice of USACE permit authorization. These are signs that recipients of USACE permits are required to post at their work sites to note that a USACE authorization exists for the work being completed.

ENG 6295: The ENG 6295 is the Agent Authorization form. The agent authorization form is used by members of the public to authorize an agent (e.g., a private consultant) to act on their behalf in all matters relating to all dealings with the USACE regarding the project, including taking all necessary actions for the application, processing, issuance, and/or acceptance of a Clean Water Act and/or Rivers and Rivers Act delineations, determinations, and/or permits.

ENG 6294: The ENG 6294 is the USACE right of entry form. The right of entry form is used by members of the public to authorize the USACE to enter their property for site

investigations relating to USACE project reviews, including onsite investigations needed to support application review, processing, and issuance of a Clean Water Act and/or Rivers and Rivers Act delineations, determinations, and/or permits.

2. Use of the Information

The respondents to these information collections are members of the public who are requesting a permit action from the Corps. Each of these forms is available as fillable PDF. Respondents can complete the forms using Adobe Acrobat or can complete using a paper copy. All forms will be made available on Corps websites (<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/>).

The Corps also plans to integrate each of these forms into its Regulatory Request System (RRS), which will be an online portal that will enable the public to submit and track requests for regulatory actions, such as permit applications and requests for jurisdictional determinations. Data used to populate the forms will be temporarily housed in the RRS, then transmitted to the ORM2 database for review and evaluation of the various requests. The burden hours already account for the data ultimately stored in the ORM database, which sits behind the firewall.

Members of the public who request a Corps permit action may interact with Corps staff during the permit review process to schedule site visits and as any onsite field work is completed. The Corps will verify any information provided on the collection instrument as part of its review process. Once the Corps has collected and/or verified the information required to make a decision on a permit application, the Corps will complete its decision and will provide it to the applicant.

The use of the information collected in each of the permit application forms is detailed as follows:

Section 2.1 – Use of the Information: Permit Application Forms:

Categories of Permits

- One category are the Individual permits (IPs) that include Standard Permits (SP), which are generally more complex in nature and involve the issuance of public notices to seek comments from the public and federal, state, and local agencies, and Letters of Permission (LOP), a type of permit issued through an abbreviated processing procedure which includes coordination with Federal and State fish and wildlife agencies, as required by the Fish and Wildlife Coordination Act, and a public interest evaluation, but without the publishing of an individual public notice.
- General permits (GP) are the second category of permits. GPs authorize categories of activities that are similar in nature and cause only minimal adverse environmental impacts to aquatic resources, individually and on a cumulative basis. These permit types are issued every five years and individual activities are then verified to determine

if they meet all the terms and conditions of the issued GP. There are three types of GPs: Nationwide permits (NWP) issued on a national basis used to streamline authorization of regulated activities; Regional general permits (RGP) are issued to authorize regulated activities in a specific geographic area by individual Corps districts; and Programmatic general permits (PGP), to reduce duplication with other local, state or other federal regulatory programs.

Forms/Instruments for Permit Requests

- **ENG Form 4345 (Application for Department of the Army Permit):** The ENG Form 4345 has been in use for more than 30 years. ENG Form 4345 is used by project proponents to apply for standard individual permits, letters of permission, regional general permit verifications, and programmatic general permit verifications. Those permit applications are evaluated under the Corps' three permitting statutes: Sections 9 and 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended. ENG Form 4345 is based on the Corps' regulations concerning the content of a permit application, which are at 33 CFR 325.1(d). The information required for ENG form 4345 is the basic information necessary for the Corps to begin its evaluation of the proposed activity. This form can be accessed at:
<https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Obtain-a-Permit/>.
- **ENG Form 6082 (Nationwide Permit Pre-Construction Notification):** The ENG Form 6082 is an application form specific to the information needed for nationwide permits. Because ~50 to 60% of all permits issued/verified by the Corps on an annual basis are NWPs, it benefits the Corps and the regulated public to utilize an application form specific to the information needed for a NWP review. ENG Form 6082 is completed by individuals seeking approval to construct their project. It contains the minimum number of fields needed to support the evaluation on whether the applicant's proposal meets the terms and conditions of the NWPs established by Corps Headquarters through the rulemaking process. Access to complete information will allow Corps project managers to conduct their reviews in a more expeditious fashion to reach a permit decision. Many applications are incomplete, which increases the time to render a decision, through an iterative process of additional information requests. The ENG Form 6082 and companion instructions can result in more complete submittals that will reduce evaluation times and the need to request additional information from applicants. ENG Form 6082 notifications may be submitted at any time to appropriate Corps district offices. In summary, the information on the form is used to determine whether the proposed activity potentially qualifies for NWP authorization and to provide information needed for the evaluation of the applicant's proposed project. An application form (ENG 4345) currently exists for other forms of DA permits; ENG Form 6082 was created specifically for nationwide permits. This form would be used when NWP authorization is sought; otherwise, the applicant would submit ENG 4345. If the applicant submits ENG Form 6082 and the proposed activities do not qualify for a NWP, the information provided in the completed form can still be used for the evaluations

required for other forms of authorization (standard permits, letter of permission, regional general permits, or programmatic general permits). The applicant would not be asked to discard the completed ENG Form 6082 and reapply using a completed ENG 4345 in its place, rather the Corps would request the additional information regarding adjacent property owners and other required certifications not found on ENG Form 6082, but that is needed for an individual permit review. The Corps does not expect this to happen very frequently, but the Corps will work with the applicant to explain the process and to ensure they understand what information is needed and why. In addition, some districts have developed NWP checklists specific to certain NWP activities to help facilitate a complete submittal and to ensure the request complies with the terms and conditions of the specific NWP.

Appendix: Joint forms with States:

The joint state form series is a streamlining tool that collects the information needed to complete the ENG 4345 and ENG 6082 while also facilitating the collection of additional information that has been determined by the applicable state to be necessary for a permit application to the applicable state agency. In states that have joint-applications with the Corps the joint state form substitutes in place of the ENG 4345 and/or the ENG 6082.

Applicants may also use a joint federal and state form for those districts where the state has a similar regulatory program and applicants fill out one form to provide information needed by both programs. Such forms are currently used by 23 Corps districts. Some State agencies host the forms and collect the information they contain and then forward the completed form to the Corps when review by the Corps Regulatory Program is needed. In this case, a link to the state hosted website serving the form is provided on the Corps district website. Some states are covered by more than one Corps district, and in such cases more than one Corps district will utilize the same state form. A summary sheet listing the joint forms and the link to the form are provided in the information collection request package.

Follow-up Information/Clarifying Information

Clarifying information may be needed from applicants if the information provided on the application form is incomplete. This request for additional information is not directly related to the adequacy of the information collection because it is dependent on project-specific circumstances. It is also related to the complexities of the Regulatory Program (e.g., the requirements for a subset of regulated activities to comply with other applicable statutes such as the Endangered Species Act, National Historic Preservation Act, and Magnuson-Stevens Act), and the individual nature of each applicant's specific project. It can also be based on an applicant's interpretation of the information requested. Information may be incorrect or omitted from the application form used and clarifying information is sometimes needed to fully evaluate the project proposal. This additional information request may take the form of a letter or phone call. Examples of incomplete application information includes to lack of adequate project/impact descriptions and detailed information on plans. The most common things missing are clearly delineated

waters/resources, unclear impacts and project description, insufficient plans, adjacent property owner information, and lack of avoidance & minimization statement (i.e., items required for a public notice). How often this happens is difficult to quantify, although some insight can be provided by looking at additional information requests entered in our permit tracking database vs. the total number of applications evaluated in a given fiscal year. In FY2021, an additional information request subaction was entered about 25% of the time. In other words, for the applications received that year, Corps districts had to ask for additional information for 25% of those applications to make them complete to begin the evaluation process. This total accounts for requests for additional information for all of the reasons noted above, in addition to additional regulatory requirements. Districts also need to obtain regionally specific information and may ask an applicant for that additional information. The type of information requested can also vary based on the type and extent of the proposed activities, the characteristics of the site where the proposed activity will be conducted, and the effects of the proposed activity on the aquatic environment. For example, our IP requests are more often incomplete than the GP requests because the activities authorized by general permits have impacts that are much smaller than those authorized by individual permits. Reasons for GPs being incomplete are usually unclear project descriptions, lack of sufficient plans and unsigned applications. In addition, our GPs can have regional conditions developed during the GP renewal process which may add regionally specific requirements based on the types and locations of the aquatic resources in the area.

During the permit evaluation process, the need to comply with other environmental laws and regulations may require additional information requests from project applicants. This is done on a case-by-case basis and most often done during project evaluations where the activities may affect a listed endangered or threatened species or their critical habitat, impact historic properties, be located in essential fish habitat, or require tribal consultations/coordination. These additional environmental compliance requirements also occur about 40% of the time and may be closely correlated to the number of additional application requests entered, the type of additional information needed for these reviews can include the names of listed species for non-federal applicants, how compliance with Section 7 of the Endangered Species Act (ESA) was done for federal applicants, identification of any historic properties (vicinity map), how federal applicants comply with Section 106 of the National Historic Preservation Act, and information for Essential Fish Habitat consultation for activities along the marine and estuarine coasts. Additional examples of information needed for ESA consultations may include a list of endangered or threatened species and designated critical habitat that may be affected by the proposed activity, descriptions of how the proposed activity will affect those listed species and designated critical habitat, and a discussion of measures proposed by the applicant to avoid or minimize effects to listed species or designated critical habitat. Districts often provide check lists when this requirement is triggered to assist applicants with their ability to provide needed information. An example would be a cultural resources assessment survey may also be needed for historic properties consultations.

Checklists are often posted on district websites to assist with identifying what information may be needed in conjunction with the application. Examples of these materials are provided with this submittal.

Regional conditions may also be added during development of nationwide general permits at the district/division level to account for regional variations in jurisdictional waters and wetlands and to ensure no more than minimal adverse environmental effects. These conditions further streamline the evaluation process and clearly articulate any additional information requirements. State and local regulatory programs may also have additional information needs specific to their programs and authorities that are not required for Corps authorizations. This information request is often presented to applicants as a joint federal and state application form to assist the reviews of multiple regulatory reviews and to ensure the applicant only needs to provide one set of information. Information included on these joint application forms is also covered under the Corps submittal to cover ENG 4345 and the proposed ENG Form 6082. By focusing on the information required and through outreach programs, applicants can be assured they are providing the minimal amount of information required without duplicative procedures.

This is why public outreach done on a district-by-district basis is so important to ensure applicants are aware of the information requirements for their specific area and unique project proposals since this may vary across the nation for the reasons listed above. This also explains why neither a single form nor a series of supplemental forms could feasibly cover every scenario that may arise during the permit evaluation process and how reviews are tailored to the specific circumstances for each proposed activity. Requiring all permit applicants to provide all the same information that might potentially be needed would be even more confusing to the general public than the current application forms covered under this OMB Control Number. In addition, it would require many permit applicants to expend time and money to provide information that is not relevant to the Corps' evaluation process. Focusing the application process on requesting the basic information that is needed for all permit applications and allowing districts to request project-specific information that is necessary to address activity-specific circumstances has helped the Corps streamline information requirements by only requesting what is truly needed to begin each specific review.

Information is provided to the Corps by permit applicants – those individuals who wish to perform work or construction activities in Waters of the United States subject to the authorities listed above and require a Department of the Army permit to do so. This information is used by Corps Regulatory staff in the federal review of an application for a permit to conduct proposed work as described in paragraph 1. The review process is described in the Corps regulations for the regulatory program, published as 33 CFR 320-332 in the Federal Register. The Departments of Interior, Commerce, Agriculture, and the Environmental Protection Agency, as well as other federal, state, and local agencies participate in this review. In addition, any interested parties, including special interest groups or property owners affected by the proposal, may provide comments; public notices, prepared from the information contained in ENG 4345, are posted on the internet/mailed to all the above in order to solicit their views. Applications may be

submitted at any time to appropriate Corps district offices. The information is used to provide information needed for the evaluation of the applicant's proposed project to determine whether a permit is required, and if so, to proceed with the evaluation of a permit pursuant to the authorities listed above. The application is also used to assess the effects of the regulated work on the environment or other property owners, to determine if a permit should be approved or denied. Applicants can access the application form on Corps district, division, or headquarters websites. The application form includes a privacy act statement, which advises applicants how and who will be using information provided. This language has been cleared by our Office of Counsel and records management officer. The Agency Disclosure Notice is also contained at the top of the application form to inform applicants of the OMB control number and estimated burden. Applicants can mail, email, or drop off the application form and plans to Corps offices for review. The information is used by Corps staff to evaluate what the applicant proposes to do, whether authorization is needed and if so, processes the information to render a permit decision.

Corps districts conduct outreach via speaking engagements, printed materials, presentations, and information posted on Corps websites to inform the public of when a permit is required from the Corps of Engineers and the permit evaluation process. There are often other federal, state, and local authorizations required and agencies work together to provide information about other needed approvals before construction of proposed activities can begin. The application forms would be contained on each district website. Respondents that submit their application forms via email are typically provided an email response from the Corps district that acknowledges the receipt of the application. Respondents that submit their application forms as hard copies are typically provided a written response from the Corps district that acknowledges the receipt of the application. When a decision on their permit application is made, a written response is provided to the applicant or designated agent. These authorization or denial letters are tailored to each individual request and may contain special conditions unique to the project. Since the last expiration renewal request, the majority of applications are being submitted electronically and receipt is provided via email. The timeline for a permit decision can vary greatly depending on the complexity of the project, type of permit provided, and whether additional authorizations or agency coordination is required (e.g., Endangered Species Act consultation, historic property consultations in accordance with Section 106 of the National Historic Preservation Act). Generally, most authorizations are provided in a timely manner in accordance with our target performance measures – in FY21, 81% of all general permits were verified in 60 days or less from receipt of a complete application, and 52% of individual permits are authorized in 120 days or less.

Section 2.2 – Use of the Information: General Regulatory Program Forms:

During the last extension request review, the Corps was asked to look at all of the forms or requests for information from the public provided to them or posted on district websites and to include a list and copies of the forms in the current submittal. It should be noted that the number of district specific items has been substantially reduced from the list provided in 2018. We also reviewed all the district specific information needs to determine if any could be standardized and consolidated into a national level form. As a result, we

have developed several new forms that are being included with this request, including a form to request a pre-application meeting (ENG 6286), a form to report an alleged violation (ENG 6284), a form to certify compliance with a Corps regulatory permit (ENG 6285) that is provided to all entities who receive a permit authorization from the Corps, an appeals notification form (ENG 6287) that is provided to all recipients of individual permits, permits denied with prejudice, and approved jurisdictional determinations to inform them that the decision can be administratively appealed and the process to follow to initiate the appeals process, a form for permit applicants to designate an authorized agent (ENG 6295), and a form that permit applicants can use to grant USACE site access needed to complete onsite investigations needed to facilitate permit review (ENG 6294). We have determined that these should be national level forms, and as such they included in this renewal request. Any of the information collected from these forms would still be entered into the ORM database and covered by the SORN and PIA. The ENG 4336 is a longstanding USACE permit form that serves a sign that many recipients of USACE permits must post at their project sites to note the USACE authorization for the permitted work.

We are also including the ENG 6233 (our customer service survey) in this renewal request. The ENG 6233 is currently approved in a separate collection (0710-0012). As part of the renewal process for collection 0710-0003, we would like to consolidate the ENG 6233 into collection 0710-0003 since it is a general Regulatory Program form and as such it logically belongs in 0710-0003 with the other general Regulatory Program forms. The ENG 6233 is necessary for the Corps to conduct surveys of customers served by our district offices, currently a total of 38 offices. Only voluntary opinions will be solicited, and no information requested on the survey instrument will be mandatory. The survey form will be provided to the applicants in the Corps' official transmittal of a regulatory product, primarily a permit decision or wetland determination. The information collected will be used to assess whether Regulatory business practices or policies warrant revision to better serve the public. Without this survey the Corps would have to rely on less structured, informal methods of obtaining public input.

3. Use of Information Technology

Nearly 100 percent of Corps requests are now processed electronically, typically via email.

The Corps plans to integrate all of the forms in this collection into its Regulatory Request System (RRS), which will be an online portal that will enable the public to submit and track requests for regulatory actions, such as permit applications and requests for jurisdictional determinations. The RRS is currently in beta testing and is not yet available for public use. Once the RRS is live, all of the forms in the 0710-0003 collection will be integrated such that members of the public will be able to use the RRS to complete the forms and provide supporting information, submit the information to the appropriate Corps district office, and track the status of their regulatory request. The timeline for implementation of the RRS is February 2024. We anticipate the public will more fully utilize the RRS when the application submittal component goes live – anticipated by the end of Mar 2024. We will collect utilization statistics and envision these totals to be quite high, similar to the number of including applications used in the cost calculations – part A – estimation of respondent

burdens. We will still accept paper copies for those without internet access. Information is temporarily collected which then populates the numerous forms in this package and is then passed to Corps staff which will access the information via the Corps database. The form can then be sent to other agencies or printed if the requestor chooses to do so.

The application forms and general regulatory program forms can currently be submitted through email. Currently, applications are primarily received via email or DoD SAFE file transfer websites, but post mail, or courier for large applications/plans may still occur. We estimate more than 95 percent of all application forms are received electronically, up about 15 percent from the last expiration date extension request. This percentage has increased as more applicants have become familiar with our program and as a result of the adjustment to a virtual environment during the COVID-19 pandemic. Additional outreach efforts to describe the submittal process are expected to increase the 95% estimate once we make the transition to the RRS. However, the Corps will always accept paper application via mail to accommodate entities who prefer that format.

Permit applicants may save common information (if using a fillable Portable Document Format (pdf)) and enter new project specific information for each subsequent application. The forms are available electronically to the public via the Internet, and email. The information can be submitted to the Corps via a fillable pdf or be handwritten. The mechanism is not prescribed, although the document needs to be legible.

4. Non-duplication

The information obtained through this collection is unique and is not already available for use or adaptation from another cleared source.

5. Burden on Small Businesses

While some respondents may be small businesses, this information collection does not impose any additional burdens on small businesses or entities as compared to other respondents.

6. Less Frequent Collection

Without the information contained in the ENG 4345 application form, the Corps could not evaluate the impacts of a proposed project, as required by law. The submittal of information is needed when an application for a DA permit is received by Corps offices to start the evaluation process. Our regulations specify certain information needed for a complete application for a standard permit (33 CFR 325.1(d)), which is contained on the standard permit application form. If the form is not used, it is unlikely that applicants will submit all the information required by regulation for a complete application, which will delay the permit evaluation process with requests for additional information. In addition, substantial delays in the permit evaluation process could result in an increase in unregulated projects, which are built without required modifications or mitigation, resulting in significant damage to the environment and private property, and create

hazards to public health and safety. The same holds true for the ENG Form 6082, where information needed is tailored to the NWP program. Use of the form reduces the time it takes to collect and provide needed information to the Corps. The same holds true for the joint state application forms whenever they substitute for the ENG 4345 or ENG 6082 (as applicable), where information needed by the Corps is collected in combination with the information needed for the applicable state program, and use of the form reduces the time it takes to collect and provide needed information to both the Corps and the applicable state agency.

The General Regulatory Program Forms for Certification of Compliance (ENG 6285) will be used by permittees to notify the Corps when the work authorized in their Corps permit has been completed in accordance with the permit requirements and all permit conditions have been satisfied. The ENG 6285 is extremely simple to fill out and is highly efficient means of communicating to the Corps that the permitted work has been completed in accordance with Regulatory Requirements and is ready for final inspection.

The General Regulatory Program Forms for Notification of Administrative Appeal Options and Process and Request for Appeal (ENG 6287), Request for Pre-Application Meeting or Project Scoping (ENG 6286), and Regulatory Violation Complaint (ENG 6284) are all voluntary and can be filled out on an as-needed basis by the requestor when they would like to request the Corps engage on a specific request. These forms are all highly streamlined to efficiently collect the information needed to engage with the Corps on specific requests.

The ENG 4336 is a sign that recipients of USACE permits will post at their project sites to note the USACE authorization for the permitted work. The ENG 4336 will be filled out by USACE staff, but the recipient of the USACE permit would be required in some cases to post the completed ENG 4336 at the project site.

The ENG 6233 is necessary for the Corps to conduct surveys of customers served by our district offices, currently a total of 38 offices. Only voluntary opinions will be solicited, and no information requested on the survey instrument will be mandatory. The survey form will be provided to the applicants when they receive a regulatory product, primarily a permit decision or wetland determination. The information collected will be used to assess whether Regulatory business practices or policies warrant revision to better serve the public. Without this survey the Corps would have to rely on less structured, informal methods of obtaining public input.

7. Paperwork Reduction Act Guidelines

This collection of information does not require collection to be conducted in a manner inconsistent with the guidelines delineated in 5 CFR 1320.5(d)(2).

8. Consultation and Public Comments

Part A: PUBLIC NOTICE

A 60-Day Federal Register Notice (FRN) for the collection published on Monday, March 11, 2024. The 60-Day FRN citation is 89 FR 17442.

No comments were received during the 60-Day Comment Period.

A 30-Day Federal Register Notice for the collection published on Thursday, June 6, 2024. The 30-Day FRN citation is 89 FR 48402.

Part B: CONSULTATION

For the permit application forms, extenuating circumstances exist in that this information has been identified as the minimum information needed to evaluate proposed work in Waters of United States pursuant to our legal authority. Additional information will be incorporated into the RRS to assist applicants in completing the application forms, as well as the general Regulatory Program forms.

For ENG Form 6082, an instructional guide has been created and information required was also be contained in the 2021 NWP final rule and in NWP general condition #32.

The RRS was beta tested for content only. We did one round of review with a small focus group that commented on the design and user friendliness of the system. Another round of external beta testing is slated for late Feb 2024. We have approximately 100 volunteers that may test the system (not all may participate however) comprised of frequent applicants and environmental consultants.

9. Gifts or Payment

No payments or gifts are being offered to respondents as an incentive to participate in the collection.

10. Confidentiality

Both of the Permit Application forms and all eight of the General Regulatory Program Forms will include a Privacy Act Statement (PAS). With the exception of the ENG 6233 (Customer Service Survey), the PAS will indicate that the information provided becomes part of the administrative record, notifying the respondent that the information provided may be shared with the Department of Justice or other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by law.

For the ENG 6233, the PAS will indicate that the information may be shared with the Office of Management and Budget, members of Congress, and other federal, state, and local government agencies. Disclosure: Providing requested information is voluntary.

The System of Records Notices (SORN) associated with this collection (#A1145b, General Permit Files) may be accessed at the following link:

<https://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce/>

A draft copy of the PIA, Civil Works Business Intelligence (CWBI), has been provided with this package for OMB's review.

In accordance with Army Regulation (AR) 25-400-2, records are maintained in the current file area for 6 years after expiration of permits/applications, then destroyed. Records retention policy is set by individual districts and the permit application form will be retained with the completed permit package (which includes the administrative record and decision document for each decision rendered), generally, for the length of time the permit is valid. Some district records managers may follow this general guidance: Dock permit files are destroyed 6 years after expiration of permits/applications and then until no longer needed for conducting business. Dredging and dumping permit (standard permits field offices) records are destroyed seven years after revocation, expiration or removal of the object to which the permit pertains. Harbor lines approval records are permanent. Non-action construction permits are destroyed after expiration but not longer than 6 years. Standard permits are kept until no longer needed but not longer than 6 years. Rejected standard permit applications are destroyed three years after denial. Violation of Refuse Act files destroyed when no longer needed for business but not longer than 6 years. Official record copies used for litigation will be destroyed with those files.

11. Sensitive Questions

No questions considered sensitive are being asked in this collection.

12. Respondent Burden and its Labor Costs

Part A: ESTIMATION OF RESPONDENT BURDEN

1) Collection Instruments

ENG 4345 [Application for Department of the Army Permit]

- a) Number of Respondents: 5,477
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 5,477
- d) Response Time: 11 hours
- e) Respondent Burden Hours: 60,247 hours

ENG 6082 [Nationwide Permit Pre-Construction Notification]

- a) Number of Respondents: 36,860
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 36,860
- d) Response Time: 11 hours
- e) Respondent Burden Hours: 405,460 hours

ENG 6233 [Customer Service Survey]

- a) Number of Respondents: 1,000
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 1,000
- d) Response Time: 10 minutes
- e) Respondent Burden Hours: 167 hours

ENG 6285 [Certification of Compliance with Department of the Army Permit]

- a) Number of Respondents: 51,644
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 51,644
- d) Response Time: 10 minutes
- e) Respondent Burden Hours: 8,607 hours

ENG 6287 [Notification of Administrative Appeal Options]

- a) Number of Respondents: 14
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 14
- d) Response Time: 1 hour
- e) Respondent Burden Hours: 14 hours

ENG 6286 [Request for Pre-Application Meeting or Project Scoping]

- a) Number of Respondents: 17,272
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 17,272
- d) Response Time: 15 minutes
- e) Respondent Burden Hours: 4,318 hours

ENG 6284 [Regulatory Violation Complaint]

- a) Number of Respondents: 1,166
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 1,166
- d) Response Time: 15 minutes
- e) Respondent Burden Hours: 292 hours

ENG 6295 [Authorization to Act as an Agent]

- a) Number of Respondents: 42,337
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 42,337
- d) Response Time: 5 minutes
- e) Respondent Burden Hours: 3528 hours

ENG 6294 [Right of Entry]

- a) Number of Respondents: 42,337
- b) Number of Responses Per Respondent: 1

- c) Number of Total Annual Responses: 42,337
- d) Response Time: 5 minutes
- e) Respondent Burden Hours: 3528 hours

ENG 4336 [Notice of USACE Permit Form]

- a) Number of Respondents: 42,337
- b) Number of Responses Per Respondent: 1
- c) Number of Total Annual Responses: 42,337
- d) Response Time: 5 minutes
- e) Respondent Burden Hours: 3528 hours

2) Total Submission Burden

- a) Total Number of Respondents: 240,444
- b) Total Number of Annual Responses: 240,444
- c) Total Respondent Burden Hours: 489,689 hours

Part B: LABOR COST OF RESPONDENT BURDEN

1) Collection Instruments

ENG 4345 [Application for Department of the Army Permit]

- a) Number of Total Annual Responses: 5,477
- b) Response Time: 11 hours
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$346.28
- e) Total Labor Burden: \$1,896,576

ENG 6082 [Nationwide Permit Pre-Construction Notification]

- a) Number of Total Annual Responses: 36,860
- b) Response Time: 11 hours
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$346.28
- e) Total Labor Burden: \$12,763,881

ENG 6233 [Customer Service Survey]

- a) Number of Total Annual Responses: 1,000
- b) Response Time: 10 minutes
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$5.25
- e) Total Labor Burden: \$5,247

ENG 6285 [Certification of Compliance with Department of the Army Permit]

- a) Number of Total Annual Responses: 51,644
- b) Response Time: 10 minutes
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$5.25
- e) Total Labor Burden: \$270,959

ENG 6287 [Notification of Administrative Appeal Options]

- a) Number of Total Annual Responses: 14
- b) Response Time: 1 hour
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$31.48
- e) Total Labor Burden: \$441

ENG 6286 [Request for Pre-Application Meeting or Project Scoping]

- a) Number of Total Annual Responses: 17,272
- b) Response Time: 15 minutes
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$7.87
- e) Total Labor Burden: \$135,931

ENG 6284 [Regulatory Violation Complaint]

- a) Number of Total Annual Responses: 1,166
- b) Response Time: 15 minutes
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$7.87
- e) Total Labor Burden: \$9,176

ENG 6295 [Authorization to Act as an Agent]

- a) Number of Total Annual Responses: 42,337
- b) Response Time: 5 minutes
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$2.62
- e) Total Labor Burden: \$111,064

ENG 6294 [Right of Entry]

- a) Number of Total Annual Responses: 42,337
- b) Response Time: 5 minutes
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$2.62
- e) Total Labor Burden: \$111,064

ENG 4336 [Notice of USACE Permit Form]

- a) Number of Total Annual Responses: 42,337
- b) Response Time: 5 minutes
- c) Respondent Hourly Wage: \$31.48
- d) Labor Burden per Response: \$2.62
- e) Total Labor Burden: \$111,064

2) Overall Labor Burden

- a) Total Number of Annual Responses: 240,444
- b) Total Labor Burden: \$15,415,403

The respondent average hourly work wage was obtained from the Bureau of Labor Statistics website and is reported above. This figure represents the average wage for all US workers from the May 2023 National Occupational Employment and Wage Estimates, and may be too high or too low, depending on the occupation of each applicant.

https://www.bls.gov/oes/current/oes_nat.htm#00-0000.

13. Respondent Costs Other Than Burden Hour Costs

There are no annualized costs to respondents other than the labor burden costs addressed in Section 12 of this document to complete this collection.

14. Cost to the Federal Government

Part A: LABOR COST TO THE FEDERAL GOVERNMENT

1) Collection Instruments

ENG 4345 [Application for Department of the Army Permit]

- a) Number of Total Annual Responses: 5,477
- b) Processing Time per Response: 24 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$773.04
- e) Total Cost to Process Responses: \$4,233,940.08

ENG 6082 [Nationwide Permit Pre-Construction Notification]

- a) Number of Total Annual Responses: 36,860
- b) Processing Time per Response: 20 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$644.20
- e) Total Cost to Process Responses: \$23,745,212

ENG 6233 [Customer Service Survey]

- a) Number of Total Annual Responses: 1,000
- b) Processing Time per Response: 10 minutes (0.167 hours)
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$5.37
- e) Total Cost to Process Responses: 5,368.33

ENG 6285 [Certification of Compliance with Department of the Army Permit]

- a) Number of Total Annual Responses: 51,644
- b) Processing Time per Response: 10 minutes (0.167 hours)
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$5.37
- e) Total Cost to Process Responses: 277,242.21

ENG 6287 [Notification of Administrative Appeal Options]

- a) Number of Total Annual Responses: 14
- b) Processing Time per Response: 24 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$773.04
- e) Total Cost to Process Responses: 10,822.56

ENG 6286 [Request for Pre-Application Meeting or Project Scoping]

- a) Number of Total Annual Responses: 17,272
- b) Processing Time per Response: 1 hour
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$32.21
- e) Total Cost to Process Responses: 556,331.12

ENG 6284 [Regulatory Violation Complaint]

- a) Number of Total Annual Responses: 1,166
- b) Processing Time per Response: 4 hours
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$128.84
- e) Total Cost to Process Responses: 150,227.44

ENG 6295 [Authorization to Act as an Agent]

- a) Number of Total Annual Responses: 42,337
- b) Processing Time per Response: 5 minutes
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$2.68
- e) Total Cost to Process Responses: 113,639.56

ENG 6294 [Right of Entry]

- a) Number of Total Annual Responses: 42,337
- b) Processing Time per Response: 5 minutes
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$2.68
- e) Total Cost to Process Responses: 113,639.56

ENG 4336 [Notification of USACE Permit Form]

- a) Number of Total Annual Responses: 42,337
- b) Processing Time per Response: 5 minutes
- c) Hourly Wage of Worker(s) Processing Responses: \$32.21
- d) Cost to Process Each Response: \$2.68
- e) Total Cost to Process Responses: 113,639.56

2) Overall Labor Burden to the Federal Government

- a) Total Number of Annual Responses: 240,444
- b) Total Labor Burden: \$29,320,062

The respondent average hourly work wage was obtained from the average of a Corps Project Manager unburdened salary for a GS-11 step 5 (average grade of worker preparing/reviewing JD form) standard hourly rate: https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2023/GS_h.pdf

Part B: OPERATIONAL AND MAINTENANCE COSTS

- 1) Cost Categories
 - a) Equipment: \$0
 - b) Printing: \$0
 - c) Postage: \$0
 - d) Software Purchases: \$0
 - e) Licensing Costs: \$0
 - f) Other: \$0

- 2) Total Operational and Maintenance Cost: \$0

Part C: TOTAL COST TO THE FEDERAL GOVERNMENT

- 1) Total Labor Cost to the Federal Government: \$29,320,062
- 2) Total Operational and Maintenance Costs: \$0
- 3) Total Cost to the Federal Government: \$29,320,062

15. Reasons for Change in Burden

Some components are a new collection with a new associated burden. The burden estimates were updated to reflect the incorporation of new forms into the collection and changes in workload affecting the use of the forms in the existing collection. New forms added include the ENG 6285, ENG 6287, ENG 6286, ENG 6284, ENG 6295, and ENG 6294. The updated burden estimate also accounts for the incorporation of ENG 6233 from OMB Control Number 0710-0012, as well as the incorporation of ENG 4336, which is currently in violation of the PRA.

The burden for the ENG 4345 has decreased since the previous approval due to recalculation of the number of annual responses based on updated workload estimates.

The burden for ENG 6082 has increased since the previous approval due to recalculation of the number of annual responses based on updated workload estimates.

16. Publication of Results

The results of this information collection will not be published.

17. Non-Display of OMB Expiration Date

We are not seeking approval to omit the display of the expiration date of the OMB approval on the collection instrument.

18. Exceptions to “Certification for Paperwork Reduction Submissions”

We are not requesting any exemptions to the provisions stated in 5 CFR 1320.9.