

Utilizing New Technology and GIS to Improve Permitting Programs

By Leah Stetson, ASWM and Jon Soderberg, U.S. Army Corps of Engineers

“Improving,” or “streamlining,” wetland permitting programs refers to strategies, processes and data systems that make the wetland permitting process more efficient, e.g. faster, smoother and easier to understand for the applicant and regulatory staff while maintaining the same level of protection for wetlands and aquatic resources. States are constantly making changes or improvements to their permitting programs. In the past ten years, some states, for example, Rhode Island, Massachusetts, Virginia, Wisconsin and Maine, have established task forces to streamline their permitting programs and in the case of Minnesota, legislators amended wetland laws to streamline the approval and permitting process with the intent of improving the permitting program. The term “streamlined” can refer to improving predictability, consistent decisions, explainable differences, and providing a more transparent, practical process.

One common issue among state and federal wetland permitting programs that can cause delays is the submittal of an incomplete permit application. In response, states have implemented various strategies and developed new technology to help permit applicants submit a complete application. Two ways that state wetland programs have improved the permit process seem to go hand-in-hand: consolidated permitting and utilizing science & technology. Increasingly the Internet and web-based tools have presented an opportunity for states to create electronic/online applications, or geo-spatial wetlands mapping layers to support the permit process and provide for a more efficient decision making process. In some cases an online application can be for an individual regulatory agency, e.g. wetlands, but in other cases, it can be for combined, or joint-filing permits, e.g. state wetland or water quality permits and the U.S. Army Corps of Engineers (Corps) Section 10 and 404 permits. Because these strategies and tools are intrinsically intertwined, it is key to think about how the processes and systems function separately as well as how they could be used together to improve wetland permitting programs.

Who benefits from an improved permitting program? The public, the business community, the applicant, the regulatory staff in both state and federal agencies—all benefit from an improved (or streamlined) wetland permitting program.



Jeanne Christie photo

Consolidating (or Joint) Permitting Programs -Programmatic General Permits

Programmatic General Permits (PGPs) are a type of regulatory permit developed by the Corps which may authorize states, local governments, tribes, or other federal agencies with comparable regulatory programs to the Corp’s Section 10 and 404 programs to issue permits on the Corp’s behalf. This effectively reduces the public’s need for duplicate permits and provides for the most effective protection of aquatic resources. With the creation of State Programmatic General Permits (SPGPs) and Regional General Permits (RGPs), state and federal agencies have been working toward improving the process of implementing these new permitting tools. While some states continue to rely on the Corps Nationwide permits, other states have developed SPGPs and RGPs

to consolidate their permitting programs. Corps districts work with these states to develop the SPGPs and RGP, which deal with minimal impacts to wetlands (not all regulated activities are covered by these types of permits.) For more information about state programmatic permits, visit: <http://www.aswm.org/swp/pgp/index.htm>

-Assumption

Michigan and New Jersey both have assumed the Section 404 (Clean Water Act) programs, which is another form of consolidation. For more information, see *Expanding States' Role in Implementing Sec. 404 CWA Assumption: Necessary, Wise and Workable*

http://www.aswm.org/swp/assumption/expanding_states_role_implementing_section_404_cwa_assumption_rev%27d_july_09.pdf



-Combining Types of Permits (Joint-Permitting)

Within a state environmental agency, sometimes the staff in a wetland permitting program will coordinate with the staff in a different program, for example, storm water and erosion. The two programs may choose to pursue joint permitting, e.g. wetlands and stormwater and/or onsite sewage treatment. This is a new area that states are beginning to pursue.

Utilizing Science & Technology to Standardize the Wetland Permit Programs

Consistent, comparable geospatial data can support improved permitting. The recently published federal Wetlands Mapping Standard provides a national standard for mapping wetlands. It can be used by state and federal agencies for incorporating wetland mapping layers into their permitting process. For example, state regulatory staff will be able to identify project locations on a wetland mapping layer. More information on the federal wetlands mapping standard is available on ASWM's new webpage at: http://www.aswm.org/fwp/wetlands_mapping_standard/index.htm In addition to recent developments in wetland mapping, states and federal agencies, such as the Corps, are developing new online databases to track wetland permitting as well as to identify opportunities to combine wetland permit applications (electronically).

The U.S. Army Corps of Engineers' National Database

The Army Corps of Engineers (Corps) has developed and deployed a national Regulatory Database (ORM2) in all 38 Corps districts to collect and manage its regulatory program information in 2007. ORM2 is a robust geospatial database and regulatory action tracking tool. The database tracks information/data associated with the Corps' regulatory program processes and allows the Corps to manage work in a web-based format. This system is a vast improvement over past databases used by the Corps. Development of the current national geospatial database included conversion and incorporation of historic data from local district databases, including RAMS, and combining these data into one system.

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The ORM2 system provides many features and capabilities to Corps' regulators and management as well as to our state and federal partners. The key advancement in ORM2 is that all activities are tracked spatially. Unlike previous systems, ORM2 tracks regulatory actions where they occur in the landscape and by the types of aquatic resources present. The tool supports a watershed approach to mitigation from a landscape perspective.

ORM2 expands the Corps ability to analyze work and impacts on a large scale and can support making managerial decisions on permitting and resources needed to effectively work with state and local partners in the field. ORM2 also provides the field with geospatial tools including an expanded mapping program, Corps Map2, which provides data layers for regulators to better visualize the location of their projects and associated aquatic resources. In addition, ORM2 has increased reporting capabilities that many districts did not have in the past. This allows for districts and headquarters to generate program performance reports in real time, in a standard format, promoting consistent data reporting nationwide at all levels of the Corps' organization.

Since its deployment in 2007, the Corps has made several system enhancements, notably the manner in which the Corps tracks impacts and mitigation data for permit decisions. This critical upgrade allows for better tracking of the amount, Cowardin class, and location of impacts and mitigation in the watershed.

The ORM2 database continues to evolve. The system is flexible to allow future enhancements to support electronic application submittals and the flow of data between agencies while providing for consistent mandatory data collection in the Corps Regulatory Program. Furthermore, the system has been developed to be consistent with the federal wetlands mapping standard.

Currently, information/data on permit and jurisdictional decisions are provided to the Environmental Protection Agency (EPA) on a nightly basis. Future initiatives will include exploration of additional capabilities for sharing data among federal and potentially state and tribal agencies.

On the public side, the Corps is working on the development of an electronic application system for the Corps' standard permit application form (ENG 4345) that ties directly to ORM2. It is anticipated that the system will allow the public to apply online using the ENG 4345 and will provide them the ability to check the status of their electronic application. In the future it is hoped that the online application form can be expanded to include joint federal/state application forms.

Next Steps

As with any advancements and interaction between agencies, the leg work must be done early and processes well thought out. Joint applications, regional permits and state programmatic programs between the Corps and the states can be powerful tools. Key things to consider in developing online tools are timing and order issues such as 1) who receives the permit first, 2) when does the states' 401 certification occur, 3) which agency tracks specific data, 4) how is compliance addressed in joint efforts and what information can be shared between states and federal agencies as well as the public. These are some of the issues that can be pursued to improve wetland permitting.