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Jacksonville District Regulatory Transformation Workshop

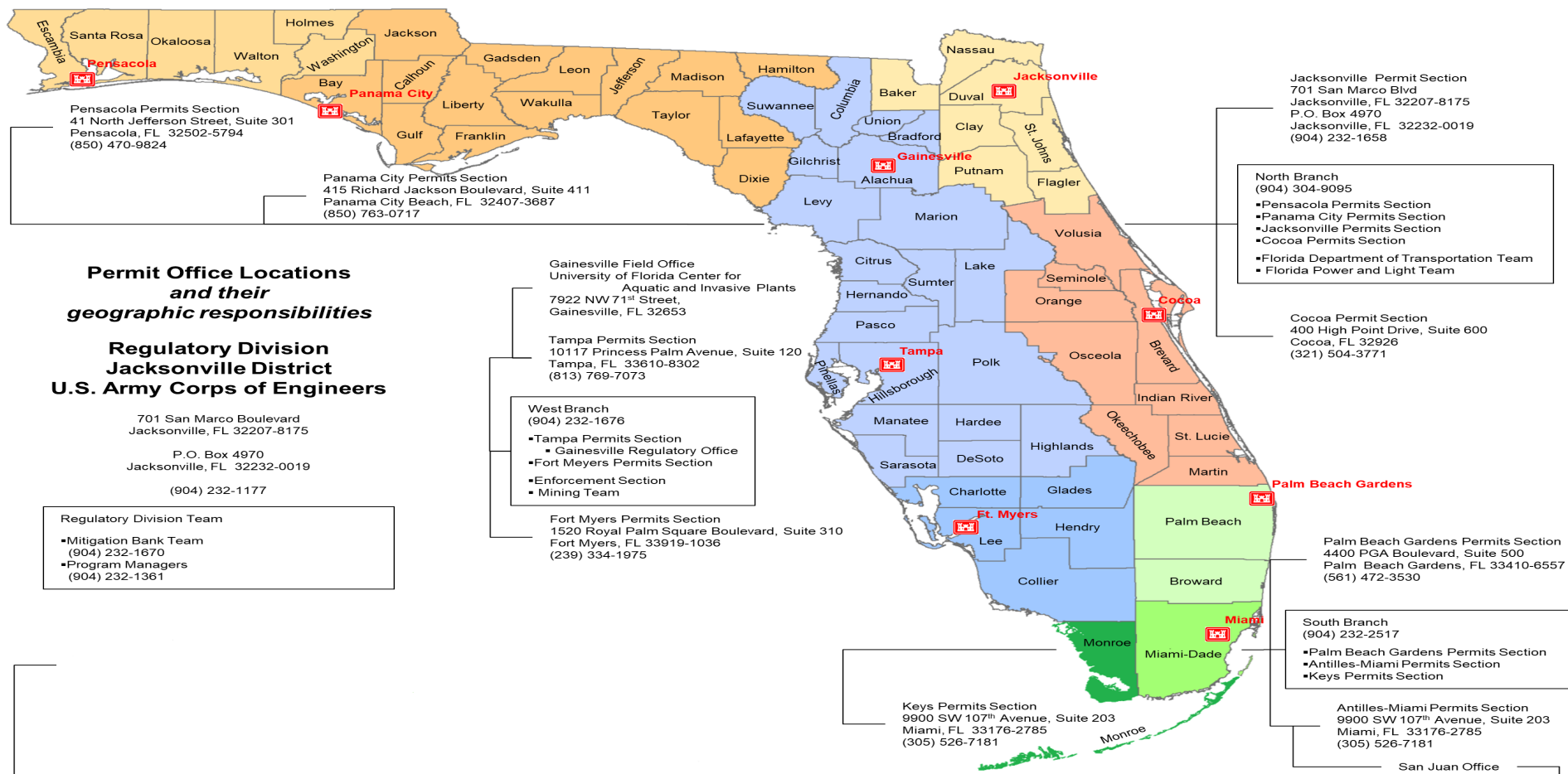
MAY
14 -15
2025

STATE OF THE REGULATORY PROGRAM

Presented by: Shawn Zinszer, Chief
Regulatory Division
U.S. Army Corps of Engineers, Jacksonville District



Office Locations



Map Version June 9, 2022



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SAJ Regulatory Projects with Congressional Interest

Large, diverse, and complicated projects.

- Mining, Navigation, Beach Nourishment, Energy infrastructure, Large-scale Development, Mitigation Banking

Efficiencies

- Ongoing efforts to establish and maintain permit and ESA Programmatic, such as SPGP, with approx. 6,000 actions annually), RGPs, JAXBO 2.0, etc.

408 coordination

- 404/408 SOP

Regulatory Request System (RRS)

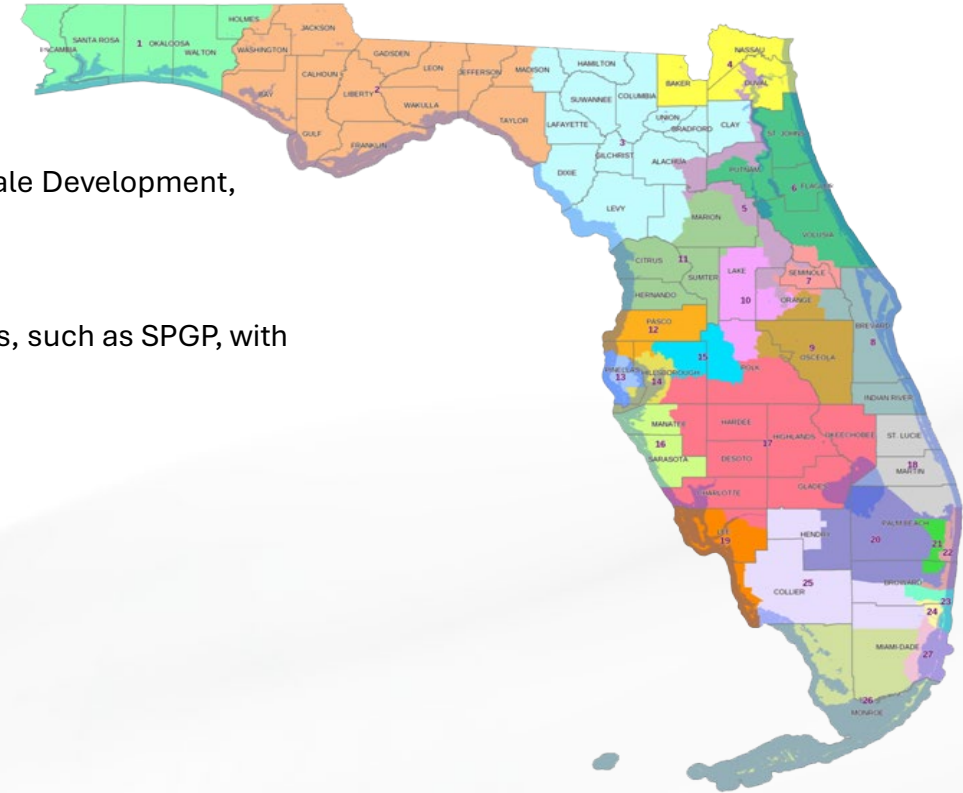
- An online interactive permit application submittal and tracking system
- Public transparency and applicant tracking
- Lots of congressional input and engagement

High Profile and/or complex Actions

- Coral Bay (USVI) – SAJ retained for SAA
- Fincantieri Dry Dock
- Rural Lands West, Kingston, Belmar
- Adams Cut

Top – 5

- 404 State Assumption litigation/Vacatur
- Regulatory Transformation
- Executive Order/Presidential Memorandums
- WOTUS 23: Sackett Ruling, Sharfi decision, etc.
- New HQ Budget Allocation Model: common level of service/WL consideration

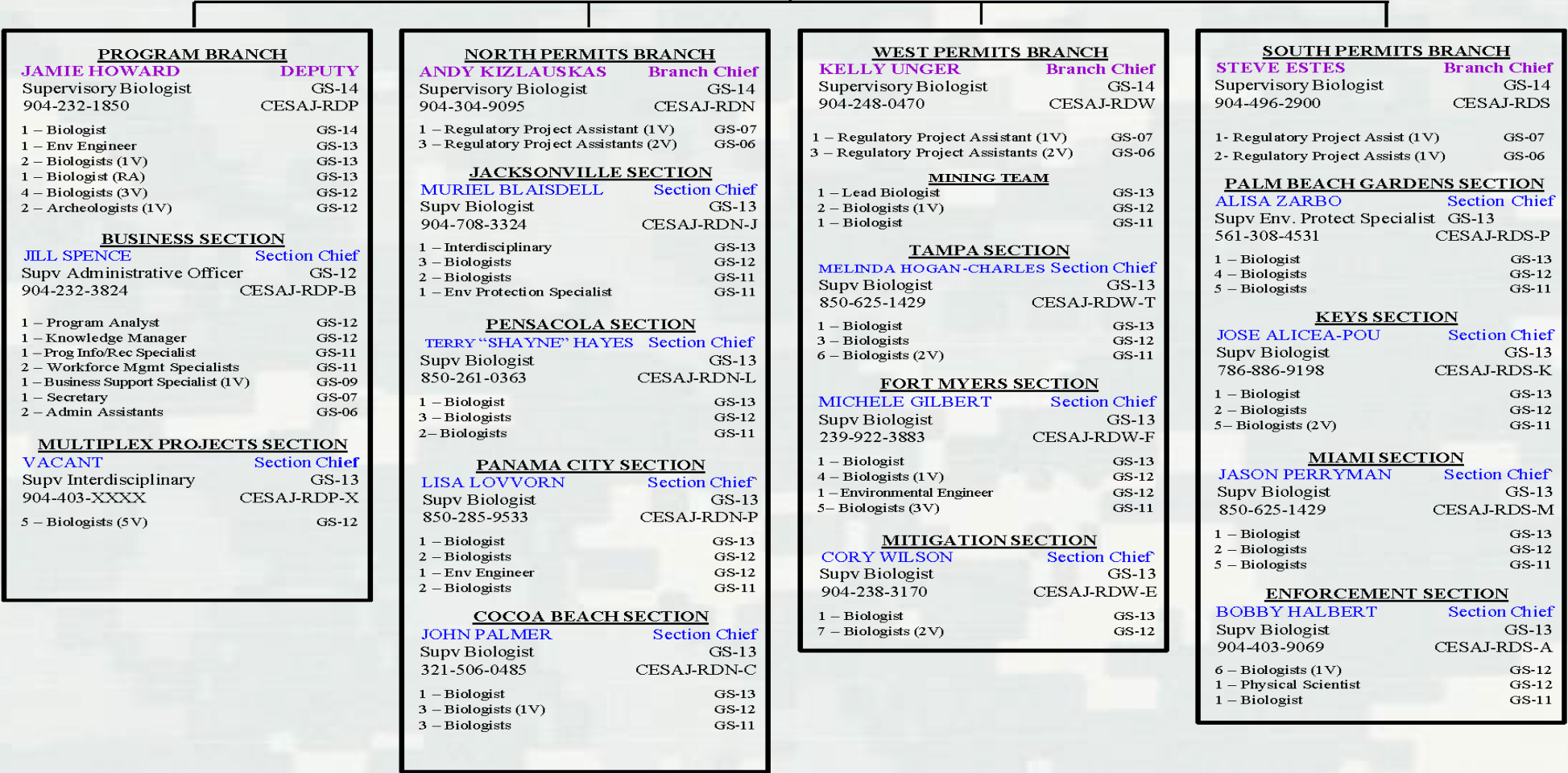


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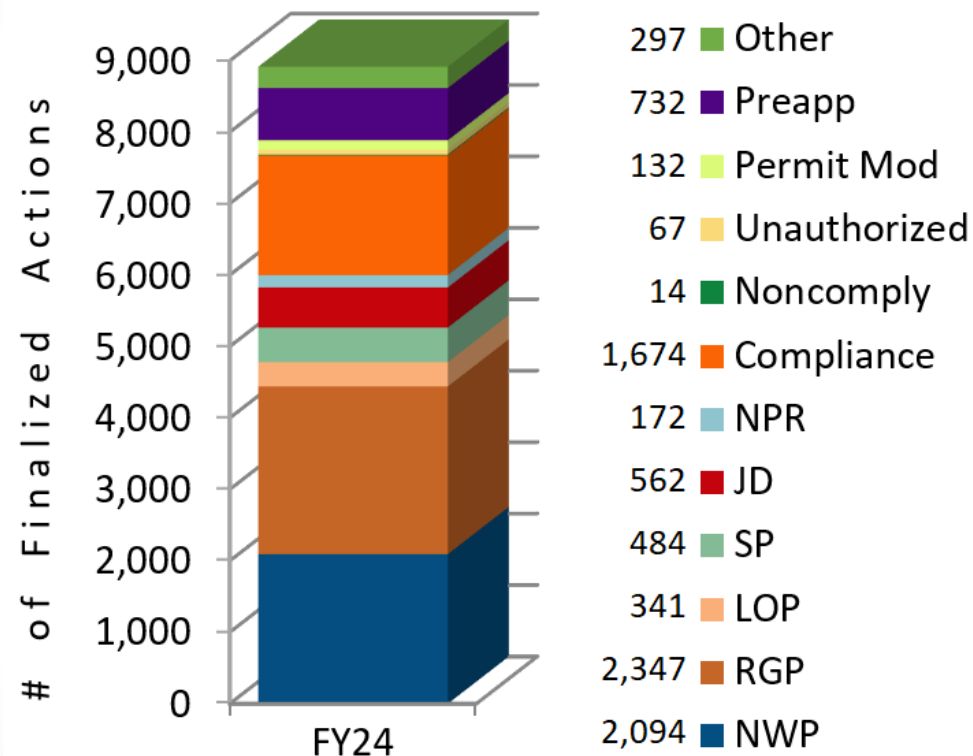
**U.S. ARMY ENGINEER DISTRICT,
JACKSONVILLE
EXECUTIVE OFFICE**

REGULATORY DIVISION
SHAWN ZINSZER, CHIEF (RD)
JAMIE HOWARD, DEPUTY CHIEF (RDP)





Regulatory Budget



	FY22	FY23	FY24	FY25	FY26
Allocation (\$ Millions)	17.9	20.0	21.8	23.0	19.5*
FTEs Expended	106.6	112.7	121.6	128.6	110.3*

FY25 Budget

- \$23M Appropriated funds
- \$6M IJIA funds, with no IJIA funds in FY26

404 State Assumption (ongoing litigation)

- The State assumed the Program in December 2020
- Three years of data showed 24.3% WL reduction (Jan 21-Jan 24)
- Judge Moss’s decision in February 2024 returned 404 Program to Corps
- DEP sent Corps 1,824 pending permit actions on July 8, 2024.
 - SAJ established 12-person Vacatur Team to manage WL
 - SAJ utilized 28 external Districts & TRECS
 - (Regulators Without Borders)
 - SAJ has obligated ~\$3M IJIA funds to support this effort

Administration of the Largest Regulatory Program in Nation –

- FY24 realized 8,916 final actions: 5,266 permit + 3,650 all other actions
- 14.01% of national workload
- 30 actions/PM with multiple offices carrying 40+ actions/PM. National average is 18.

FY26 Budget – Subject to Presidential Budget, currently proposed for 15% difference from FY25 funding levels for Corps of Engineers



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Regulatory Funding

- **FY25 = \$221M** Nationally. Program has been at this funding level for eight consecutive fiscal years.
- **FY22-FY26 = \$160M** of additional IIJA/BIL funding.
- **FY24** - SAJ saw a funding increase of \$2.5M based on workload.
- **FY25** - HQ's new budget formulation calls for an additional increase of roughly \$3M based on workload, pending final budget.
- **HQ's new budget formulation.** Goal: "Deliver a common level of service across the Enterprise."
- **New factors** within HQ's budget formula; weighted actions, cost per action, and local & regional rates.
- **Proposes a 13% increase** for SAJ-Regulatory

National appropriation likely to decrease. HQ's new budget formula proposes SAJ receiving a larger percentage of an overall smaller appropriation.



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Regulatory Transformation

- **Purpose:** *Provide guidance and direction for transforming the Regulatory Program to provide more transparent, consistent, and effective execution. Signed November 30, 2023. Closely tied to \$160M of IIJA funds.*
- Signed on November 30, 2023, closely tied to \$160M of IIJA funds.
- To provide improved public service, the Regulatory Program must maintain an appropriately structured and resourced workforce, advance decision making and workload management processes, and invest in tools and technology that will enhance Program and project delivery.
 - a) Accelerate permitting decisions
 - b) Establish and track key project information
 - c) Promote early and meaningful outreach and communication with the Tribes and local communities
 - d) Improve responsiveness and support
 - e) Improve overall environmental and community outcomes
- “Green” on all ten Mission Success Criteria targets
- Annual improvement plans if needed

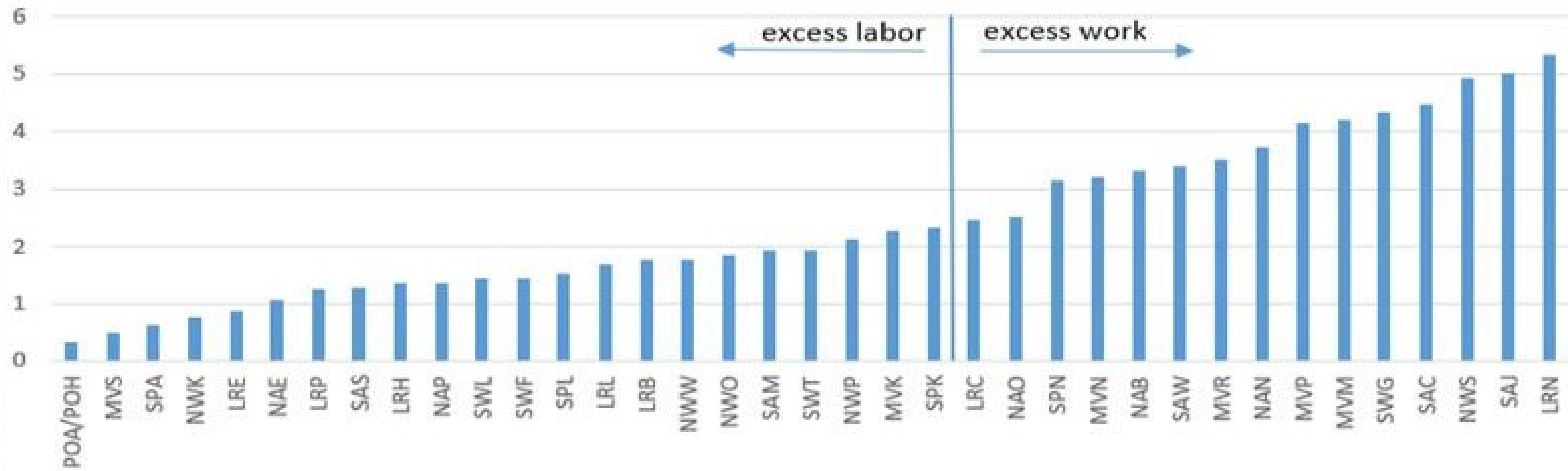


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Capacity Trading Network

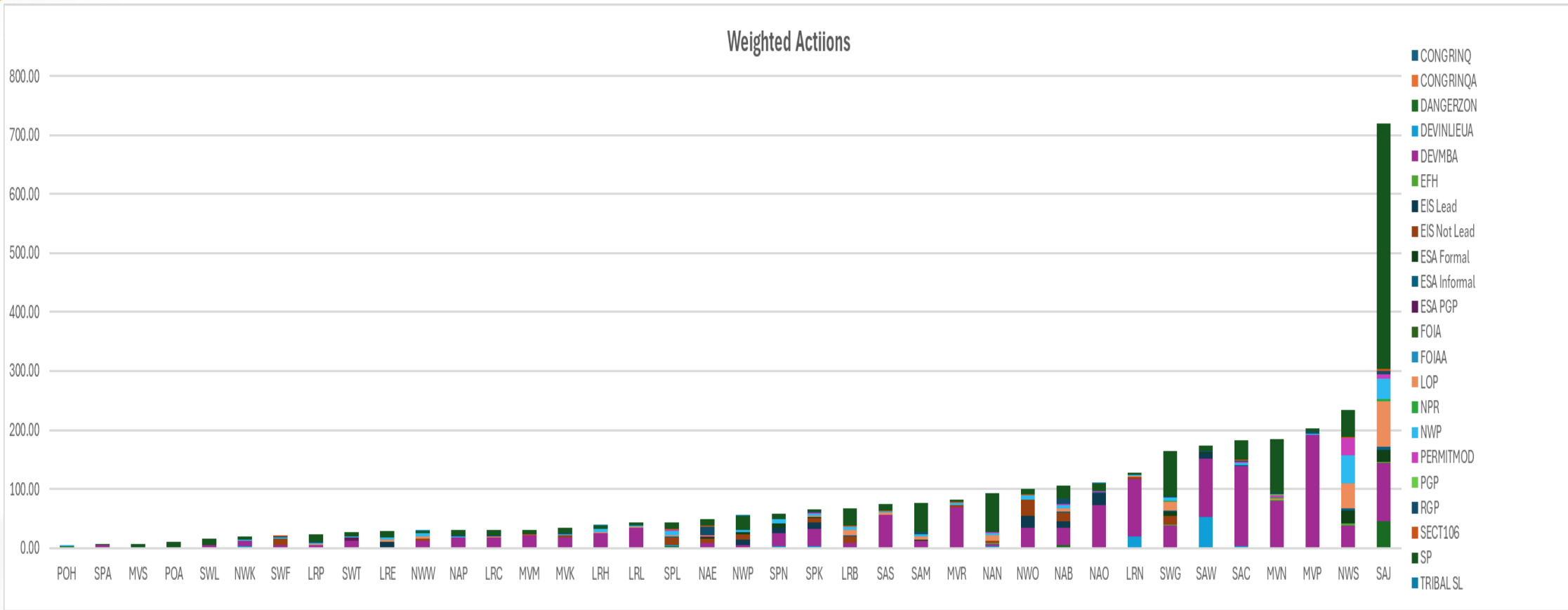
WWU Pending/FTE Q4 2024



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Capacity Trading Network



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Program Efficiencies

Regional General Permits (RGP):

- SAJ currently has a total of nine (9) active RGPs
- Four additional RGPs are being assessed for development to increase efficiencies

Programmatic General Permits (PGP):

- SAJ currently has nine (9) active PGPs

Water Resource Development Action (WRDA) funded positions

- SAJ currently has a total of **6 WRDA positions**
- **FP&L** (Florida Power and Light) – 2 WRDA positions
- **FDOT** (FL Dept of Transportation) – 3 WRDA positions
- **SFWMD** (So Florida Water Mgmt District) – 1 WRDA position
- The **Port of Tampa & Central Florida Expressway** have both expressed interest in WRDA positions

In addition, SAJ-Regulatory has:

- Six (6) Programmatic Biological Opinions (to include SRBO, GRBO)
- Approx. 15 non-BiOp Programmatic Agreements (i.e.: SLOPES)
- 1-EFH Finding Agreement
- 1-FDEP 401 Operating Agreement
- 1-404(q) Operating Agreement
- 1-FEMA Information Sharing Agreement (in draft development)



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DRP Impacts & Adjustments

- RD lost four people to the first round of DRP (3 RPA's, one PM) and seven additional people during the 2nd round.
- RD currently has over 23 total vacancies out of our approved 135 IMD (9 prior vacancies + 12 DRP + 2 voluntary separation) further impacting our Regulatory Mission (17%). RD currently has 30 actions pending/PM which is the highest workload in the Country
- In November 2024, SAJ-RD had approximately 138 staff onboard

Potential changes needed to offset the impacts of DRPs and Hiring Freeze:

- Junior PM's will begin to fill in and assume some of the RPA duties for the Division
- SAJ-Business Office will assist with publishing of Public Notices
- SAJ-RD will shift PM's working in Compliance & Enforcement to Permitting (discretionary vs. non-discretionary work).
- SAJ-RD will also need to begin shifting workload amongst Sections/Branches to better address higher workload/incoming applications in some areas of our AOR.
- SAJ-RD will need to rely on the other Districts/TREC for additional PM support.
- SAJ-RD may need to utilize the capacity trading network (CTN) to shift current SAJ workload to Districts with lower workloads – additional details on CTN are currently pending with HQUSACE.
- SAJ-RD will shift back to a posture of identifying above-the-board work vs. below-the-board work, identifying the work priorities while also identifying the work we will no longer be doing. .



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EO 14156: Energy Emergency

Executive Order (E.O.) 14156, “*Declaring a National Energy Emergency*” issued 20 January 2025, includes the following statements:

SECTION TWO: Emergency Approvals: (a) The heads of executive departments and agencies (“agencies”) shall identify and exercise any lawful emergency authorities available to them, as well as all other lawful authorities they may process, to facilitate the identification, leasing, siting, production, transportation, refining, and generation of domestic energy resources, including, but not limited to, on Federal lands.

- a) Expediting the Delivery of Energy Infrastructure:
- b) The term “energy” or “energy resources” means crude oil, natural gas, lease condensates, natural gas liquids, refined petroleum products, uranium, coal, biofuels, geothermal heat, the kinetic movement of flowing water, and critical minerals, as defined by 30 U.S.C. 1606 (a)(3)
- c) Use emergency permitting procedures to finalize these actions in 30 days.



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WOTUS: Waters of the United States

March 12, 2025, MEMORANDUM TO THE FIELD BETWEEN THE US DEPARTMENT OF THE ARMY, U.S. ARMY CORPS OF ENGINEERS and THE U.S. ENVIRONMENTAL PROTECTION AGENCY CONCERNING THE PROPER IMPLEMENTATION OF “CONTINUOUS SURFACE CONNECTION” UNDER THE DEFINITION OF “WATERS OF THE UNITED STATES” UNDER THE CLEAN WATER ACT.

- Effective immediately, the memo changes how we determine whether a wetland is an (a)(7) adjacent wetland under the pre-2015 WOTUS regime with Sackett. For a wetland to be an (a)(7) adjacent wetland, it must directly abut a requisite jurisdictional water (such as a jurisdictional tributary or a traditional navigable water (TNW)). Wetland adjacency cannot be provided by a continuous surface connection to a jurisdictional water via a discrete feature (such as a pipe, ditch, or swale).
- HQ for both the EPA and USACE will be providing additional guidance and providing training webinars.



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State Assumption/Vacatur

As I believe everyone is aware, there is still pending litigation tied to State Assumption. The Corps does not comment on actions with pending litigation so I will be unable to respond or provide comments regarding the litigation.



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Clean Water Act Section 404 Permitting Post-vacatur

As of 15 February 2024, the U.S. Army Corps of Engineers (USACE) is the only entity in Florida with authority to issue Clean Water Act (CWA) Section 404 permits.



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Managing Workload

- On July 8, 2024, the Florida Department of Environmental Protection transferred project files for 1824 pending actions to the Corps of Engineers.
- Applications are initially screened and assigned in the same manner as any other application.
- The review timeline for a particular application will depend on complexity and any special circumstances specific to that application.
- As you are aware, USACE and FDEP are different agencies subject to different laws and regulations for implementation of their respective Regulatory Programs.



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Jacksonville District Capabilities

- ✓ USACE Jacksonville District administered the Section 404 program for decades before EPA approved Florida's request to assume the 404 program.
- ✓ USACE Jacksonville District has more Regulatory funding and more Regulatory staff in Fiscal Year 2024 than it did in Fiscal Year 2020 when Florida assumed the 404 program.
- ✓ During the 3 years when Florida had assumed the program, Regulatory Project Managers in the Jacksonville District continued to process Section 404 applications in retained waters.



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USACE National Capabilities

- ✓ To efficiently handle the surge of 404 permit applications for activities within waters previously subject to Florida's assumed 404 program, Regulatory staff from other USACE Districts & Technical Regional Execution Centers (TRECS) are assisting the Jacksonville District in processing those applications (28 external Districts & TRECS).
- ✓ There are over 200 additional Project Managers within these external Districts & TRECS who are currently managing workload from the State of Florida.
- ✓ The same National Regulatory Program standards that apply to all USACE permits will be applied to all Jacksonville District actions.
- ✓ The Regulatory staff from these other Districts and Centers already process Section 404 applications in their respective areas of responsibility.
- ✓ Jacksonville District is assigning projects and training and managing the Regulatory staff from these other Districts and Centers on Florida-specific processes and will closely coordinate with the reviewing Districts & TRECS to address any Florida-specific ecological resources or relevant information.

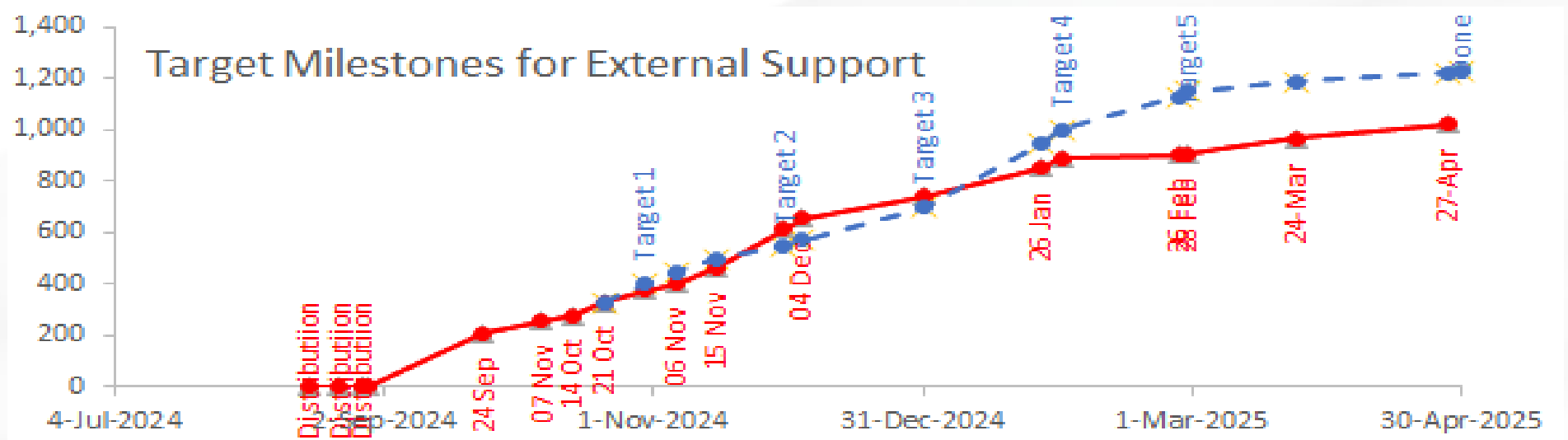


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Assistance to Jacksonville District

- ✓ External Districts & TRECs have completed 83.4% of the 1,259 actions sent to them.
- ✓ SAJ has completed 92% of the 591 State pending actions that SAJ retained.
- ✓ Goal was to have all work completed by 30 April 2025.
 - a. 149 remaining
 - b. 18% RAI's
 - c. 25% consultation
 - d. 41% various stages of review
 - e. 17% appear ready to issue





404 Permits that were Pending with Florida

- USACE must comply with applicable federal laws and regulations that did not apply to FDEP's assumed program, such as the National Environmental Policy Act, the National Historic Preservation Act, the Magnuson-Stevens Fishery Conservation and Management Act, and the Fish and Wildlife Coordination Act, among others.
- While USACE has taken and utilized the environmental and technical information developed through FDEP's processes, USACE must independently evaluate such information and comply with all applicable federal laws and regulations. Many of the application packages USACE has received from FDEP do not contain the minimum information required for a complete application (see 33 CFR 325.1(d) and 325.3(a)) or for USACE to complete its evaluation.
- We continue to work with the applicants and their consultants to ensure that the information provided meets all Federal requirements.



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Looking Forward

The Jacksonville District is closely coordinating with its Division and Headquarters Offices to ensure its funding and staffing levels align with its current and anticipated workload level.



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Questions?



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