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EXECUTIVE SUMMARY

This study provides a foundation for current and future decisions regarding the cost of assuming the CWA Section 404 Program in the State of Alaska. It estimates the effort required for Alaska to operate a state-assumed 404 Program and it assigns costs based upon established budget protocol and staffing structure for the DEC. The recommendations are based on a thorough review of all Alaska District regulatory program permitting activities from 2005 to 2013, Oregon's Removal-Fill Program permitting data and other operational program data from 2005 to 2012, Alaska's experience with the APDES delegation process, and on many years of operational experience with other state wetland programs, including the New Jersey and Michigan state-assumed 404 Programs. For the Alaska District data analysis, ORM-2 data supplied by the Alaska District was used to construct a Microsoft Excel workbook that was utilized to filter and sort 6,352 permit records. Based on the analysis of this data and an estimate of waters and wetlands that could be assumed by a state program, the State of Alaska can assume 75 percent of the 404 permit actions issued by the Alaska District. Even if the estimates are incorrect and Alaska can assume less than that amount, the Alaska state wetland program would still play an influential role in wetland regulation in Alaska. The reason for the uncertainty about assumable waters is that there is no definitive guidance available from the EPA on assumable waters. A range of options were evaluated based on different interpretations of the language in CWA Section 404 (g)(1). The analysis documented in this study shows that DEC can manage the 404 workload and add value with high customer service oriented programs not currently operated by the Alaska District for a program cost of approximately \$4 million/year. This would fund 32 FTE staff and all operating expenditures. It is recommended that Alaska follow the Michigan model for the 404 Assumption process. A five-year phasing strategy is suggested so the State of Alaska can fine-tune its state wetland program based upon actual operational experience. It should develop and test its program before formally submitting its 404 Assumption application to the EPA. This approach has been demonstrated to be the fastest and most certain way to obtain EPA program approval.

LIST OF ACRONYMS

ACWA	Association of Clean Water Administrators
Alaska District	U.S. Army Corps of Engineers, Alaska District
APDES.....	Alaska Pollution Discharge Elimination System
ASWI	Alaska Statewide Wetland Inventory
ASWM	Association of State Wetland Managers
CFR	Code of Federal Regulations
CWA	Clean Water Act
DEC	Alaska Department of Environmental Conservation
DFG	Alaska Department of Fish and Game
DNR.....	Alaska Department of Natural Resources
ECOS	Environmental Counsel of the States
EPA.....	U.S. Environmental Protection Agency
EPM	Environmental Program Manager
EPS.....	Environmental Protection Specialist
FTE.....	Full-Time Equivalent
FY.....	Fiscal Year
ILF.....	In-Lieu Fee
IRT	Interagency Review Team
JD	Jurisdiction Determination
LOP.....	Letter of Permission
MOA.....	Memorandum of Agreement
NACEPT	National Advisory Council for Environmental Policy and Technology
NEPA.....	National Environmental Policy Act
NJDEP	New Jersey Department of Environmental Protection
NPDES	National Pollutant Discharge Elimination System
NWP	Nationwide Permit
OAR	Oregon Administrative Rules
ORM-2	Operations and Maintenance Business Information Link Regulatory Mode
ORS	Oregon Revised Statutes
ORWAP.....	Oregon Rapid Wetland Assessment Protocol
PGP	Programmatic General Permit
RGP	Regional General Permit
RSA	Reimbursable Service Agreement
SB	Senate Bill
SP	Standard Permit
SPGP.....	State Programmatic General Permit
USACE	U.S. Army Corps of Engineers
USFWS.....	U.S. Fish and Wildlife Service
WFAM	Washington State Function Assessment Protocol

1.0 INTRODUCTION

Developing a projected budget for a new state wetland program that meets the standards (40 CFR Part 233—404 State Program Regulations) set forth by EPA for assuming the 404 Program requires a clear definition of the scope of the program. There are two federal 404 regulatory programs in the Pacific Ocean Division of the USACE: the Honolulu District and the Alaska District. The Alaska District encompasses only Alaska making it an excellent candidate for predicting permit workload. A wetland program in the State of Alaska would have exactly the same borders and the same physical environment and would encounter the same types and numbers of projects.

The Alaska District data has limits, however, since it pertains primarily to numbers and types of permits issued. Information on other key program areas such as compensatory mitigation, jurisdictional determinations, compliance monitoring and enforcement is either incomplete or was not available for this study. To fill in these gaps, Oregon's Removal-Fill program was used as a surrogate to equate state permit numbers processed with the amount of effort that would be required to perform these other key work elements. Oregon's program was chosen for three reasons: 1) EPA Region 10 considers it to be the equivalent of the 404 Program and has suggested to Alaska that it should look to Oregon as a model; 2) on average, from 2005-2012, the State of Alaska's projected 404 assumable permit workload and the Oregon permit workload were nearly identical (see Section 2.1); and 3) the consultants who prepared this study are experts on the Oregon program.¹

1.1 404 Assumption Standards versus USACE Regulatory Program Standards

When using the Alaska District regulatory program as a model for the Alaska state wetland program, it is important to keep in mind that each program is held to different standards. While similar work will be required of the State of Alaska, the focus and effort expended on CWA programs at the state-level will be substantially different. Based on Alaska's experience in the APDES delegation process that culminated in 2012, it is expected that EPA will provide considerably more oversight.²

EPA must approve state 404 Program applications and it will monitor state program performance over time. Ultimately, EPA may revoke its approval of a state 404 Program (pursuant to 40 CFR Part 233 Subpart F—Federal Oversight in EPA's 404

¹ Marsh MD Wetland Consultants, experts in state and federal wetland regulatory programs and Oregon Wetland Consultants, experts in quantitative data analysis.

² On May 1, 2008, the State of Alaska submitted a final application to the U.S. Environmental Protection Agency (EPA) for authority to permit wastewater discharges in Alaska, and on October 31, 2008, EPA approved the application. DEC assumed full authority to administer the wastewater and discharge permitting and compliance program for Alaska on October 31, 2012.

State Program Regulations). On the other hand its influence over the federal 404 Program administered by the USACE is limited to certain prescribed roles and responsibilities. EPA cannot remove 404 Program authority from the USACE, either at the headquarters or district levels. A summary of agency roles and responsibilities for the USACE and EPA in a federally run 404 Program is provided below.

USACE Responsibilities

- Administers day-to-day program, including individual and general permit decisions
- Conducts or verifies jurisdictional determinations
- Develops policy and guidance
- Enforces Section 404 provisions

EPA Responsibilities

- Develops and interprets policy, guidance and environmental criteria used in evaluating permit applications
- Determines scope of geographic jurisdiction and applicability of exemptions
- Approves and oversees State and Tribal assumption
- Reviews and comments on individual permit applications
- Has authority to prohibit, deny, or restrict the use of any defined area as a disposal site (Section 404(c))
- Can elevate specific cases (Section 404(q))
- Enforces Section 404 provisions

An example of how these different standards will affect a state-run 404 Program is in the area of compensatory mitigation requirements. Based on the Alaska District permitting data, it appears that the District has been slow to implement the 2008 Mitigation Rule, as evidenced in the Alaska District permit data.³ Of the 456 NWP 18 authorizations issued from 2005 to 2013, there were only four occurrences of compensatory mitigation documented. For all documented impacts, only 0.13 acre of in-lieu fee credits was recorded. It is anticipated that at the time the State of Alaska submits its application for 404 assumption, its program will need to be aligned more closely with the national policy set forth in the 2008 Mitigation Rule.

State 404 permit conditions must address compensatory mitigation for those impacts to wetlands that cannot be further avoided or minimized. This effort will include not just evaluating mitigation options and requiring mitigation, but also monitoring mitigation compliance and documenting the required type and amount of compensatory mitigation for each authorization issued. The State of Alaska could even take it one step further and document gains and losses associated with

³ 40 CFR 230—Compensatory Mitigation for Losses of Aquatic Resources; Final Rule

wetland resources. This data can be used to monitor the effectiveness of the State of Alaska's mitigation strategy based upon program goals.

2.0 STUDY APPROACH

2.1 Data Analysis

An in-depth analysis was conducted on an eight year span (2005 to 2013) of the Alaska District regulatory permitting workload. The conclusions reached from reviewing the data are summarized within this report. The full data set is available in the Microsoft Excel 404 Assumption Data Master Workbook submitted to the State of Alaska. This permit workload was compared to Oregon's Removal-Fill Program Regulatory workload to determine the potential number of DEC FTE staff needed at the state level to perform similar work in Alaska. A sorted and filtered data set for multiple Oregon program areas was available for a seven year span (2005 to 2012), one year less than the Alaska District data set (see Appendix A). Oregon's permit numbers were up slightly in FY 2013 (321 compared to 215 in 2012), but these results do not significantly change the workload estimates contained in this study.

The predicted yearly average of 404 assumable permits for the State of Alaska was determined to be 458, which excludes the additional 14 percent of permits that could not be identified due to unknown permit authority. As a conservative estimate of permitting workload, the 458 permits were increased by 14 percent to 522 permits per year. This compares to an average of 500 permits per year for the Oregon Removal-Fill Program. Since the average of the projected 404 assumable workload and the Oregon program are nearly identical, Oregon's program is considered to be a valid surrogate.

2.2 Alaska District Staffing Analysis

It was determined that the Alaska District staff includes 45 regulatory program managers and technical staff, and five administrative staff, totaling 50 FTE based on the Alaska District's Regulatory Division Organization Chart as of July 2014 (see Appendix B). Information obtained from Mike Holly, Chief of the North Section Regulatory Division, via e-mail on October 1, 2014, indicated that the total Alaska District annual regulatory program budgets for FY 13 and 14 are \$7,980,461.68 and \$7,914,301.00, respectively, or about \$8 million/year.

This study concluded that the State of Alaska should not base its 404 Program on the Alaska District staff structure, numbers or budget for several reasons: federal staffing structure and salary ranges are substantially different from DEC staffing structures and salary ranges; Alaska state programs operate at lower overall program costs levels than federal programs; and there were data gaps in the Alaska District's workload so the need for 50 FTE could not be verified.

2.3 Oregon Removal-Fill Program Staffing Analysis

As discussed in Section 2.1, the Oregon Removal-Fill Program permit workload is comparable to the Alaska District's 404 permit workload. Oregon's program is well defined and scoped in Oregon's statutes and rules (ORS Chapters 196.600-692, 196.795-990, 390.835 and OAR Divisions 85, 86, 89, 90, 93, 100, 102 and 120), so it is a known commodity. Oregon workload data was available for wetland determinations and delineations and enforcement, so this data was used to fill in the gaps in the Alaska District data.

The amount of work required for the State of Alaska to operate its compensatory mitigation and monitoring program, conduct jurisdictional determination and delineation review, and operate a compliance monitoring and enforcement program, was assumed to be approximately the same as in Oregon's program, but not identical. Organizational structure, responsibilities and staffing in Oregon's program varied from 2005-2012, but 24 technical staff and managers and four support staff is considered representative for the period.

For the State of Alaska we are recommending 32 technical and administrative staff with a slightly different staffing structure than Oregon. The proposal is discussed in detail in Section 5.2. The State of Alaska's 404 Program should not be structured exactly like the Oregon program because:

- We do not know how much actual work in the task-specific program areas will be required in Alaska, because the USACE either does not have data in those areas or it is incomplete and the State of Alaska's program will be unique.
- Alaska's land area is nearly six times larger than Oregon's, and the workload in Alaska is spread out widely.
- Oregon's program is mature (in existence since 1967) and refined, whereas Alaska's program will be new and at least at first, untested.
- Alaska has a small population so it will need to hire and train new college graduates and promote from within to maintain a talented staffing pool for the long run; this means Alaska will always need to maintain a small pool of entry-level professional staff.

2.4 Additional State of Alaska Programs that Would Add Value

Based on Oregon's experience, an Alaska state program should be able to achieve a large benefit for Alaskans, with a relatively small number of staff compared to the Alaska District. It will be working smarter, harder and leaner. Working smarter means focusing on programs that will have the largest benefit for Alaskans. Working harder means the state would have a master strategy for managing state compensatory wetland mitigation programs and other programs. Here are the three programs not currently offered by the Alaska District that the State of Alaska

could administer to add value:

- 1) **ASWI** to better manage wetland resources and inform development proposals;
- 2) **Wetland Planning Program** to provide outreach and assistance to local government so they can better manage wetland resources at the local level and better inform project applicants at an earlier stage in the development process; and
- 3) **Liaison with the Governor's Office** and other state agencies to participate in regional economic solutions to streamline the permitting process without compromising resource protection.

Another unique aspect of how Alaska may choose to run its program is by developing Reimbursable Service Agreements with other state natural resource agencies (e.g. DNR and DFG). RSA's with other state natural resources agencies will strengthen and diversify Alaska's program.

3.0 404 PROGRAM WORKLOAD ANALYSIS: METHODS

In June 2014, DEC obtained from the Alaska District, ORM-2 permitting data that had been exported into Microsoft Excel. The data contained authorization records from 2005 through 2014. The metadata that was used to decipher the ORM-2 permit data is provided in Appendix C.

3.1 Initial Alaska District Permit Data Transfer

The first step in the permit workload analysis was to filter and transfer the ORM-2 permit data into the 404 Assumption Workload Data Master Workbook for analysis. Only those permits with an end date (issue date) between 2005 and 2013 were included.⁴ The following filters were used to complete the initial data transfer:

- Permit Authority – entries identified as Section 404 and Section 10/404 were selected. Entries where the permit authority was identified as Historical Undetermined or None, or where there was no permit authority identified, were used if the Impact Type was identified as a Section 404 activity. Remaining unidentified permit authorities were not utilized in calculating workload. Entries where the permit authority was identified as Section 10 were transferred into one worksheet labeled Section 10 Permits but were not used in the workload analysis.
- Action Type: all LOP, RGP, PGP, NWP, and SP entries were filtered separately. LOP, RGP, PGP, and SP data was transferred to separate worksheets labeled accordingly. NWP entries were filtered based on the permit names identified and were transferred to separate worksheets as follows:

⁴ This criterion was set so that review time in workdays could be accurately measured from the beginning to the end of a particular action.

- Individual NWP – ORM-2 data was filtered by individual permit number and transferred to a new worksheet labeled with the NWP number (i.e., NWP 1, NWP 29, etc.).
- Multiple NWPs – ORM-2 data with at least two NWP numbers identified were transferred as one set onto a worksheet labeled NWP Multi.
- No NWP – ORM-2 data where no permit number was identified were transferred as one set onto a worksheet labeled NWP UnID (unidentified).

Once all of the data was transferred to the new workbook, all duplicate entries were deleted. A single permit could have as many as three entries (Action, Impact, and Mitigation). If the entries occurred on different dates, all entries were kept. If the entries identified the same start and end dates, then duplicates were erased according to the following protocol:

- Permits with Action and Impact entries: The Action line was deleted. For the most part, no additional data was contained on the Action line. If there was additional data, it was transferred to the Impact line prior to deletion.
- Permits with Action and Mitigation entries: The Action line was deleted. For the most part, no additional data was contained on the Action line. If there was additional data, it was transferred to the Mitigation line prior to deletion.
- Permits with Action, Impact and Mitigation entries: The Action and Mitigation lines were deleted. For the most part, no additional data was contained on the Action line. If there was additional data, it was transferred to the Impact line prior to deletion. All additional data on the Mitigation line was transferred to the Impact line prior to deletion.

The resulting 404 Assumption Data Master Workbook database contains 49 worksheets, indexed with tabs, in this order: LOP, RGP, NWP Multi, NWP 1-52, SP, Section 10 Permits. These spreadsheets incorporate, refine, sort and classify the original ORM-2 data. Also included in the workbook are eleven additional worksheets used to analyze and document the results of the data analysis.

3.2 Alaska District Permit Workload Data Setup

Once the duplicate data was removed, each worksheet was set up so the columns with the more pertinent data were on the left side of the worksheet and the extraneous information on the right. Then the following columns were added to each worksheet to help analyze and interpret the data.

- Review Time (workdays) – This column was added to provide information on the number of workdays that transpired between the date the permit application was deemed complete and the date the permit was issued.
- Marine or Freshwater – This column was added to categorize each permit entry as having impacts to either fresh or marine/coastal waters. The determination was based on the following progression.
 - Waterway – If the identified waterway was a typical marine/coastal

waterway (i.e., cove, harbor, passage, inlet, etc.), the permit was assigned to the Marine category. If a waterway was identified and the waterway was a river, unnamed creek or tributary, or wetland, the permit was assigned to the Freshwater category.

- Cowardin Classification⁵ – If the Cowardin classification was identified as marine, estuarine, or riverine/tidal, the permit was assigned to the Marine category (see Appendix D, Cowardin Wetland Classification System).
- Project Name/Project Description – If the project name or description identified a typical marine/coastal waterway, the permit was assigned to the Marine category. If the project description identified impacts below a standard tidal datum (i.e., high tide line, mean higher-high water, etc.), the permit was assigned to the Marine category. If the project name or description identified a river, unnamed creek or tributary, or wetland, the permit was assigned to the Freshwater category.
- Unidentified – Permits with no descriptors in any of the above columns were identified as "Unknown".
- Section 10 Water – This column was added to categorize each permit entry as having impacts to waters currently identified on the Alaska District Section 10 Lakes or Section 10 Rivers Inventories.
 - If a listed Section 10 waterway was identified in the waterway column, the project description column, or the project name column, a "Yes" was inserted for that permit entry.
 - If the waterway identified within those columns was not a listed Section 10 water, a "No" was inserted for that permit entry.
 - If the name of the waterway could not be identified in any of the columns, "Unknown" was inserted for that permit entry.
- Transports Commerce – This column was added to categorize each permit entry as having impacts to waters presently utilized to transport interstate or foreign commerce.
 - If a typical marine/coastal waterway was identified in the waterway, project name, or project description columns, a "Yes" was inserted for that permit entry.
 - If a river, unnamed creek or tributary, or wetland was identified in those columns, a "No" was inserted for that permit entry.
 - If the waterway was one of the four rivers identified as a regular small barge route by the Alaska District, a "Yes" was inserted for that permit entry.

⁵ (Cowardin et al. 1979) is a comprehensive classification system of wetlands and deepwater habitats and was developed for the U.S. Fish and Wildlife Service. Under this system, wetlands are of two basic types: coastal (also known as tidal or estuarine wetlands) and inland (also known as non-tidal, freshwater, or palustrine wetlands).

- If the waterway could not be identified in any of the above columns, "Unknown" was inserted for that permit entry.
- Adjacent Wetland – This column was added to categorize each permit entry as having wetland impacts.
 - If the Cowardin classification was identified as Palustrine (i.e., PEM, PFO, PSS, etc.) or Estuarine emergent (E2EM), a "Yes" was inserted for that permit entry.
 - If the waterway was identified as a wetland, or if wetland impacts were identified under the project description, a "Yes" was inserted for that permit entry.
 - If the Cowardin classification was identified as Riverine, Upland/Riparian, Marine, or Estuarine (other than E2EM) (i.e., not wetland), the column was left blank for that permit entry
 - If entries could not be identified based on the above filters, the Adjacent Wetland column was left blank.
- Alaska District Office – This column was added to categorize each permit entry geographically based on current Alaska District office locations. Each permit was assigned to an Alaska District field office or District office. Assignments were based on the Borough identified on the permit line, and were distributed as follows according to Alaska District territory assignments:
 - Juneau Field Office: Haines, Skagway-Hoonah-Angoon, Juneau
 - Sitka Field Office: Sitka
 - Anchorage Field Office: Matanuska-Susitna, Anchorage
 - Fairbanks Field Office: Fairbanks Northstar
 - Kenai Field Office: Kenai Peninsula
 - District North Branch: Denali, Nome, North Slope, Northwest Artic, Southeast Fairbanks, Wade Hampton
 - District South Branch: Aleutians East, Aleutians West, Bethel, Bristol Bay, Dillingham, Ketchikan Gateway, Kodiak Island, Lake and Peninsula, Prince of Wales-Outer Ketchikan, Valdez-Cordova, Wrangell-Petersburg, Yakutat, Yukon-Koyukuk

3.3 Oregon Removal-Fill Program Data Analysis

To supplement the ORM-2 data set, other aspects of the Alaska District's workload were considered using the Oregon program to fill in the gaps, as described in the following subsections.

3.3.1 Jurisdictional Determinations and Delineations

The number of Alaska District JD's was reported for FY 11, 12 and 13, but no information was available on how the Alaska District performs this work. There are

different types of JD's that are more or less complex. A JD can be a relatively simple determination of whether jurisdictional waters are present or absent, or it can be a very labor intensive boundary delineation. The Alaska District data most likely represents the less labor intensive JD, which may have been performed either off-site in the office, or on-site based on data collected in the field.⁶ Reviewing applicant-submitted wetland delineation reports is more labor intensive than this type of JD.

The calculated average number of Alaska District JD's reported for FY 11, 12 and 13 was 919 per year (see Appendix E, Alaska District Information Request Table). The calculated average number of Oregon JD's from 2005 to 2012 was 592 per year (see Appendix F, Oregon Wetland Program Delineations and Determinations). The Oregon numbers combine wetland determinations and delineations, so the Alaska District and the Oregon numbers are not directly comparable.

Oregon's JD numbers fluctuated widely during this period, from a peak of 760 in the 2005, to a low of 387 in 2012. The reduction in JD's is also reflected in Oregon's permit numbers; most likely the result of the great economic recession of 2007-2008. Even though these numbers are lower than those of the Alaska District, Oregon's review of applicant submitted wetland delineations comprised a substantial portion of the total workload. While the numbers of JD's reviewed in Oregon has decreased, some wetland practitioners believe that the regional supplements to the USACE wetland delineation manual increased the complexity and length of time needed to perform the work. This was the tradeoff for improving the science behind the work. Oregon uses four Jurisdictional Coordinators and one Jurisdictional Specialist to manage the existing workload. The same number and type of positions are recommended for Alaska. It is further recommended that at least one of the two Mitigation Specialists and a Wetland Planner be qualified to perform this work and back-up the jurisdictional team in times of heavy workload.

3.3.2 Compliance Monitoring and Enforcement

According to DEC staff familiar with the Alaska District, they conduct limited enforcement actions themselves but instead rely on EPA.⁷ EPA Region 10 has no dedicated enforcement staff in Alaska and has one enforcement coordinator in EPA Region 10 headquarters. EPA has three to four technical staff (some are part time) who work in Alaska on a range of issues related to the 404 Program. These issues include regulatory, jurisdiction, National Environmental Policy Act (NEPA) Review (wetlands/404 aspects only), permit review, water quality certifications (for work on reservation lands), compensatory mitigation (e.g., serving on Interagency Review Teams) and enforcement.

⁶ Ben White, DEC, personal communication December 15, 2014

⁷ Ben White, DEC, personal communication July 2014.

EPA uses the same staffing structure in Oregon but only has two staff in Portland. The Oregon Removal-Fill Program conducts most of the enforcement activity in the state (see Appendix G, Oregon Removal-Fill Violations). From 2005 to 2012, new complaints opened ranged from 429 to 156 per year. Confirmed violations ranged from 136 to 70 per year.

It makes sense for Oregon to take the lead versus the USACE or EPA because the state has administrative tools that make taking effective enforcement actions simpler and less time consuming than the federal process. For example, Oregon can issue cease and desist orders, assess civil penalties up to \$10,000, issue enforcement orders, and enter into consent agreements (Appendix H, Civil Penalties Collected for Removal-Fill Violations). Oregon uses its Aquatic Resource Coordinators to review permit applications and carry out enforcement activities. Normally the permit workload takes up most of their time (about 60 percent). For the purpose of estimating cost to the Alaska program for enforcement activities we used this model and broke out permitting and enforcement effort by percentages.

Under the proposed staffing structure, Alaska would use thirteen Project Managers to conduct permitting and enforcement (Oregon has eleven). Oregon does not have a dedicated enforcement unit. Based on Oregon's model, the Alaska Project Managers would probably spend about 25 to 30 percent of their time on enforcement. The personal services cost for 30 percent of nine EPS III-level staff and 30 percent of four EPS II-level staff is approximately \$503,000 yearly.

DEC will need to fill the enforcement void in Alaska by allocating staff time for an organized, effective enforcement program, both for unauthorized activities and permit non-compliance. Since EPA normally limits its enforcement role to unauthorized activities, and usually just takes the most egregious violations, EPA will never be able to replace a state-run enforcement program. Alaska's enforcement responsibilities could be assigned to the permitting project managers, a separate 404 Program dedicated enforcement program could be established, or the 404 Program enforcement function could be merged with the DEC Division of Water Compliance Program.

Another aspect of enforcement is compliance monitoring. The purpose of compliance monitoring is to check to see if a representative sample of the projects that were approved were the projects that were actually built. Compliance monitoring needs to be conducted routinely to measure program effectiveness and act as a deterrent to permittees either not reading, not understanding or ignoring the terms and conditions in their permits, and to discourage the submission of incomplete, poorly prepared and inaccurate as-built drawings. The work necessary for compliance monitoring is included in the work needed for enforcement.

3.3.3 Compensatory Mitigation Monitoring

DEC was unable to obtain any data from the Alaska District on mitigation monitoring. Permittee responsible mitigation (mitigation undertaken and actually constructed by the permittee) monitoring is usually required for up to five years after the project is authorized and the same may be required for mitigation banks and payment in-lieu mitigation sites. It is common for mitigation sites to fall out of compliance with the original performance standards set forth in the permit conditions. Monitoring requires that agency staff review permittee-submitted mitigation monitoring reports, make site visits and, possibly, open and pursue enforcement cases.

Experience with Oregon's program is that its Aquatic Resource Coordinators spend about 10 percent of their time reviewing monitoring reports and making site visits to mitigation sites. The personal services cost for 10 percent of nine EPS III-level staff and 10 percent of four EPS II-level staff is approximately \$168,000 yearly. Mitigation site compliance monitoring will also require time from the Mitigation Specialists, estimated to be about 20 percent of two EPS IV-level staff at approximately \$42,000 annually.

3.3.4 Mitigation Banks and In-Lieu Fee Programs

Currently the Alaska District chairs the IRT. This means it must review proposed mitigation bank prospectuses and monitor mitigation bank sites. A complete prospectus contains a substantial amount of information pertaining to bank objectives, ecological suitability of the site and other factors. It provides an overview of the proposed mitigation bank or in-lieu fee program and is the basis for public and IRT initial comment. For a proposed in-lieu fee program, the prospectus must also include the compensation planning framework and a description of the in-lieu fee program account.

If DEC takes the leadership role in shaping compensatory mitigation policy in the State of Alaska and chairs the Interagency Review Team (IRT), it would need at least two Mitigation Specialists to cover not just the IRT but also the full range of other mitigation activities, including application review and technical assistance to staff and applicants. The personal services cost for two EPS IV-level staff is approximately \$208,000 annually.

3.4 Defining Assumable Waters

Once the State of Alaska assumes the 404 Program, it can issue state 404 permits, but only in assumable waters. The first question that arose in the workload analysis is what portion of the Alaska District's workload would be assumable? This posed a dilemma because at the time of this writing, no determination by the State of Alaska and the Alaska District had been made regarding which waters in Alaska are assumable and which are not.

States are actively seeking clarity about which waters are assumable.⁸ EPA announced in November 2014 that it plans to establish a subcommittee under the NACEPT to help EPA provide clarification on assumable waters under the CWA Section 404(g). The schedule for these deliberations is unknown at this time, but a national dialogue of this kind is likely to take a full year or possibly longer.

For the purposes of this study, conservative assumptions were made based on one possible interpretation of the language within 404(g), with three likely scenarios identified by DEC staff. The three scenarios are summarized below. See Appendix J for the DEC Draft Assumable Waters Matrix from September 26, 2014.

- Option 1 – The State of Alaska assumes permit authority over Section 404 activities within freshwater resources that are not used to transport interstate and foreign commerce and all wetlands adjacent to those resources, wetlands adjacent to waters presently used to transport interstate or foreign commerce, and marine or "coastal" waters not used to transport interstate or foreign commerce.
- Option 2 – The State of Alaska assumes permit authority over Section 404 activities within freshwater resources that are not used to transport interstate and foreign commerce and all wetlands adjacent to those resources, and marine or "coastal" waters not used to transport interstate or foreign commerce.
- Option 3 – The State of Alaska assumes permit authority over Section 404 activities within freshwater resources that are not used to transport interstate and foreign commerce and all wetlands adjacent to those resources.

4.0 PERMIT WORKLOAD ANALYSIS: RESULTS

During the analysis, it was determined that although the policy interpretations of CWA Section 404(g) are quite different among the three options assessed for this study, in reality there is very little numerical difference between assumable and non-assumable permits, as discussed below in Section 4.1. It has been predicted that the State of Alaska could assume 75 percent of the 404-permitted actions. Even if that turns out not to be case and the State of Alaska assumes less than that amount, the state program would still have substantial influence over wetland regulatory policy in Alaska.

4.1 Number and Types of Alaska District Permits

Based on the 404 Assumption Data Master Workbook (submitted separately in Microsoft Excel), a total of 6,352 permits were issued by the Alaska District from 2005 to 2013, with an average yearly total of 794 permits (see Appendix K, Permits

⁸ Letter from ECOS, ACWA and ASWM to Nancy K. Stoner, Assistant Administrator for Water, EPA dated April 30, 2014; Letter from Kenneth J. Kopocis, Deputy Assistant Administrator, EPA to Jeanne Christle, Executive Director dated November 13, 2014 (see Appendix I).

by Year Tables). Matrices were developed to capture the assumable permitting activity under Options 1, 2 and 3 (see Appendix L, Assumable Permit Matrices 2005-2013). Based on the results of this analysis, the State of Alaska can assume between 74 and 76 percent of all identified⁹ Section 404 and Section 10/404¹⁰ permits, as indicated in Table 1 below.

Table 1. Average Yearly Number of Assumable Permits under Option 2

Permit Type	Average/Year	Percent of Total
Nationwide Permits	320	72
General Permits	71	16
Standard Permits	58	12
TOTAL (all permit types)	449	100

The percentage of assumable permits decreases slightly for Option 3 because marine or "coastal waters" not used for transport of interstate or foreign commerce are not assumable under this option. This category of waters accounts for a yearly average total of 10 permits or 92 permits from 2005 to 2013. There is no difference in the percentage of assumable permits in Options 1 and 2. The only difference between Option 1 and Option 2 is the number of assumable permits with wetland impacts, which is slightly higher in Option 1 (yearly average total increase of 13 permits or 121 permits from 2005 to 2013).

Due to the small numeric difference between the options, Option 2 was chosen as the focus for the body of this report. A summary of the results for Option 2 in the assumable matrix tables is provided in Tables 2 and 3.

Table 2. Percent of Assumable Permits by Option

	Option 1 (4124/5483)	Option 2 (4124/5483)	Option 3 (4032/5483)
All Permits	76	76	74

⁹ The permitting authority for 869 permit actions could not be identified. As a result, those permits were not included in the data analysis.

¹⁰ Only the project element subject to Section 404 authority would be assumable. To authorize the entire project as a whole under both Section 404 and Section 10 authorities, the state would need to develop a companion State Programmatic General Permit (SPGP) or SGP that would cover the desired range of Section 10 activities.

Table 3. Assumable Permits with Wetland Impacts under Option 2

Permit Type	Average/Year Wetland Impacts	Percent of Total Numbers of Permit Type
Nationwide Permits	127	40
General Permits	27	38
Standard Permits	39	68
TOTAL (all permit types)	193	43

The significance of the percentage of permits that involve wetland impacts is that wetland impacts can substantially increase the time, complexity and cost of the permit review process. The data show that out of total of 449 assumable permits per year, on average 193 of those, or 43 percent, will involve wetland delineation and compensatory wetland mitigation. This is a substantial proportion of the total workload, not just numerically, but in terms of the level of effort and expertise required. Many state and federal regulatory programs have teams of specialized staff who just review wetland delineations or evaluate compensatory mitigation options. Although many generalists attempt this work they usually never gain proficiency because they do not perform the work frequently enough. It takes both on the ground and scientific knowledge of the flora, soils, hydrology and climate, and extensive field work to maintain the level of skill required.

The type of permit also can dramatically affect workload. Usually NWP's and GP's are the simplest and quickest to process. The purpose of a NWP or GP is to provide a streamlined process for projects with predictable and low-level, low-risk impacts. Before the USACE issues GP's, either at the national level or at the district level, it ensures that the eligibility criteria are well defined and the eligible projects are limited in scope.

When projects do not qualify for a GP or NWP, an SP is issued. Projects requiring an SP are evaluated on a case-by-case basis. They are normally the most complicated and time consuming applications to review. As Tables 2 and 3 show, Standard Permits make up a small percentage (12 percent) of the assumable workload numerically under Option 2, but most (68 percent) of those are likely to involve wetland impacts. For this reason, SP's will represent a disproportionately large share of the workload.

4.2 Location of Permitting Activity

The data show a large amount of permitting activity spread over a wide area of Alaska. Heavier permit activity occurs throughout the south central, interior and far north regions. The next area with substantial permit activity is the southeast, which is accessible only by air or marine ferry routes. To cover this vast territory the Alaska District has offices in Fairbanks, Anchorage, Kenai, Juneau and Sitka.

A logistical consideration in operating a regulatory program is how to deploy the correct number of staff to cover the project activity at hand. If assigned staff are located near to their work, less staff time is spent traveling from one location to another, and, customer service improves because staff are more likely to make site visits and meet with applicants in person.

To identify the greatest concentrations of workload, the boroughs were ranked from the highest to the lowest in Table 4 on the following page. This is intended to give a general indication of the geographical distribution of workload. Limitations of Table 4 are that the data is not sorted by permit type, wetland or non-wetland impact, and assumable vs. non-assumable. While future project location patterns may change, they are unlikely to change very much based on eight years of data. For a more focused look at workload trends, Appendix M, Workload by Location, contains a large table that sorts workload by type of permit, by borough, and by Alaska District office locations. A map of Alaska's boroughs and census areas as of 1990 is provided in Appendix N.

It is recommended that the State of Alaska establish 404 Program offices in at least Juneau, Anchorage, Fairbanks, and Kenai if possible and explore co-location with other state natural resource agencies. State programs with wide-reaching responsibility, such as other water quality programs, natural resources and land management programs, transportation and fish and wildlife agencies, typically have regional offices throughout a state. Some of those regional offices are co-located with headquarters offices. Co-location reduces indirect (overhead) costs for such essentials as office space and vehicles. State natural resource programs are frequently integrated in this way, giving states the advantage of providing better one-stop-shopping types of services than the federal government. This level of service is now expected by many state citizens and is one key factor that sets states apart from the federal government.

Table 4. Alaska District Permit Workload Concentrations by Borough

Alaska Boroughs	Total Permits Issued 2005-2013
1. Kenai	1,218
2. Matanuska-Susitna	515
3. North Slope	464
4. Anchorage	464
5. Fairbanks North Star	400
6. Juneau	288
7. Valdez-Cordova	286
8. Yukon-Koyukuk	285
9. Prince of Wales	280
10. Nome	257
11. Bethel	254
12. Ketchikan Gateway	248
13. Wrangle-Petersburg	218
14. Southeast Fairbanks	184
15. NW Arctic	161
16. Sitka	160
17. Kodiak Island	112
18. Lake and Peninsula	90
19. Skagway-Hoonah-Angoon	87
20. Denali	86
21. Wade Hampton	74
22. Haines	58
23. Aleutians West	44
24. Aleutians East	39
25. Dillingham	39
26. Yakutat	27
27. Bristol Bay	14

5.0 PROPOSED 404 PROGRAM STRUCTURE

5.1 Alaska District 404 Program Structure vs. APDES Program

The Alaska District has nine supervisory manager positions, including one program-dedicated GS-15 that heads up the program¹¹ and two high-level GS-14 managers. To put this in perspective, the Portland and Seattle District regulatory programs are each run by GS-14 level managers. Under the Alaska District model, a DEC Deputy Director would run the 404 Program; but the APDES program is about the same size and is run by an EPM III (see Tables 5 and 6). This is one aspect of the Alaska District program that results in increased operational costs compared to a DEC-run 404 program.

Table 5. Alaska District Staff Structure as of July 2014¹²

USACE Salary Scale	Regulatory Division	Special Actions	South	North	TOTAL	DEC-Equivalent Salary Scale
GS-15	1				1	Deputy Director
GS-14	1	1			2	EPM 3 or 4
GS-13			3	3	6	EPM 1 or 2
GS-12		4 ¹³	11	9	24	EPS 3 or 4
GS-11		0	5	0	5	EPS 2 or 3
GS-09		1	1	2	4	EPS 1 or 2
GS-07		1	0	2	3	EPS 1
TOTAL	2	7	20	16	45	

Table 6. Alaska District Administrative Staff

GS Pay Scale	Regulatory Division	North Branch	TOTAL
GS-11	1		1
GS-07	1	1	2
GS-06	1		1
GS-05	1		1
TOTAL	4	1	5

¹¹ General Service levels in the federal civil service are determined based on general and specialized knowledge and experience—very similar to state civil service positions

¹² GS-4 and GS-5 interns not included

¹³ Assumed to be subject matter experts/specialists

5.2 Proposed DEC 404 Program Structure

The proposed DEC 404 Program structure is based on the Oregon Removal-Fill Program (see Table 7). The removal-fill program is also supported by two administrative assistants and one data entry specialist, but currently these positions are part of an agency-wide support unit. Under the proposed staffing structure for DEC, one EPM III would head the program and there would be four EPM IIs and one EPM I (non-supervisory) as direct reports (see Table 8 on the following page). Four dedicated support staff are recommended for the DEC staffing plan because wetland programs are very heavy on processing, data entry, template production and other support functions (see Table 9 on the following page).

Table 7. State of Oregon Removal-Fill Program Technical Staff¹⁴

Position	Executive Manager	Senior Program Mgr.	Spec. & Subj. Expert	Aquatic Res. Coord.	JD Coord.	TOTAL	Position Class
Assistant Director	1					1	PEM F
Western Ops Manager		1				1	PEM E
Planning & Policy Manager		1				1	PEM D
Eastern Ops Manager		1				1	PEM D
Senior Policy Analyst			1			1	NRS 5
Mitigation Specialist			2			2	NRS 4
Jurisdictional Specialist			1			1	NRS 4
Wetland Planner			1			1	NRS 3
Permitting & Enforcement				11		11	NRS 3
Jurisdictional Coordinator					4	4	NRS 3
TOTAL	1	3	5	11	4	24	

¹⁴ The Removal-Fill program was reorganized several times from 2005-2012. The organization presented here is a hybrid but representative of past and present staffing.

Table 8. Proposed DEC 404 Regulatory Program Technical Staff

Position	Pgm. Mgr.	Section Mgr.	Senior Analyst	Subj. Expert	Senior Project Mgr.	Project Mgr.	JD Coord.	TOTAL	Position Class
Program Manager	1							1	EPM III
Operations Managers		3						3	EPM II
Policy Manager		1						1	EPM II
Senior Policy Analyst			1					1	EPM I
Mitigation Specialist				2				2	EPS IV
Jurisdictional Specialist				1				1	EPS IV
Wetland Planner				1				1	EPS III
GIS Specialist				1				1	EPS III
Permitting & Enforcement					9	4		13	EPS III/II
Jurisdictional Coordinator							4	4	EPS III
TOTAL	1	4	1	5	9	4	4	28	

Table 9. Proposed DEC 404 Regulatory Program Support Staff

Class/Salary Range	Legal Document Examiner	Regulatory Assistant	TOTAL
Paralegal II/16	1		1
Admin. Asst. II/14		3	3
TOTAL	1	3	4

The proposed DEC management structure assumes that the four EPM IIs and the one EPM I are working managers with a high level of technical expertise in one or more areas, bringing the total number of working managers/technical specialists to eight (five managers, two EPS IV Mitigation Specialists and one EPS IV Jurisdictional Specialist).

On the support services side, a Paralegal is recommended since many legal tasks in state regulatory programs are well defined and routine. A Paralegal can review standard legal documents, including protective instruments for mitigation sites such

as bonds and other financial security instruments. This position will also allow the Project Managers to spend more focused time on their primary areas of responsibility; permitting and enforcement.

6.0 404 PROGRAM BUILDING

A five-year year phased approach is recommended so that DEC can incrementally, on a year to year basis, accurately measure the effort required to obtain 404 Program approval from EPA pursuant to 40 CFR Part 233—404 State Program Regulations.

6.1 Strategy

The purpose of building the 404 Program from the ground up for a five year period is to allow each year to provide a foundation for the next year and inform future staffing decisions. See Table 10 on the following page for the recommended Alaska phasing schedule based on the Michigan model discussed in Section 6.2.

Two options are presented: Option 1 is for a full-scale 404 Program; and Option 2 is for a more limited scale state wetland program.

Option 1

The state would build its program continuously for five years and achieve the final staffing size of 32 FTE at the end of Year 4, and assume the 404 program by Year 5. Option 1 is based on the Michigan model where it spent three years working in partnership with EPA and the U.S. Fish and Wildlife Service before it submitted its 404-assumption application. With the ground rules clearly established, the application was approved in less than ten months.

Option 2

The state builds the program in the Year 1 and Year 2, and then pauses, slows down or stops building the program and operates a state wetland program with more limited capacity and no 404-program authority.

If the state chooses Option 2, it could still continue to slowly build its program to increase program capacity. It could complete tools like wetland and stream functional assessments and prepare program standards for jurisdictional delineations, compensatory mitigation plans and for complete permit applications. Option 2 would be a way to build a viable state wetland program with the capacity to influence federal wetland policy in the State of Alaska without actually assuming the 404 program.

Table 10. Alaska 404 Program Five Year Phasing Schedule

YEAR	PROGRAM TASKS
1	<ul style="list-style-type: none"> • Develop gap analysis that calls out technical, legal and procedural deficiencies in existing state expertise, statute, rules and policies for operating a state 404 assumption program and submit to EPA for review. • Develop a plan to address any noted deficiencies. • Lay the foundation for developing technical tools, such as wetland and stream functional assessments and function-based accounting systems for measuring resource gains and losses. • Develop an SPGP or SGP for issuance and implementation in Year 2. • Begin scoping out a comprehensive mitigation strategy for a state wetland program. • Goal of mitigation capacity development is to co-chair the IRT with the Alaska District and give the state an equal say in mitigation policy. • Develop a wetland planning program to reach out to Alaska cities and boroughs. • Begin work on the Alaska State Wetland Inventory.
2	<ul style="list-style-type: none"> • Address any deficiencies identified in EPA's review for operating a state 404 program. • Submit complete draft 404 application to EPA for review and comment. • Administer an SPGP or SGP. • Develop a compliance and enforcement program and standards for jurisdictional delineations and determinations. • Prepare technical tools or contract out the tool development work. • Develop a regulatory program data base. • Build a compliance and enforcement program. • Begin issuing authorizations under state general and individual permits, reviewing jurisdictional delineations and conducting both on-site and off-site jurisdictional determinations.
3	<ul style="list-style-type: none"> • State wetland program is operational. • Test state wetland program capacity to assume 404-program and correct any deficiencies. • Revise and refine cost estimate and FTE required to assume the program. • Formally submit the state's 404 assumption application. • Complete work on regulatory tools or develop the tools at least to the level of beta testing.
4	<ul style="list-style-type: none"> • If EPA approves the state application, begin phasing in issuing State 404 permits. The MOA between the State of Alaska and Alaska District can provide for transfer of the workload. • If EPA denies the state application or finds it to be incomplete, address noted deficiencies and resubmit the application.
5	<ul style="list-style-type: none"> • If by now EPA has transferred authority to the State of Alaska, the 404 program is fully implemented. • All staff should be on board or in the final stages of the recruitment process. • If application not approved, address deficiencies and resubmit.

Under either Option 1 or Option 2, a certain core group of technical staff is needed to operate any wetland regulatory program. This includes:

- 1) Mitigation Specialists
- 2) Wetland Planners
- 3) GIS Specialists
- 4) Permitting & Enforcement Project Managers
- 5) Jurisdictional Specialists

A small state wetland program requires a smaller proportion of generalists (permitting and enforcement project managers) and a larger proportion of specialists. Recommended program building in Years 1 and 2 is structured to provide this proportion. Continued program building in Years 3 and 4 is structured to provide robust capacity to perform large volumes of high-quality work.

An emphasis on mitigation is recommended in Year 1 because it is a complex, time consuming process to set up mitigation programs. Other state programs in EPA Region 10 are setting high standards not just in terms of assessing mitigation requirements, but in approach. DEC could fulfill the same leadership role in Alaska.

For example, in the case of both Washington and Oregon, state agencies have taken the lead in developing new methods and advancing the science. The Seattle and Portland Districts are cooperating with state agencies and EPA on a coordinated approach to implementing the 2008 Federal Mitigation Rule. Specifically, the Washington State Department of Ecology and the Oregon Department of State Lands and EPA are developing, refining and/or using function-based wetland assessment systems for mitigation (the Washington State Wetland Function Assessment Method (WFAM) and the Oregon Rapid Wetland Assessment Protocol (ORWAP)). Oregon and Washington still use wetland mitigation ratios to calculate the acreage of wetland mitigation that is required, but Oregon is moving towards a function-based accounting system based on ORWAP functional assessment scores.

6.2 Learning from Other Programs

To date, Michigan and New Jersey are still the only states that have assumed the 404 Program. Each was faced with establishing program credibility with stakeholders, but they dealt with those challenges in very different ways. It took New Jersey four years from the time it submitted its first application to EPA to obtain program approval because it was creating its program and working out the details during the application process (see Table 11 on the following page).

Table 11. New Jersey 404 Assumption Process

1987	1987 Freshwater Wetlands Protection Act passed.
Submitted 1989	State submitted its first 404 assumption application package to EPA. It was denied on procedural grounds
February 1993	USFWS submitted comments to EPA opposing the state's application on the grounds that deficiencies in the state's program made it less stringent than the federal 404 program.
March 1993	The New Jersey Department of Environmental Protection (NJDEP) signed MOAs with the USACE and EPA and the state resubmitted its application to EPA.
December 1993	After three extensions of the EPA review period, NJDEP, USFWS and EPA signed separate MOAs resolving issues related to federal endangered species protection and the USFWS's role in reviewing state-issued Section 404 permits.
Approved 12/22/1993	EPA approved the state's 404-assumption.
3/2/1994	Effective date of New Jersey's 404 Program.

It took Michigan less than ten months to obtain program approval from EPA because it spent the three preceding years developing and testing its program with its federal partners (EPA and USFWS) (See Table 12). It is recommended that Alaska follow the Michigan model for the 404 assumption application process. Alaska should develop and test its program before formally submitting its 404 assumption application to EPA. This is the fastest and most certain way to obtain EPA program approval.

Table 12. Michigan 404 Assumption Process

1979	Goemaere-Anderson Wetland Protection Act passed. One of the primary objectives of the law was to provide adequate state authority for Michigan to assume the program.
1980-82	The state, with the assistance of the U.S. Fish and Wildlife Service and EPA, developed state assumption documents. The state and the USACE then conducted a demonstration feasibility program. The results of the demonstration program showed that the state had the ability to carry out the federal program.
Submitted 10/26/83	The Governor of Michigan formally requested assumption of Section 404
12/9/83	EPA Memorandum of Agreement (MOA) signed
1/23/84	EPA informed the state, by letter, that its assumption application was not complete because the MOA had not been signed.
4/2/84	USACE MOA signed.
Approved 8/2/84	EPA formally approved Michigan's assumption of the Section 404 Program.

6.3 Program Building Years 1 through 5

A detailed plan has been developed to appropriately staff the program based on the recommendations provided in Section 6.1. The staffing plan is summarized in Tables 13 and 14. The details for each year are contained in subsections 6.4 through 6.8.

Table 13. Program Managers and Technical Staff

Year	Program Mgr. EPM III	Unit Mgr. EPM II	Senior Policy Analyst EPM I	Mit. Spec. EPS IV	JD Spec. EPS IV	Senior Project Mgr. EPS III	Project Mgr. EPS II	Wet. Planner EPS III	GIS Spec. EPS III	JD Coord. EPS III	TOTAL
1	1		1	1	1	2	2	1	1		10
2		1		1		2	2			2	8
3		1				2				2	5
4		2				3					5
5											0
TOTAL	1	4	1	2	1	9	4	1	1	4	28

Table 14. Program Administrative Staff

Year	Legal Document Examiner (LDE) Paralegal II	Program Assistant (PA) Admin. Assistant II	TOTAL
1		1	1
2	1	1	2
3		1	1
4			
5			
TOTAL	1	3	4

6.3.1 Year 1

The following tasks will be necessary to establish the program's foundation during Year 1.

- Develop and revise Wetland Program Plan to document incremental program goals and submit draft to EPA for review and approval.
- Develop 2008 Mitigation Rule-Compliant Conceptual Approach for Mitigation.
 - Permittee responsible mitigation program

- Mitigation Bank program
- ILF credit purchase program
- Research wetland and stream functional assessment tools
- Research credit quantification methods (either function-based assessments or ratios or both)
- Research eligibility and site selection criteria
- Develop 404 assumption programmatic gap analysis.
 - Matrix comparing Alaska's water programs to EPA 404 assumption regulations
 - Matrix comparing Alaska's existing and proposed statutes and rules draft program regulations to 404(b)(1) guidelines
- Develop SPGP to include predicted non-assumable workload. This should include a phasing plan for categories of NWP's based on the expected number and complexity.
- Begin developing 404 assumption program application.
- Participate in EPA-sponsored dialogue on assumable waters.
- Develop an outreach and wetland planning program.
- Begin developing the Alaska State Wetland Inventory.
- Begin developing standards for jurisdictional determinations and delineations.

During Year 1, the Alaska 404 Program will establish a solid technical foundation for future growth. The total FTE at the end of Year 1 is 11. A mixture of skill sets will be needed to move forward. The following new hires are recommended:

- (1) Senior Program Manager – EPM III (at this writing this position is filled)
- (1) Senior Policy Analyst– EPM I
- (1) Mitigation Specialist – EPS IV
- (1) Jurisdictional Specialist – EPS IV
- (1) GIS Specialist– EPS III
- (1) Wetland Planner – EPS III
- (2) Senior Project Managers – EPS III
- (2) Project Managers – EPS II
- (1) Administrative Assistant II

Senior Program Manager (EPM III)

The Senior Program Manager has overall responsibility for operation of the state 404-program. This person would report either to the Deputy Director or the Director of the Division of Water. The Senior Program Manager "owns" the program, i.e., this position articulates the agency's vision, is responsible for

developing and implementing the strategic plan, and as the program leader, makes program-wide policy decisions. The other four program managers are direct reports to this position.

Senior Policy Analyst (EPM I)

The Senior Policy Analyst is a non-supervisory management position. This position is a program advisor and policy coordinator. In the early stages of program development the position would assist the Senior Program Manager as the lead worker helping to manage workflow, track productivity and make recommendations for revisions to the project schedule. This position can also undertake assignments of the greatest complexity and help to mentor less experienced staff. This position would coordinate policy statewide by working with other state natural resource agencies, the Governor's Office, the State Legislature, cities and boroughs, federal partners and other key stakeholders in the state's 404 program. This position would also work closely with the wetland planner to look for opportunities to develop advance wetland plans as part of regional economic solutions to streamline permitting. These advance planning efforts help to create what are called "shovel ready" sites for commercial, industrial and residential development that are consistent with local plans and state policy.

Mitigation Specialist (EPS IV)

The role of the Mitigation Specialist in Year 1 is to develop a conceptual mitigation approach to developing that is compliant with the 2008 Mitigation Rule. The Mitigation Specialist would participate in all the IRT meetings, conduct site visits with other agency staff, evaluate all materials submitted to the IRT and produce Alaska 404 Program mitigation strategies for IRT review. The specialist would scope out functional assessment methods and explore ratio-based and function-based mitigation accounting systems. The specialist would need to study the types of mitigation that would be most frequently required, the watersheds where it would be in the greatest demand and how to best deliver appropriate mitigation in the regulatory process. As one of the discipline experts the Mitigation Specialist would be expected to attend national conferences and be a recognized expert in their field.

Jurisdictional Specialist (EPS IV)

The Jurisdictional Specialist would begin by developing a process for determining jurisdictional areas. One of the first task would be to work with the GIS specialist on the Alaska State Wetland Inventory (ASWI). The ASWI would consist of two different types of inventories; the National Wetland Inventory and any locally-developed wetland inventories. Wetland inventories are not used for establishing jurisdiction; they are used to inform the planning and development process at a statewide scale. Wetland delineations are project scale, site-specific boundary

determinations of waters of the state. Wetland delineation report standards should be developed in Year 1 and Year 2. Without standards, the staff would have no basis for rejecting poorly written and incomplete documents. To develop these standards, the Jurisdictional Specialist will need to reach out to the consulting community and to other agencies with wetland specialists on staff, such as the Department of Transportation. As one of the discipline experts the Jurisdictional Specialist would be expected to attend national conferences and be a recognized expert in their field.

GIS Specialist (EPS III)

The GIS Specialist would be on point to start developing the ASWI and would provide geospatial analysis support to the entire 404 Program team. For example, the GIS Specialist could assist other team members conducting special studies or developing new programs. The GIS specialist can also perform work such as mapping mitigation sites or building custom GIS map layers for particular uses. This will greatly assist the Project Managers who then can spend more focused time on their areas of primary responsibility; permitting and enforcement.

Wetland Planner (EPS III)

The role of the Wetland Planner is to reach out to cities and boroughs to assist in developing local wetland plans and sensitive area ordinances. Local governments may also wish to develop local wetland inventories to help inform local decision-making about sites that may be constrained by wetlands. The Wetland Planner can also help to develop new, innovative programs for advanced wetland planning to foster regional economic development goals. The Wetland Planner is not an urban or regional planner, rather a fully qualified, technically proficient wetland scientist who is competent to perform jurisdictional delineations and functional assessments, and review mitigation plans.

Senior Project Managers and Project Managers (EPS III and EPS II)

The Project Managers are the generalists in the program. Applications will be submitted for a wide variety of projects all over the state and the project managers will need to address a wide range of issues. The Senior Project Managers must understand Alaska's wetland program and have a solid working understanding of other relevant state and federal environmental programs and how they influence the application process. It is to the benefit of the program to hire people for these positions with diverse natural resource backgrounds, in all stages of their careers. This strengthens the program by adding depth in multiple disciplines. The project manager is versatile; they can be assigned a variety of program tasks and moved around within the program to even out work flow during slow times and busy times.

The lower level EPS II Project Manager would be less experienced or entry-level

professionals just starting their careers. They could be people who just completed their graduate or undergraduate degrees or people who are changing career paths. The program will draw from a pool of EPS II-level project managers to train and promote into higher level positions. This is the best way to assure a mobile and talented pool of candidates for positions that can be filled internally, or as part of an open competitive process.

Administrative Assistant II

The Administrative Assistant is a crucial and highly valued support member of the regulatory team. The Administrative Assistant understands document and process flow, and advises the program staff when the clock starts and stops in the application process and how long the public review process needs to run, etc. The Administrative Assistant is also an expert in how to query the permit database and run special reports on work flow. The Administrative Assistant is one of the most frequently consulted members of the team. Support staff should be hired and trained by Year 3 so that they will be prepared for increased workload demands in Years 4 and 5.

6.3.2 Year 2

Specific tasks to be performed during Year 2 include the following:

- Begin operating a state jurisdictional determination program and conduct:
 - On-site determinations
 - Off-site determinations
 - Jurisdictional delineations
 - Jurisdictional delineation report reviews
- Collaborate with EPA on 404 Program authority gap analysis and identify and correct deficiencies.
- Submit complete draft of 404 Assumption Application to EPA for review.
- Develop plan for compliance and enforcement program.
- Administer SPGP or SPGPs.
- Develop interim permit database to keep records of authorizations issued under an SPGP and to track state permits, enforcement actions, mitigation and mitigation monitoring.
- Begin issuing state wetland authorizations.
- Test and evaluate technical tools to support the mitigation programs listed in the Year 1 tasks.

During Year 2, the 404 Program elements would be developed based on the Year 1 gap analysis. As a result, the following new hires are recommended:

- (1) Policy Unit Manager – EPM II
- (1) Mitigation Specialist – EPS IV

- (2) Jurisdictional Coordinators – EPS III
- (2) Senior Project Managers – EPS III
- (2) Project Managers – EPS II
- (1) Paralegal II
- (1) Administrative Assistant II

Under Option 2, if the program growth were stopped at this point, the program would contain 21 FTE and could still influence wetland regulatory policy in the state. Policy Unit Manager (EPM II)

During Year 2, the non-supervisory staff size will have grown to 18. Adding one more manager is appropriate to keep the staff/manager ratio in balance. The person hired should have both management skills and experience and a technical specialty. Of the four recommend unit managers, the Policy Manager should be hired first because of the specialized staff that will be on board by the end of Year 2.

Mitigation Specialist (EPS IV)

One additional Mitigation Specialist will be needed in Year 2 so that the two specialists can develop sub-specialties, for example, mitigation banking and in-lieu fee programs. These programs will require an application process, debit/credit tracking system, program review standards and monitoring programs. One Mitigation Specialist will also need to be an expert in function-based vs. ratio-based credit/debiting systems. Each would be expected to attend national conferences and become an established expert in their field. The result is that Alaska's wetland program will increase its influence in the hyper-technical, rapidly evolving area of wetland mitigation and monitoring.

Project Manager (EPS III and EPS II)

Four new project managers are recommended for Year 2 because the workload is going to increase, and the project managers can learn the program from the ground up.

Paralegal II

The Paralegal will primarily support the permitting, mitigation and enforcement programs. Legal documents are needed that can be completed on standard templates. Applicants will submit various financial and legal documents that will allow Alaska to accept easements and claim compensation in the case of mitigation failure. Other documents will establish responsible parties in permitted actions and in various types of mitigation scenarios. The Paralegal can also prepare help prepare orders and consent agreements to resolve enforcement cases. The

Paralegal will perform work that would otherwise fall on the project managers.

6.3.3 Year 3

Specific tasks to be performed during Year 3 include the following:

- Formally submit the state's 404 assumption application.
- Revise and refine cost estimate for operating 404 Program.
- Commence compliance and enforcement program.
- Operationally test all aspects of the regulatory program, including, permitting jurisdictional determinations, enforcement, mitigation and mitigation monitoring, and if appropriate, federal Endangered Species Act compliance and Tribal consultation.
- Complete the regulatory tools that were under development in Years 1 and 2.

By the end of Year 3 the Alaska wetland program should be up and running and issuing state wetland permits in addition to administering an SPGP or SPGPs. As a result, the program will need to significantly increase its capacity to perform a wide variety of work. At Year 3, there are 27 FTE.

The following new hires are recommended:

- (1) Regional Permitting and Enforcement Manager – EPM II
- (2) Jurisdictional Coordinators – EPS III
- (2) Senior Project Managers – EPS III
- (1) Administrative Assistant II

Regional Permitting and Enforcement Manager (EPM II)

An additional manager is needed in Year 3; two more will be needed in Year 4. The Senior Program Manager will need to be strategic about hiring these managers as between the four, they will need to have expert-level proficiency in one or more of the following areas: mitigation; jurisdictional determinations; compliance and enforcement; operations management, data collection and reporting; permitting; rulemaking, policy development and legislative analysis.

Senior Project Managers

By Year 3 there should be enough Senior Project Managers on board to handle the most complex regulatory workload.

Administrative Assistant II

One more Administrative Assistant is added in Year 3 to support the growing number of technical staff.

6.3.4 Year 4

Specific tasks to be performed during Year 4 include the following:

- If EPA approves the state application, begin phasing in issuing State 404 permits. The MOA between the State of Alaska and Alaska District can provide for a phased transfer of the workload.
- If EPA denies the state application or finds it to be incomplete, address noted deficiencies and resubmit the application.
- Beta version of permit data base is deployed, capable of tracking permit flow times by type of permit by staff person or by regional team and other metrics to assess program performance.
- Optional: DEC 404, 402 and 401 staff can form into regional teams and begin cross training to gain program efficiencies (see Appendix O, Comparison of 404 to 402 programs).

By Year 4, the Senior Program Manager should be able to characterize the final program staffing level and structure that will be needed to run the program into the foreseeable future. This will mean that by now the State of Alaska has committed to the assumption path and the following new hires are recommended to complete the program staffing:

- (2) Regional Permitting and Enforcement Unit Managers – EPM II
- (3) Senior Project Managers – EPS III

The State of Alaska 404 Program is now fully staffed at 32 FTE.

6.3.5 Year 5

Specific tasks to be performed in Year 5 include:

- If by now EPA has transferred authority to the State of Alaska, the 404 program is fully implemented.
- All staff should be on board or in the final stages of the recruitment process.
- If the 404 assumption application is not approved, address deficiencies and resubmit.
- Permit data base should be fully up and running
- Wetland Program Plan revised

7.0 PROGRAM COST PROJECTIONS AND FUNDING

Alaska SB 27, which was signed into law in 2013, initially provided level funding for developing a 404 Assumption Application and some program capacity building for six years (FY14 to FY19). The total allocation for each year in round numbers ranged from \$1.4 million to \$1.8 million. Allocations were made for personal services, travel, contractual services, supplies and commodities. This funding was never intended to actually operate a 404 Program but rather it was intended to evaluate program feasibility and to reach a decision point on whether to move forward, and if so, how to move forward.

SB 27 anticipated this decision point would occur in FY 2016, but the program experienced a setback when funding was cut in 2014. If funding is restored, the decision point will shift to FY 2017. This cost study is intended to help support that decision-making process, and to provide Alaska with realistic estimates of full program operation costs. The phasing structure recommended is designed to give the State of Alaska more complete and accurate information to make its decision, by funding a gradual phase in of actual regulatory program operations (i.e., issuing permits, conducting jurisdictional determinations and determining the proper type and amount of compensatory mitigation to require).

7.1 Metadata for DEC Staffing Analysis

A calculation template was created for a state-assumed 404 Program to estimate costs for Years 1 to 5 (see Appendix P). The Program Cost Spreadsheets for Years 1 through 4 provided in Appendix Q, document how the metadata was used to create the calculation template in Appendix P. Appendix P can also be used to track individual salary ranges per year by employee classification. The following list sets forth the basis for those calculations. Costs for travel, commodities, legal services, RSA, and staff training were provided by DEC.¹⁵

- Base Scale - Anchorage base was used for all pay scales
- Supervisory Pay Scales (effective 07/01/2014)
 - APEA Supervisory (SS)
 - Schedule 2 – Class 2/3 Overtime Ineligible
 - Schedule 200
 - Step B
- Non-Supervisory Pay Scales (effective 07/01/2014)
 - ASEA General Government (GP)
 - Personal Leave
 - Schedule 2 - Class 2/3
 - Schedule 200
 - Step B
- Salaries listed in pay scales are twice per month

¹⁵ Ben White, DEC, personal communication December 22, 2014.

- 24 pay periods/year
- Personal Services = salary + benefits (50 percent of salary)
- Travel = \$4,500/person/year for technical staff
- Commodities = Year 1 (\$7,500), Year 2 (\$6,500), Year 3 (\$5,500), Year 4 (\$4,000) and Year 5 (\$4,000) per person per year for all classifications
- Department of Law lump sum per year = \$150,000
- Contractors lump sum per year = \$150,000
- Department of Natural Resources, Reimbursable Services Agreement lump sum per year = \$100,000
- Employee training for technical staff = \$4,500/person/year
- Allocated cost = 6 percent of personal services

7.2 DEC 404 Program Cost Projections

The estimated State of Alaska 404 Program costs for years 1 through 5 are provided below in Table 15. See Appendix P and Appendix Q for further details.

Table 15. Estimated Total Program Costs Years 1 -5

	Year 1	Year 2	Year 3	Year 4	Year 5
Total Cost	\$1,665,700	\$2,728,900	\$3,365,400	\$3,929,800	\$3,929,800
FTE	11	21	27	32	32

7.3 Funding

Alaska District workload trends in terms of total permits by year, NWP by year, GP by year and SP by year are all decreasing (see Appendix R, Trends Analysis Results).

This significantly lowers Alaska's risk in taking on a program as complicated, sophisticated and expensive as a state wetland program. Increasing workload trends would present a moving target and make it more difficult to predict program needs. A well-managed, high-performing DEC 404 program should be capable of handling 75 percent of the Alaska District's 404 workload, as well as administer an SPGP, increase overall levels of program performance, improve customer service and add wetland programs not offered by the Alaska District, at a lower cost. If and when workload trends starting increasing, the Senior Program Manager will need to prioritize the workload. Oregon's experience is that in times of peak workload, priority is given to meeting permit processing deadlines at the expense of enforcement.

Since there is no dedicated federal funding for states that want to assume the 404

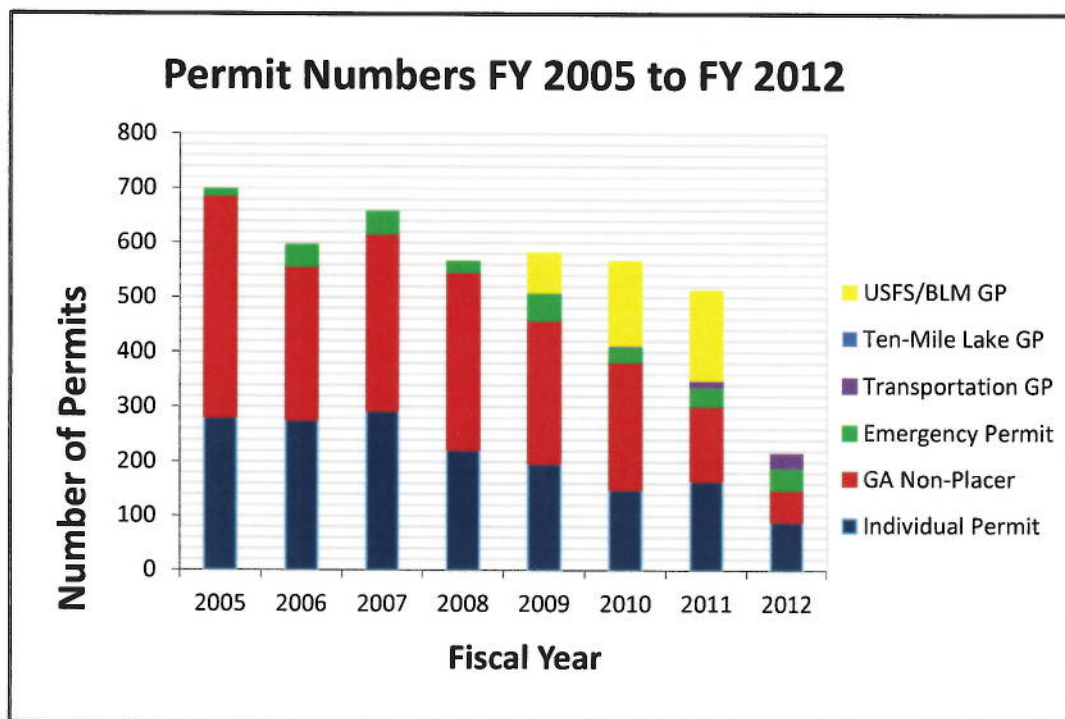
Program, Alaska and any other state desiring to assume the 404 Program need to find other ways to finance the program. Gradually phasing in the program will allow Alaska the time to develop a funding strategy, incrementally. Once DEC can start charging permit fees (predicted in Year 3), the program will start recouping some of the upfront investment.

There is no dedicated source of federal funding for Section 402 (NPDES) programs either, but these programs are typically funded in part by Section 106 funds (as is the case in the APDES program). Section 106 funds can be used to support 404 Programs, but these funds are already committed to other essential programs. Michigan, New Jersey and Oregon all use permit application fees to fund their programs to various degrees. New Jersey's program is mostly permit fee supported, Michigan's program is partially supported by permit fees but is funded primarily by the state general fund, and Oregon's program is partially supported by fees and federal grants, with revenues from the Common School Fund providing the largest share of program support.

APPENDIX A

Oregon Removal-Fill Permit Numbers FY 2005 to FY 2012

Oregon Removal-Fill Permit Numbers FY 2005 to FY 2012								
	2005	2006	2007	2008	2009	2010	2011	2012
Individual Permit	281	276	293	222	197	149	165	90
GA Non-Placer	406	281	324	324	261	234	137	59
Emergency Permit	11	39	41	20	52	25	35	41
Transportation GP							10	25
Ten-Mile Lake GP						5	3	
USFS/BLM GP					71	153	162	
TOTAL	698	596	658	566	510	408	347	215
*Note: Ten-mile Lake and USFS/BLM GP totals are for IWWW so basically the calendar year rather than fiscal year.								



APPENDIX B

Alaska District's Regulatory Division Organization Chart

US ARMY ENGINEER DISTRICT, ALASKA EXECUTIVE OFFICE

**REGULATORY DIVISION
J4R4100 (412)**

KAREN KOCHENBACH
SUPERVISORY PROGRAM ADMINISTRATOR
(907)753-2782

CHIEF
GS-15
CEPOA-RD-00

**REGULATORY DIVISION
J4R41SA (412A)**

GREG SCHMIDT
SUPV REGULATORY PROJECT MGR
(907)753-3667

DEPUTY CHIEF
GS-14
CEPOA-RD-00

ADMINISTRATIVE

AUDREY HARROP – BUDGET
RONNIE HUNT – LGL DOC EXAMINER
JULIE EGAN-RUSSELL ADMIN SPT
IDA WILEY – ADMIN SPT

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GS-07
GS-06
GS-05

**REGULATORY SOUTH BRANCH
J4R41S0 (412B)**

MIKE SALTER (120 Day Detail)
SUPV. REG PROJ MGR
(907)753-2690

CHIEF
GS-13
CEPOA-RD-50

South Branch Continued on page 2

**REGULATORY SPECIAL ACTIONS
BRANCH**

TERRI STINNITT-HERCZEG
SUPV REGULATORY PROJECT MGR
(907)753-2794

CHIEF
GS-14
CEPOA-RD-SA

**SPECIAL ACTIONS SECTION
J4R41SA (412B)**

HEIDI FIRSTENCEL (120 Day Detail)
SECTION SUPERVISOR
(907) 753-2778

GS-12
CEPOA-RD-SA

KEITH GORDON
DON KUHLE
ROBERTA BUDNIK (120 Day Detail)
MATTHEW BEATTIE (archeologist)

GS-12
GS-12
GS-07
GS-09

**REGULATORY NORTH BRANCH
J4R41N0 (412G)**

MIKE HOLLEY (120 Day Detail)
SUPV REGULATORY PROJECT MGR
(907)753-2777

CHIEF
GS-13
CEPOA-RD-N0

North Branch Continued on page 3

Continued from page 1

**REGULATORY SOUTH BRANCH
J4R4150 (412B)**

MIKE SALYER (120 Day Detail)
SUPV. REG PROJ MGR
(907)753-2690

CHIEF
GS-13
CEPOA-RD-50

**SOUTH SECTION
J4R41SS**

SHANE MCCOY (120 Day Detail)
SECTION SUPV
(907) 753-2715

GS-13
CEPOA-RD-55

J HEWITT - PROJECT MGR
H BOYER - PROJECT MGR (P/T)
A WHITTIER - PROJECT MGR
E CAMPBELLONE (120 Day Detail) - PM
VACANT vice LINDAMOOD - PROJECT MGR
M HEER - PROJECT MGR
S MOORE - REG SPEC
R BUDNIK - REG SPEC (P/T)
A PARKS - REG SPEC
B ROMERO - PATHWAYS INTERN
VACANT DA INTERN
J GLANVILLE - PATHWAYS INTERN

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**SOUTHEAST SECTION
J4R41SE**

RANDY VIGIL (120 Day Detail)
SECTION SUPV
(907) 790-4491

GS-13
CEPOA-RD-ES

JUNEAU
JEN MARTIN (120 Day Detail) - ENV PROT SPEC
M BRODY - REG SPEC

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SITKA
L SPEERSTRA - PROJECT MGR

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KENAI
J NITZEL - PROJECT MGR
K MCAFERTY - PROJ MGR
J MARTIN REG SPEC
D KOOPMAN - ENVIRO PROT SPEC
M SETERING - REG SPEC

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**REGULATORY NORTH BRANCH
J4R41N0 (4126)**

MIKE HOLLEY (120 Day Detail)
SUPV REGULATORY PROJECT MGR
(907)753-2777

CHIEF
GS-13
CEPOA-RD-N0

**NORTH SECTION
J4R41NN**

GREG MAZER (120 Day Detail)
SECTION SUPERVISOR
(907)474-2166

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CEPOA-RD-N0

VACANT vice WINN (encumbered)
H BADJ - PROJECT MGR
M ROMERO - ENVIRO PROT SPEC
J BERKNER - PROJECT MGR
M LEYKOM - PROJECT MGR (P/T)
(rehired annuitant) (encumbered Schrefels)
B REMACKEL - DA INTERN (vice MARTINEAU)
P LORA - REG SPEC
D SHACK - REG SPEC
C KUHLE - PATHWAYS INTERN
VACANT PATHWAYS INTERN

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**CENTRAL SECTION
J4R41NC**

BEN SOISETH
SECTION SUPERVISOR
(907) 474-2166

GS-13
CEPOA-RD-NC

D MCATEE (120 Day Detail) - PROJECT MGR
E LYONS - PROJECT MGR (P/T)
M RIORDAN - PROJECT MGR
L TOSE - ENVIRO PROT SPEC
J POST - ENVIRO PROT SPEC
D SPARACINO - ADMIN SPT
M KUCA - PATHWAYS INTERN

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APPENDIX C
ORM-2 Metadata

OMBIL Regulatory Module ver. 2 Metadata for the Detailed FOIA Report

The following information describes the columns

- ❖ District
 - POA - Pacific Ocean Division, Alaska District. The original data had projects from other Districts, but this information was removed since the projects occur in other states.
- ❖ DA Number
 - Unique identifier for a given project or projects on a given parcel. Modifications or additions to a specific project can be made over time and retain the same DA Number.
- ❖ Action -
 - Values
 - Action - The permitted activity. The highest level in the database. The following a
 - Impact - The regulated activities impacts
 - Mitigation - The mitigation for the regulated activities impacts
- ❖ Action Type -
 - Values
 - LOP - Letter of Permission
 - NWP - Nationwide Permits
 - PGP - Programmatic General Permit
 - RGP - Regional General Permit
 - SP - Standard Permit
- ❖ PNN - Permit Name
- ❖ Permit Authority - Permit regulatory authority
 - Values
 - Section 9 - Section 9 of the Rivers and Harbors Act
 - Section 10 - Section 10 of the Rivers and Harbors Act
 - Section 404 - Section 404 of the Clean Water Act
 - Section 103 - Section 103 of the Marine Protection Research and Sanctuaries Act
- ❖ Compensatory Mitigation Rqd --Was compensatory mitigation required (Y/N)
- ❖ Mitigation Permittee Rsp - Was compensatory mitigation permittee responsible (Y/N)
- ❖ Worktype - Standardized description of the work that was permitted
- ❖ Project Name - USACE assigned name of the project
- ❖ Begin Date - Date of federally complete application

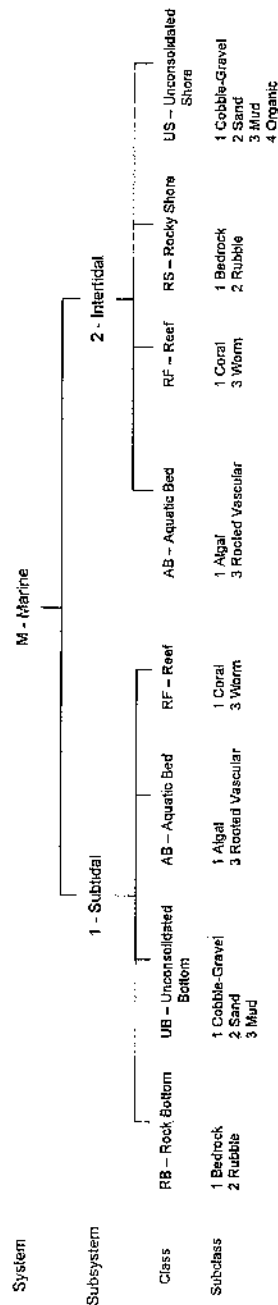
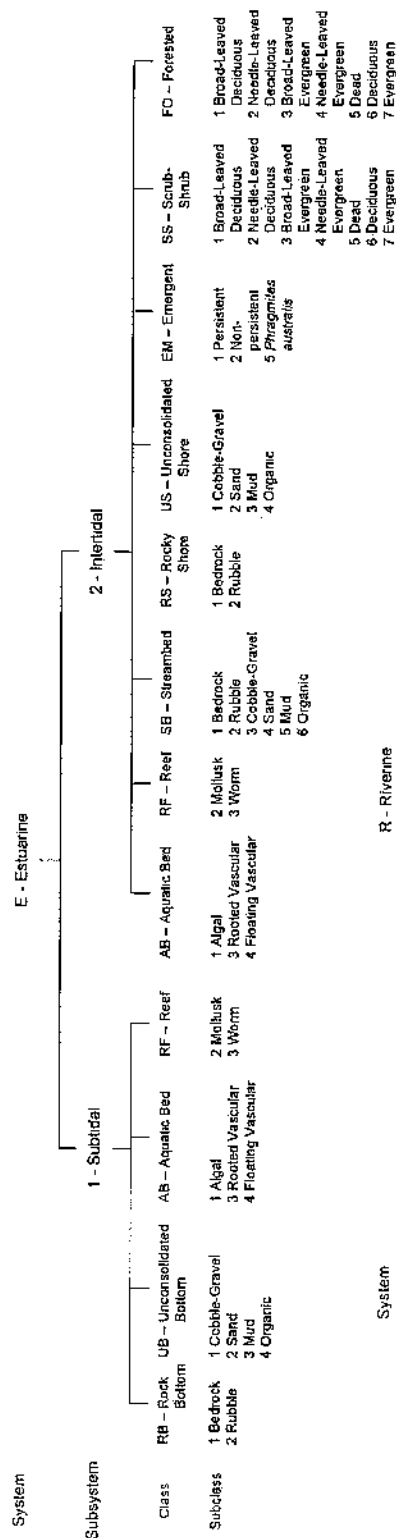
- ❖ End Date - Date completed
- ❖ Closure Method - The method by which Action was closed
- ❖ County - The borough where the project occurred.
- ❖ State - The state where the project occurs
- ❖ HUC - 8-digit hydrologic unit code
- ❖ Huc10 - 10-digit hydrologic unit code
- ❖ Huc12 - 12-digit hydrologic unit code
- ❖ Proj Latitude - Latitude of the project or the centroid of the project
- ❖ Proj Longitude - Longitude of the projects centroid of the project
- ❖ Impact Duration - Are the project temporary or permanent in nature
- ❖ Impact Type -
 - Values
 - Discharge of fill material - Material discharged into waters of the US
 - Ecological restoration - Restoring waters of the US
 - Historical undetermined - Data from the historical database. Impact was not categorized
 - Structure (non-fill) -
 - Work (non-fill, Sect. 10) -
- ❖ Waterway - The name of the waterway, or closest water way
- ❖ Cowardin Name - Cowardin classification of the impact waters
- ❖ Waters Latitude - Latitude of the impacted waters or centroid of the impacted waters. This will frequently be the same as the project latitude.
- ❖ Waters Longitude - Longitude of the impacted waters or centroid of the impacted waters. This will frequently be the same as the project longitude.
- ❖ Auth Linear Ft - Linear feet of impacts to waters of the US authorized
- ❖ Auth Fill Acres - Acres of impacts to waters of the US authorized
- ❖ Auth Remvl Acres - Acres of removal of waters of the US authorized
- ❖ Auth Struc Linear Ft - Linear feet of authorized structure
- ❖ Auth Struc Acres - Acres of authorized structure

- ❖ Auth Drg Fill Acres - Acres of discharge of dredged material into waters of the US
- ❖ Auth Drg Remvl Acres - Acres of dredging from waters of the US
- ❖ Auth Drg Remvl Vol Cuft - Cubic feet of material dredged from waters of the US
- ❖ Mitigation Type - Type of mitigation required to offset losses of waters.
 - In-Lieu Fee (ILF)
 - Mitigation Bank
 - Permittee Responsible (on-site)
 - Permittee Responsible (off-site)
- ❖ Permittee Responsible Type - Type of mitigation the permittee is responsible for
 - Bank/ILF
 - Enhancement
 - Establishment
 - Preservation
 - Re-establishment
 - Rehabilitation
- ❖ Mit Req Acres - Acres of mitigation required
- ❖ Mit Req Linear Ft - Linear feet of mitigation required
- ❖ Credits Required - Mitigation bank or ILF credits required
- ❖ Mit Bank or ILF Program Name - Name of mitigation bank or ILF provider
- ❖ Project Description - Description of the authorized project

APPENDIX D

Cowardin Wetland Classification System

M - Marine

System
E - Estuaries

R - Rivering

Subsystem	1 - Tidal	2 - Lower Perennial	3 - Upper Perennial	4* - Intermittent	5* - Unknown Perennial		
Class	RB** - Rock Bottom	UB - Unconsolidated Bottom	SB** - Streambed	AB - Aquatic Bed	RS - Rocky Shore	US - Unconsolidated Shore	EM - Emergent
Subclass	1 Bedrock 2 Rubble 3 Mud 4 Organic	1 Cobble-Gravel 2 Sand 3 Mud 4 Organic	1 Bedrock 2 Rubble 3 Cobble-Gravel 4 Sand 5 Mud 6 Organic 7 Vegetated	1 Algal 2 Aquatic Moss 3 Rooted Vascular 4 Floating Vascular	1 Bedrock 2 Rubble	1 Cobble-Gravel 2 Sand 3 Mud 4 Organic 5 Vegetated	2 Nonpersistent

* Intermittent is limited to the Streambed Class.
 Unknown Perennial is limited to Unconsolidated Bottom Class code RSUB only
 ** Rock Bottom is not permitted for the Lower Perennial Subsystem.
 Streambed is limited to Tidal and Intermittent Subsystems

Intermittent is limited to the Streambed Class.

Unknown Perennial is limited to Unconsolidated Bottom Class code R5UB only

Streambed is limited to Total and Intermittent Subsystems

Classification of Wetlands and Deepwater Habitats of the United States Cowardin et al 1979

February, 2011

System	L - Lacustrine																
Subsystem	1 - Limnetic					2 - Littoral											
Class	RB - Rock Bottom		UB - Unconsolidated Bottom			AB - Aquatic Bed		RS - Rocky Shore		US - Unconsolidated EM - Emergent Shore							
Subclass	1 Bedrock	2 Rubble	1 Cobble-Gravel	2 Sand	3 Mud	4 Organic	1 Algal	2 Aquatic Moss	3 Rooted Vascular	4 Floating Vascular	1 Bedrock	2 Rubble	1 Cobble-Gravel	2 Sand	3 Mud	4 Organic	5 Vegetated

Class	R8 - Rock Bottom	UB - Unconsolidated Bottom	AB - Aquatic Bed	US - Unconsolidated Shore	ML - Moss-Lichen	EM - Emergent	SS - Scrub-Shrub	FO - Forested
Subclass	1 Bedrock 2 Rubble	1 Cobble-Gravel 2 Sand 3 Mud 4 Organic	1 Algal 2 Aquatic Moss 3 Rooted Vascular 4 Floating Vascular	1 Cobble-Gravel 2 Sand 3 Mud 4 Organic 5 Vegetated	1 Moss 2 Lichen	1 Persistent 2 Nonpersistent 5 <i>Phragmites australis</i>	1 Broad-Leaved Deciduous 2 Needle-Leaved Deciduous 3 Broad-Leaved Evergreen 4 Needle-Leaved Evergreen 5 Dead 6 Deciduous 7 Evergreen	1 Broad-Leaved Deciduous 2 Needle-Leaved Deciduous 3 Broad-Leaved Evergreen 4 Needle-Leaved Evergreen 5 Dead 6 Deciduous 7 Evergreen

In order to more adequately describe the wetland and deepwater habitats, one or more of the water regime, water chemistry, soils or special modifiers may be applied at the class or lower level in the hierarchy. The named modifier may also be applied to the ecological system							
Water Regime		Special Modifiers		Water Chemistry		Soil	
Non tidal	Saltwater Tidal	Freshwater Tidal		Coastal Salinity	Inland Salinity	pH Modifiers for all Fresh Water	
A Temporarity Flooded	L Subtidal	S Temporarily Flooded-Tidal	b Overer	1 Hypersaline	7 Hypersaline	a Acid	9 Organic 6 Mineral
B Saturated	M Irregularly Exposed	R Seasonally Flooded-Tidal	d Partly Drained/Diked	2 Eutaline	8 Euealine	t Circumneutral	
C Seasonality Flooded	N Regularity Flooded	T Semi-permanently Flooded-Tidal	f Farmed	3 Mixohaline (Brackish)	9 Mixosaline	i Alkaline	
E Seasonally Flooded/ Saturated	P Irregularly Flooded	V Permanently Flooded-Tidal	h Diked/Impounded	4 Polyhaline	0 Fresh		
F Semi-permanently Flooded			r Artificial	5 Mesohaline			
G Intermittently Exposed			s Spoil	6 Oligohaline			
H Permanently Flooded			x Excavated	0 Fresh			
J Intermittently Flooded							
K Artificially Flooded							

APPENDIX E

Alaska District Information Request Table

	Major Topic	Subtopic	FY11	FY12	FY13	Total
Individual Permits / year for the last 3 years						
		Number of Permits	100	96	94	290
		Number of Applications	162	155	133	450
		Number of Permit Denials	1	0	0	1
		Location of activity (breakdown by branch)	Total			
		North Branch	140			
		South Branch	150			
		Average time to issue Individual Permits from initial application to permit issuance	204.17			
		Average time to issue Individual Permit from Federally complete application	136.84			
General Permits / year for the last 3 years						
		Number of Permits	248	149	193	590
		Number of Applications	315	231	210	756
		Number of Permit Denials	N/A	N/A	N/A	N/A
		Location of activity (breakdown by branch)	Total			
		North Branch	268			
		South Branch	322			
		Average time to issue General Permits from initial application to permit issuance	37.23			
		Average time to issue General Permits from Federally complete application	21.88			
Nationwide Permits / year for the last 3 years						
		Number of Permits	507	478	453	1438
		Number of Applications	628	578	517	1723
		Number of Permit Denials	N/A 0	N/A 0	N/A 0	N/A 0
		Location of activity (breakdown by branch)	Total			
		North Branch	457			
		South Branch	981			
		Average time to issue Nationwide Permits from initial application to permit issuance	68.17			
		Average time to issue Nationwide Permits from Federally complete application	43.89			
Jurisdictional Determinations / year for the last 3 years						
		Number of JDs per year	1193	913	652	2758
		Average time needed to process JDs	40.6			
Consultation/Coordination						

	Major Topic	<i>Subtopic</i>	FY11	FY12	FY13	Total
		<i>Number of permits that involve formal Government to Government tribal consultations per year over the last 3 years</i>				41

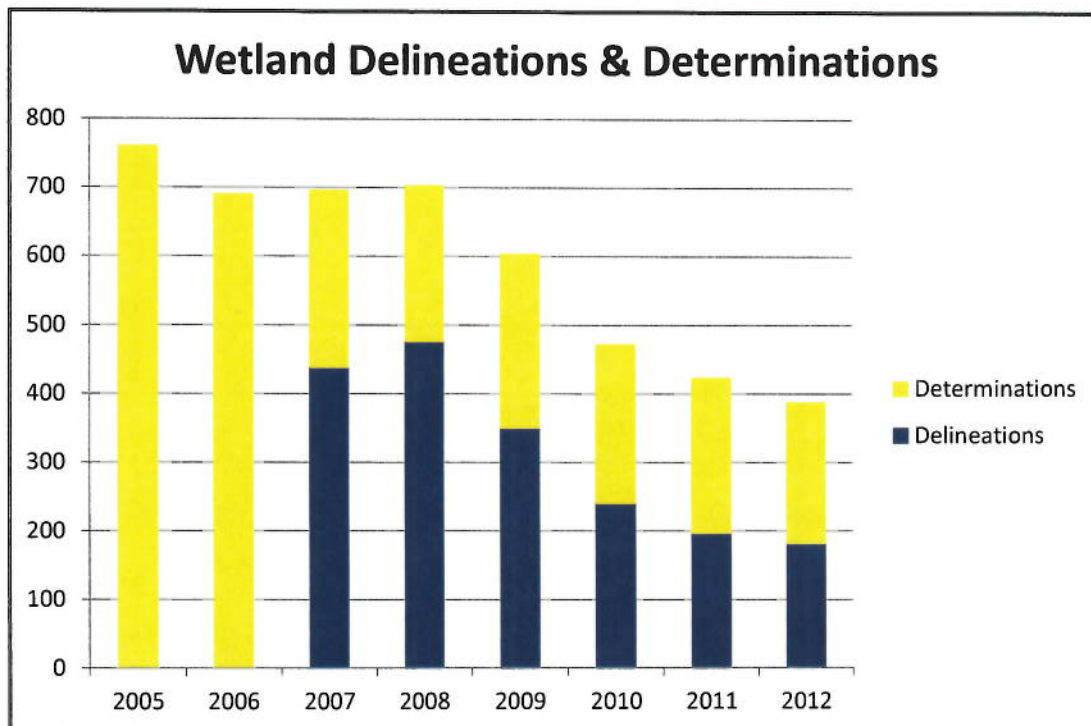
Table 1. Initial information request.

APPENDIX F

Oregon Wetland Program Delineations and Determinations

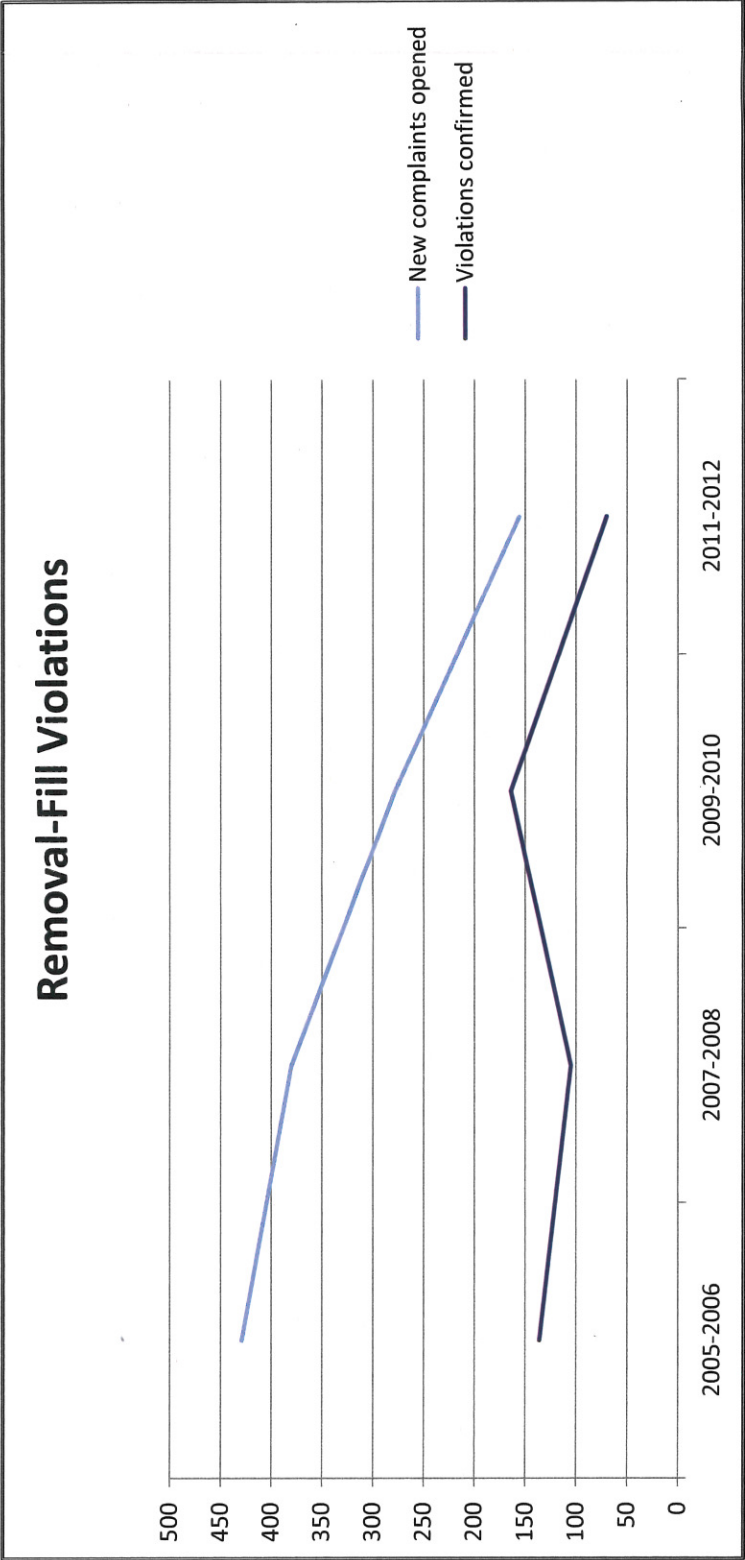
Oregon Wetland Program Delineation and Determinations 2005 to 2012

Determinations/ Delineations	2005	2006	2007	2008	2009	2010	2011	2012
Delineations			439	477	351	241	197	182
Determinations	760	690	257	226	252	231	226	205
TOTAL	760	690	696	703	603	472	423	387



APPENDIX G
Oregon Removal-Fill Violations

Oregon Removal-Fill Violations 2005 through 2012									
	2005-2006	2007-2008	2009-2010	2011-2012		2007-2008	2009-2010	2011-2012	
New complaints opened	429	380	278	156	New complaints opened	380	278	156	
Violations confirmed	136	105	164	70	Violations confirmed	105	164	70	
Resolved			121	62	No jurisdiction or no violation		114	49	
Still under investigation				28	Still under investigation			28	
Current Status of Confirmed Violations					Closed for miscellaneous reasons		22	9	
					Current Status of Confirmed Violations				
Final resolution in place			40	26	Resolved, no further action required		81	36	
Proposed resolution pending final agreement or order			10	7	Final resolution in place		40	26	
Resolution in development			8	1	Proposed resolution pending final agreement or order		10	7	
Unresolved contested cases			2		Resolution in development		8	1	
					Unresolved contested cases		2		



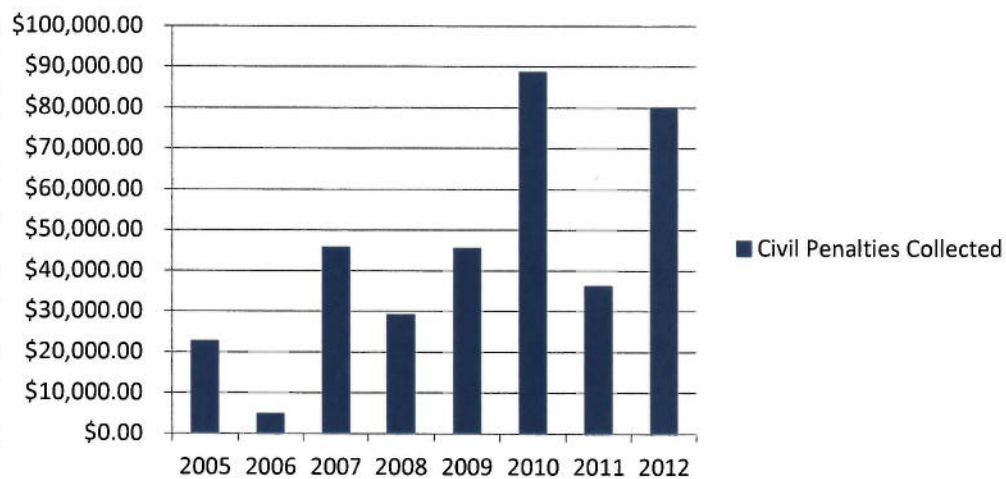
APPENDIX H

Civil Penalties Collected for Removal-Fill Violations

Civil Penalties Collected for Removal-Fill Violations 2005 through 2012

Fiscal Year	Number of Cases	Civil Penalties Collected	Average Penalty
2005	16	\$22,600.00	\$1,412.50
2006	3	\$4,800.00	\$1,600.00
2007	34	\$45,650.00	\$1,342.65
2008	18	\$29,000.00	\$1,611.11
2009	29	\$45,452.00	\$1,567.31
2010	55	\$88,492.00	\$1,608.95
2011	32	\$36,057.97	\$1,126.81
2012	22	\$79,920.49	\$3,632.75
Total	209	\$351,972.46	\$1,737.76

Civil Penalties Collected



APPENDIX I

ECOS, ACWA, ASWM and EPA Correspondence



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 13 2014

OFFICE OF WATER

Ms. Jeanne Christie
Executive Director
Association of State Wetland Managers
32 Tandberg Trail, Suite 2A
Windham, Maine 04062

Dear Ms. Christie:

I am pleased to update you regarding the Environmental Protection Agency's (EPA) efforts to provide clarification on assumable waters under Clean Water Act (CWA) Section 404(g). In Nancy Stoner's June 13, 2014, response to your letter requesting such clarification, Ms. Stoner indicated she had asked her staff to identify a path forward that would engage your organization, as well as other appropriate state, federal and tribal partners and technical experts in a process that seeks to provide this improved clarity.

As my staff recently discussed with you, the EPA plans to establish a subcommittee under the National Advisory Council for Environmental Policy and Technology (NACEPT). This council, subject to the Federal Advisory Committee Act, provides independent advice to the EPA administrator on a broad range of environmental policy, technology and management issues. The charge to this subcommittee would be to make recommendations to the EPA on clarifying the waters for which a state or tribe may assume permitting responsibility under CWA Section 404(g) and the waters for which the Corps of Engineers retains permitting responsibility. These recommendations will then be considered for incorporation into an update of the CWA Section 404(g) regulations. We will be seeking nominations for members of the NACEPT subcommittee, and I encourage you to nominate a member of your organization as well as identify other technical experts that you believe should be involved in this effort.

The EPA is committed to providing clarity and removing barriers to state assumption of CWA Section 404(g) permitting authority. I believe a NACEPT subcommittee will foster a robust discussion amongst technical experts and interested parties on various approaches to clarifying assumable waters under

CWA Section 404(g). I look forward to ASWM's participation in this effort. Feel free to contact me if you have any questions on this issue, or your staff may contact Mr. John Goodin, Acting Director of the EPA's Wetlands Division at Goodin.John@epa.gov or (202) 566-1373 for further information.

Sincerely,



Kenneth J. Kopocis
Deputy Assistant Administrator

cc: Ms. Alexandra Dapolito Dunn
Executive Director
The Environmental Council of States

Ms. Julia Anastasio
Executive Director and General Counsel
Association of Clean Water Administrators



April 30, 2014

Nancy K. Stoner
Acting Assistant Administrator for Water
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW (4101M)
Washington, DC 20460

Via email to: stoner.nancy@epa.gov

Dear Acting Assistant Administrator Stoner:

Re: Assumable Waters under Clean Water Act Section 404

In the rule proposed by the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers (Corps) regarding the scope of the definition of "waters of the United States," a statement in the preamble explains that the rule does not affect the scope of waters subject to state assumption in accordance with §404(g). 79 Fed. Reg. 22,188, p. 22,200 (April 21, 2014). The undersigned organizations appreciate that such language was included in the proposed rule addressing this critical aspect of state §404 program assumption.

We agree with the preamble statement in the rule that "[c]larification of waters that are subject to assumption by states or tribes or retention by the Corps could be made through a separate process under section 404(g)" (ibid). We recommend that steps to further clarify the scope of assumable and non-assumable waters be initiated in a timely manner. We are concerned that states currently considering assumption are having difficulty making progress because of the current uncertainty.

We would appreciate the opportunity to actively engage in a discussion with EPA to address this issue. Our organizations recognize that any steps toward clarification must be undertaken thoughtfully in accordance with the provisions of §404(g), and without altering the existing state 404 programs in Michigan and New Jersey.

Clear identification of assumable and non-assumable waters has been made more difficult by legal decisions that address terms such as "navigable" and "adjacent." Nonetheless, Congress intended that states be able to assume regulatory responsibility for the majority of waters within their boundaries. Clarification of assumable waters will help to facilitate state assumption where it is desired – providing benefits to the public, the resource, and the state and federal agencies.

Under §404 of the Clean Water Act – all waters regulated by the Corps or by a state/tribal program – are deemed "waters of the United States." We believe that "other waters," as well as some portion of both "navigable waters," and "adjacent wetlands" may be administered by a state or tribe in accordance with 404(g). We look forward to discussions with EPA to explore this very important area of public policy.

Our goal is to work collaboratively to discern the criteria that will be used by a state/tribe, EPA, and the Corps to identify assumable/non-assumable waters pursuant to §404(g). We would also like to reach agreement on how to formalize these criteria (e.g., Memorandum of Understanding). Several steps may be needed to address both the immediate concerns of states pursuing assumption and the needs of those that may do so in the future.

Our organizations are committed to supporting state efforts to assume the Section 404 program by identifying issues and working with partners to resolve them. See, for example, ECOS Resolution #08-3 on State Delegation of the Clean Water Act Section 404 Permit Program – originally approved in 2008 – was on April 2, 2014 reaffirmed, with the addition of the following language: “[NOW, THEREFORE, BE IT RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES] Encourages U.S. EPA to work with states to bring clarity and certainty to the identification of assumable and non-assumable waters.”

We look forward to a timely and productive discussion with you. Please contact Jeanne Christie of ASWM at 207-892-3399 or jeanne.christie@aswm.org, to discuss this request. Thank you again for your attention to this matter.

Sincerely,



Alexandra Dapolito Dunn
ECOS



Sean Rolland
ACWA



Jeanne Christie
ASWM

Cc: Ken Kopocis, EPA
Benita Best-Wong, EPA
Jim Pendergast, EPA
Bill Ryan, OR DSL
Ben White, AK
Eric Metz, OR DSL
Ginger Kopkash, NJ
Bill Creal, MI

APPENDIX J
DEC Draft Assumable Waters Matrix

	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Option 1</u>	STATE	STATE	CORPS	STATE	STATE	CORPS	CORPS
<u>Option 2</u>	STATE	STATE	CORPS	CORPS	STATE	CORPS	CORPS
<u>Option 3</u>	STATE	STATE	CORPS	CORPS	CORPS	CORPS	CORPS

Option 1 – Basis

Assumes that

- the phrase "including wetlands adjacent thereto" only applies to wetlands adjacent to waters subject to the ebb and flow of the tide;
- the phrase "including all waters which are subject to the ebb and flow of the tide" modifies the first phrase "waters used to transport interstate or foreign commerce;" and
- the phrase "susceptible. . . to transport interstate or foreign commerce" limits freshwaters retained by the Corps.

Option 2 – Basis

Assumes that

- the phrase "including wetlands adjacent thereto" applies to wetlands adjacent to all waters (fresh and marine) that are susceptible to transport of interstate and foreign commerce;
- the phrase "including all waters which are subject to the ebb and flow of the tide" modifies the phrase "susceptible. . . to transport of interstate or foreign commerce;" and
- the phrase "susceptible. . . to transport interstate or foreign commerce" limits freshwaters retained by the Corps.

Option 3 – Basis

Assumes that

- the phrase "other than those waters which are presently used, or are susceptible to use . . . as a means to transport interstate or foreign commerce shoreward to their ordinary high water mark" only applies to freshwater;
- the phrase "including all waters which are subject to the ebb and flow of the tide" is an independent clause and states may not have jurisdiction for any marine waters, regardless of whether they are used to transport interstate or foreign commerce; and
- the phrase, "including wetlands adjacent thereto" applies to both freshwater used for transport of interstate and foreign commerce and all marine waters.

***Privileged & Confidential: Attorney-Client Communication, Work Product, & Deliberative Process
September 26, 2014***

APPENDIX K
Permit by Year Tables

ALL PERMIT NUMBERS BY YEAR

	2005	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL
LOP	12	6	8	15	20	12	2	5	1	81
RGP	174	151	84	63	90	104	104	116	58	944
PGP	7	11	2	0	0	0	0	0	0	20
NWP Multi	5	8	6	19	0	0	0	0	0	38
NWP Un ID	3	4	222	38	2	0	0	0	0	269
NWP 1	2	2	0	0	1	0	0	0	0	5
NWP 3	61	95	82	69	81	67	66	142	86	749
NWP 4	4	7	0	4	2	0	0	0	0	17
NWP 5	9	4	5	7	10	5	4	3	4	51
NWP 6	36	62	32	31	14	18	28	27	16	264
NWP 7	7	7	4	3	7	5	10	9	8	60
NWP 8	0	0	0	0	2	0	0	0	0	2
NWP 9	0	0	0	0	0	0	0	0	0	0
NWP 10	3	0	0	2	0	1	0	0	0	6
NWP 11	19	20	10	12	10	3	0	0	2	76
NWP 12	54	46	47	52	59	32	38	35	47	410
NWP 13	39	45	50	48	57	59	47	41	46	432
NWP 14	47	53	30	64	53	57	42	53	42	441
NWP 15	0	0	0	1	1	0	0	0	1	3
NWP 16	0	0	0	0	0	0	0	0	1	1
NWP 17	0	0	0	3	1	2	16	15	2	39
NWP 18	67	65	32	57	46	39	44	58	47	455
NWP 19	4	7	6	3	1	0	1	0	0	22
NWP 20	7	3	2	13	0	0	0	2	1	28
NWP 21	0	0	0	0	1	0	2	6	0	9
NWP 22	0	1	0	0	0	0	0	0	1	2
NWP 23	14	17	7	8	5	19	4	13	10	97
NWP 25	2	1	0	1	1	1	2	0	0	8
NWP 27	19	65	14	20	22	26	24	13	13	216
NWP 28	1	0	0	2	0	0	1	0	0	4
NWP 29	23	25	44	46	36	28	20	23	22	267
NWP 32	1	4	0	0	0	0	10	2	1	18
NWP 33	11	10	2	5	2	2	2	2	8	44
NWP 35	1	4	2	0	4	4	4	2	4	25
NWP 36	3	8	2	6	2	8	3	12	12	56
NWP 37	0	0	0	1	0	0	0	1	0	2
NWP 38	2	3	1	2	2	4	3	1	5	23
NWP 39	41	68	15	11	11	12	18	29	29	234
NWP 40	0	0	0	0	0	0	0	0	1	1
NWP 41	0	1	0	0	0	0	0	0	0	1
NWP 42	5	12	9	12	4	5	10	13	14	84
NWP 43	0	0	0	0	0	0	1	0	1	2
NWP 44	0	0	0	0	1	0	1	0	1	3
NWP 45	0	0	2	0	1	1	1	1	2	8
NWP 46	0	0	0	0	1	1	1	1	0	4
NWP 49	0	0	0	0	0	0	0	0	0	0
NWP 52	0	0	0	0	0	0	0	0	0	0
SP	119	171	95	61	66	67	86	84	82	831
TOTALS	802	986	815	679	616	582	595	709	568	6352

NATIONWIDE PERMIT NUMBERS BY YEAR													
	2005	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	AVERAGE PER YEAR	PERCENTAGE OF NWP	PERCENTAGE OF TOTAL PERMITS
NWP Multi	5	8	6	19	0	0	0	0	0	38	4	1%	0.60%
NWP Un ID	3	4	222	38	2	0	0	0	0	269	30	6%	4.23%
NWP 1	2	2	0	0	0	0	0	0	0	5	1	0%	0.08%
NWP 3	61	95	82	69	81	67	66	142	86	749	83	17%	11.79%
NWP 4	4	7	0	4	2	0	0	0	0	17	2	0%	0.27%
NWP 5	9	4	5	7	10	5	4	3	4	51	6	1%	0.80%
NWP 6	36	62	32	31	14	18	28	27	16	264	29	6%	4.16%
NWP 7	7	7	4	3	7	5	10	9	8	60	7	1%	0.94%
NWP 8	0	0	0	0	2	0	0	0	0	2	0	0%	0.03%
NWP 9	0	0	0	0	0	0	0	0	0	0	0	0%	0.00%
NWP 10	3	0	0	2	0	1	0	0	0	6	1	0%	0.09%
NWP 11	19	20	10	12	10	3	0	0	2	76	8	2%	1.20%
NWP 12	54	46	47	52	59	32	38	35	47	410	46	9%	6.45%
NWP 13	39	45	50	48	57	59	47	41	46	432	48	10%	6.80%
NWP 14	47	53	30	64	53	57	42	53	42	441	49	10%	6.94%
NWP 15	0	0	0	1	1	0	0	0	1	3	0	0%	0.05%
NWP 16	0	0	0	0	0	0	0	0	1	1	0	0%	0.02%
NWP 17	0	0	0	3	1	2	16	15	2	39	4	1%	0.61%
NWP 18	67	65	32	57	46	39	44	58	47	455	51	10%	7.16%
NWP 19	4	7	6	3	1	0	1	0	0	22	2	0%	0.35%
NWP 20	7	3	2	13	0	0	0	2	1	28	3	1%	0.44%
NWP 21	0	0	0	0	1	0	2	6	0	9	1	0%	0.14%
NWP 22	0	1	0	0	0	0	0	0	1	2	0	0%	0.03%
NWP 23	14	17	7	8	5	19	4	13	10	97	11	2%	1.53%
NWP 25	2	1	0	1	1	1	2	0	0	8	1	0%	0.13%
NWP 27	19	65	14	20	22	26	24	13	13	216	24	5%	3.40%
NWP 28	1	0	0	2	0	0	1	0	0	4	0	0%	0.06%
NWP 29	23	25	44	46	36	28	20	23	22	267	30	6%	4.20%
NWP 32	1	4	0	0	0	0	10	2	1	18	2	0%	0.28%
NWP 33	11	10	2	5	2	2	2	2	8	44	5	1%	0.69%
NWP 35	1	4	2	0	4	4	4	2	4	25	3	1%	0.39%
NWP 36	3	8	2	6	2	8	3	12	12	56	6	1%	0.88%
NWP 37	0	0	0	1	0	0	0	1	0	2	0	0%	0.03%
NWP 38	2	3	1	2	2	4	3	1	5	23	3	1%	0.36%
NWP 39	41	68	15	11	11	12	18	29	29	234	26	5%	3.68%
NWP 40	0	0	0	0	0	0	0	0	1	1	0	0%	0.02%
NWP 41	0	1	0	0	0	0	0	0	0	1	0	0%	0.02%
NWP 42	5	12	9	12	4	5	10	13	14	84	9	2%	1.32%
NWP 43	0	0	0	0	0	0	1	0	1	2	0	0%	0.03%
NWP 44	0	0	0	0	1	0	1	0	1	3	0	0%	0.05%
NWP 45	0	0	2	0	1	1	1	1	2	8	1	0%	0.13%
NWP 46	0	0	0	0	1	1	1	1	0	4	0	0%	0.06%
NWP 49	0	0	0	0	0	0	0	0	0	0	0	0%	0.00%
NWP 52	0	0	0	0	0	0	0	0	0	0	0	0%	0.00%
TOTALS	490	647	626	540	440	399	403	504	427	4476	497	100%	70.47%

GENERAL PERMIT NUMBERS BY YEAR

	2005	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	AVERAGE PER YEAR	PERCENTAGE OF GP	PERCENTAGE OF TOTAL PERMITS
RGP	174	151	84	63	90	104	104	116	58	944	105	98%	14.86%
PGP	7	11	2	0	0	0	0	0	0	20	2	2%	0.31%
TOTALS	181	162	86	63	90	104	104	116	58	964	107	100%	15.18%

STANDARD PERMIT NUMBERS BY YEAR

	2005	2006	2007	2008	2009	2010	2011	2012	2013	TOTAL	AVERAGE PER YEAR	PERCENTAGE OF SP	PERCENTAGE OF TOTAL PERMITS
SP	119	171	95	61	66	67	86	84	82	831	92	91%	13.08%
LOP	12	6	8	15	20	12	2	5	1	81	9	9%	1.28%
TOTALS	131	177	103	76	86	79	88	89	83	912	101	100%	14.36%

APPENDIX L

Assumable Permit Matrices 2005-2013

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

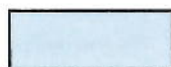
OPTION 1 PERMIT WORKLOAD MATRICES

ALL PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Permit Authority Identified (Average)</u>	448	193	20	13	9	131	12
<u>Permit Authority Identified (Total)</u>	4032	1737	183	121	92	1176	111
<u>Permit Authority Unidentified</u>	869						

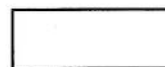
NATIONWIDE PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Permit Authority Identified (Average)</u>	319	127	8	5	9	90	11
<u>Permit Authority Identified (Total)</u>	2875	1141	75	44	85	810	98
<u>Permit Authority Unidentified</u>	631						

GENERAL PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Permit Authority Identified (Average)</u>	71	27	7	5	0	8	0
<u>Permit Authority Identified (Total)</u>	638	245	60	42	3	73	0
<u>Permit Authority Unidentified</u>	190						

STANDARD PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Permit Authority Identified (Average)</u>	58	39	5	4	0	33	1
<u>Permit Authority Identified (Total)</u>	519	351	48	35	4	293	13
<u>Permit Authority Unidentified</u>	48						



State Assumable Permit Action



Non-Assumable Permit Action

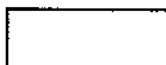
OPTION 2 PERMIT WORKLOAD MATRICES

ALL PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
Permit Authority Identified (Average)	448	193	20	13	9	231	12
Permit Authority Identified (Total)	4032	1737	183	121	92	1176	111
Permit Authority Unidentified	869						

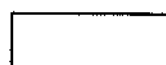
NATIONWIDE PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
Permit Authority Identified (Average)	319	127	8	5	9	90	11
Permit Authority Identified (Total)	2875	1141	75	44	85	810	98
Permit Authority Unidentified	631						

GENERAL PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
Permit Authority Identified (Average)	71	27	7	5	0	8	0
Permit Authority Identified (Total)	638	245	60	42	3	73	0
Permit Authority Unidentified	190						

STANDARD PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
Permit Authority Identified (Average)	58	39	5	4	0	33	1
Permit Authority Identified (Total)	519	351	48	35	4	293	13
Permit Authority Unidentified	48						



State Assumable Permit Action



Non-Assumable Permit Action

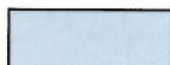
OPTION 3 PERMIT WORKLOAD MATRICES

ALL PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Permit Authority Identified (Average)</u>	448	193	20	13	9	131	12
<u>Permit Authority Identified (Total)</u>	4032	1737	183	121	92	1176	111
<u>Permit Authority Unidentified</u>	869						

NATIONWIDE PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Permit Authority Identified (Average)</u>	319	127	8	5	9	90	11
<u>Permit Authority Identified (Total)</u>	2875	1141	75	44	85	810	98
<u>Permit Authority Unidentified</u>	631						

GENERAL PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Permit Authority Identified (Average)</u>	71	27	7	5	0	8	0
<u>Permit Authority Identified (Total)</u>	638	245	60	42	3	73	0
<u>Permit Authority Unidentified</u>	190						

STANDARD PERMITS	Freshwaters				Marine Waters		
	All waters (including navigable waters) not used to transport interstate or foreign commerce	Freshwater wetlands, not adjacent to waters presently used to transport interstate or foreign commerce	Waters presently used to transport interstate or foreign commerce	Wetlands adjacent to waters presently used to transport interstate or foreign commerce	Marine or "coastal" waters not used for transport interstate or foreign commerce	Marine waters presently used to transport interstate or foreign commerce	Wetlands adjacent to Marine or "coastal" waters
<u>Permit Authority Identified (Average)</u>	58	39	5	4	0	33	1
<u>Permit Authority Identified (Total)</u>	519	351	48	35	4	293	13
<u>Permit Authority Unidentified</u>	48						



State Assumable Permit Action

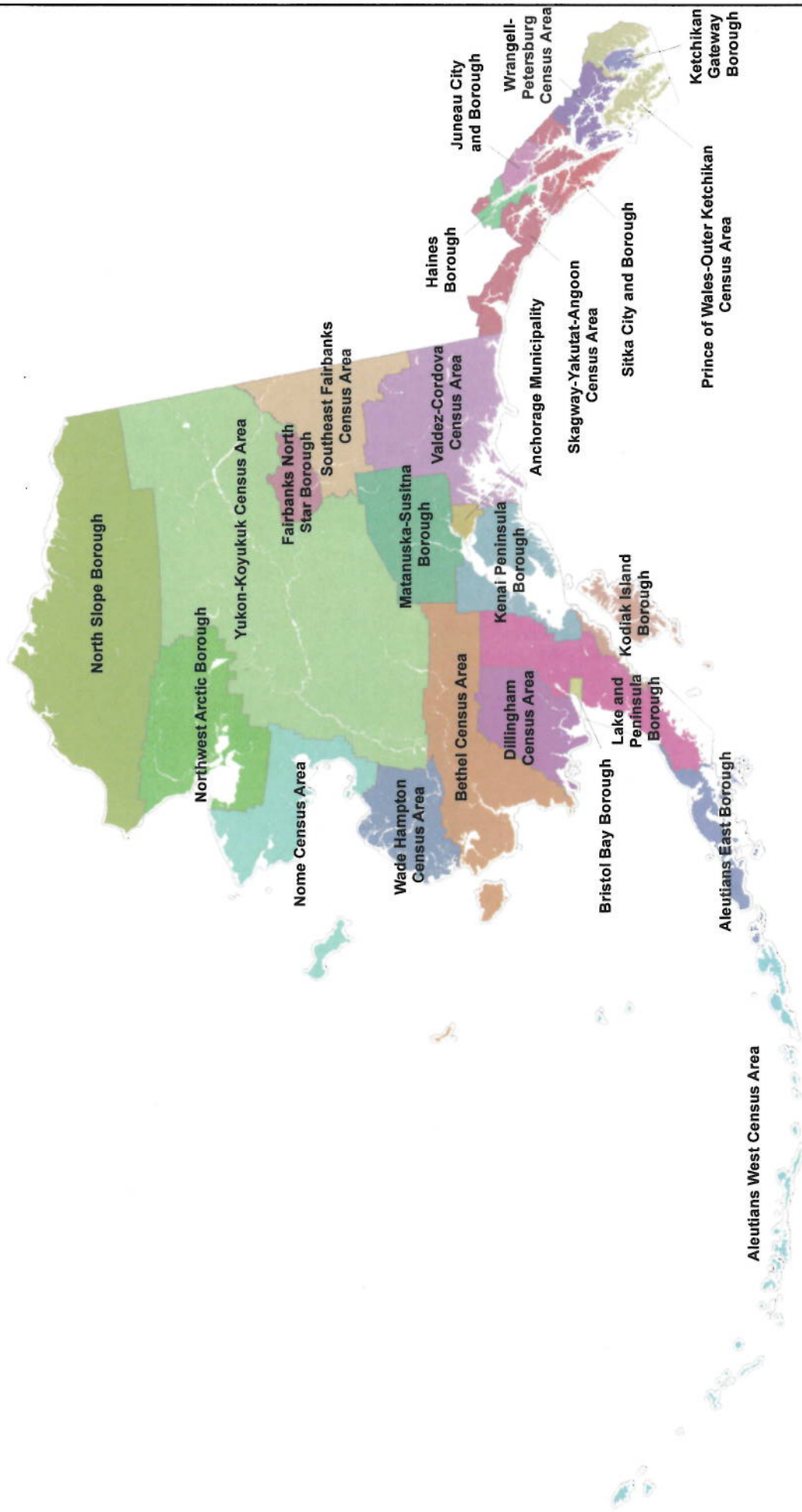


Non-Assumable Permit Action

APPENDIX M
Workload by Location

APPENDIX N
Alaska Borough Map 1990

Alaska Boroughs/Census Areas - 1990



APPENDIX O

Comparison of 404 to 402 Programs

How does the Section 404 program differ from Section 402?

Many state and tribes are familiar with the regulation of discharges through the National Pollution Discharge Elimination System (NPDES Program) under §402 of the Clean Water Act. Although there are similarities between the §402 and §404 programs, there are also distinct differences.

§402 (NPDES)	§404
Regulates the ongoing discharge of pollutants to waters of the U.S., setting pollution limits for each 5 year period.	Regulates placement of dredge or fill material in wetlands, lakes and streams. The permit is typically in effect only until changes are completed, but shall not exceed a 5 year period.
Permit limits may be modified in future based on monitoring data.	Changes are typically permanent.
Permit applicants are typically businesses or municipal facilities that are familiar with permit requirements.	High percentage of permit applicants are individual landowners who have limited understanding of environmental regulations.
Regulated discharges are typically to public waters.	Regulated activities in wetlands are often located on private land.
Public notice is typically in the form of a draft permit, including limits set by agency.	Public notice is typically issued upon receipt of a complete application, seeking input on the proposed project from all interested parties.
Compliance relies heavily on monitoring and reporting by the permit holder.	Violations may be reported by observations of numerous individuals; resolution may require restoration of the damaged site.
Administration of the program by a state or tribe may be phased in over time. A state or tribe may request approval to administer only some of the discharge categories.	Partial administration of the program by a state or tribe is not allowed; the state must simultaneously assume administration of all components of the §404 program <i>but the workload can be phased in through the state's MOA with the Corps.</i> ¹
No dedicated source of funding; however, typically funded in part by federal §106 funds.	No dedicated source of federal funding. While §106 funds could be used, these funds are typically committed to other essential programs.

Source: Association of State Wetland Managers, Inc. and The Environmental Council of the States, *Clean Water Act Section 404 Program: A Handbook for States and Tribes*, August 2011.

¹ The phrase in italics is an interpretation provided by EPA Region 10.

APPENDIX P

404 Program Calculation Template

Calculation Template for State-Assumed 404 Program--December 2014
Alaska Department of Environmental Conservation

Date Updated: 01/04/13

	Year 1	Year 2	Year 3	Year 4	Year 5
	Estimated Cost	Estimated Cost	Estimated Cost	Estimated Cost	Estimated Cost
Personal Services					
EPM III - Anc Exempt - R23	126.6	126.6	126.6	126.6	126.6
EPM II - Anc Exempt - R22		118.5	237.0	474.2	474.2
EPM I - Anc Exempt - R21	111.0	111.0	111.0	111.0	111.0
EPS IV - Anc - R20	207.6	311.5	311.5	311.5	311.5
EPS III - Anc - R18	362.7	725.5	1,088.2	1,360.3	1,360.3
EPS II - Anc - R16	157.9	315.7	315.7	315.7	315.7
Paralegal II - Anc - R16		75.6	75.6	75.6	75.6
Admin. Assistant - Anc - R14	65.6	131.1	196.7	196.7	196.7
Travel					
Employee Travel (\$4,500/tech. staff)	45.0	81.0	103.5	126.0	126.0
Services					
Dept of Law assistance	150.0	150.0	150.0	150.0	150.0
Allocated Cost (6% of personal services line)	61.9	115.0	147.8	178.3	178.3
Contractor(s)	150.0	150.0	150.0	150.0	150.0
DNR RSA	100.0	100.0	100.0	100.0	100.0
Training (\$4,500/tech. staff)	45.0	81.0	103.5	126.0	126.0
Commodities					
Office Expenses	82.5	136.5	148.5	128.0	128.0
Total Cost (in thousands)	\$1,665.8	\$2,728.9	\$3,365.6	\$3,929.8	\$3,929.8
Total FTE	11.0	21.0	27.0	32.0	32.0
	-	-	-	-	-
	-	-	-	-	-

APPENDIX Q
404 Program Cost Spreadsheets

ALASKA 404 PROGRAM COST SPREADSHEET YEAR 1																			
Class	Senior PM	Policy Spec.	Reg. Program Manager	GIS Spec.	Mitigation	Seinor Project Manager	Project Manager	Jurisdiction Specialist	Jurisdiction Coord & Wet. Planner	Paralegal II	Admin. Assistant	Number of Staff by Class	Individual Salary Range Bi-Weekly	Individual Salary Range Yearly	Yearly Salary by Class	Yearly Travel Expenses by Class	Yearly Commodity Expenses by Class	Yearly Benefit Costs by Class	Program Cost Yearly
EPM III-R 23	1											1	\$3,516.50	\$84,396.00	\$84,396.00			\$42,198.00	\$126,594.00
EPM II-R 22												0	\$3,293.00	\$79,032.00	\$0.00			\$0.00	\$0.00
EPM I-R 21		1										1	\$3,082.50	\$73,980.00	\$73,980.00			\$36,990.00	\$110,970.00
EPS IV-R 20					1			1				2	\$2,884.00	\$69,216.00	\$138,432.00			\$69,216.00	\$207,648.00
EPS III-R 18				1		2			1			4	\$2,519.00	\$60,456.00	\$241,824.00			\$120,912.00	\$362,736.00
EPS II-R 16							2					2	\$2,192.50	\$52,620.00	\$105,240.00			\$52,620.00	\$157,860.00
														\$0.00	\$0.00			\$0.00	\$0.00
SUBTOTAL	1	1	0	1	1	2	2	1	1	0	0	10	\$17,487.50	\$419,700.00	\$643,872.00	\$0.00	\$0.00	\$321,936.00	\$965,808.00
Program Administrative Staff																			
Paralegal II-R 16																			
Admin. Assistant-R 14											1	1	\$1,821.50	\$43,716.00	\$43,716.00	\$0.00		\$21,858.00	\$65,574.00
SUBTOTAL	0	0	0	0	0	0	0	0	0	0	1	1	\$3,920.50	\$94,092.00	\$43,716.00	\$0.00	\$0.00	\$21,858.00	\$65,574.00
Services and Supplies																			
Department of Law Assistance*																			\$150,000.00
Allocated cost (6% pers)																			\$61,900.00
DNR RSA																			\$100,000.00
Travel (\$4,500/tech. staff)																			\$45,000.00
Contractors*																			\$150,000.00
Training (\$4,500/tech. staff)																			\$45,000.00
Commodities (\$7,500/person)																			\$82,500.00
SUBTOTAL																			\$634,400.00
PROGRAM TOTAL	1	1	0	1	1	2	2	1	1	0	1	11	\$21,408.00	\$513,792.00	\$687,588.00	\$0.00	\$0.00	\$343,794.00	\$1,665,782.00
* Costs for these contractual services are not static and will vary on a year-to-year basis.																			

ALASKA 404 PROGRAM COST SPREADSHEET YEAR 2																			
Class	Senior PM	Policy Spec.	Reg. Program Manager	GIS Spec.	Mitigation	Senior Project Manager	Project Managers	Jurisdiction Specialist	Jurisdiction Coord & Wet. Planner	Paralegal II	Admin. Assistant	Number of Staff by Class	Individual Salary Range Bi-Weekly	Individual Salary Range Yearly	Yearly Salary by Class	Yearly Travel Expenses by Class	Yearly Commodity Expenses by Class	Yearly Benefit Costs by Class	Program Cost Yearly
EPM III-R 23	1											1	\$3,516.50	\$84,396.00	\$84,396.00			\$42,198.00	\$126,594.00
EPM II-R 22			1									1	\$3,293.00	\$79,032.00	\$79,032.00			\$39,516.00	\$118,548.00
EPM I-R 21		1										1	\$3,082.50	\$73,980.00	\$73,980.00			\$36,990.00	\$110,970.00
EPS IV-R 20					2			1				3	\$2,884.00	\$69,216.00	\$207,648.00			\$103,824.00	\$311,472.00
EPS III-R 18				1		4			3			8	\$2,519.00	\$60,456.00	\$483,648.00			\$241,824.00	\$725,472.00
EPS II-R 16							4					4	\$2,192.50	\$52,620.00	\$210,480.00			\$105,240.00	\$315,720.00
														\$0.00	\$0.00			\$0.00	\$0.00
SUBTOTAL	1	1	1	1	2	4	4	1	3	0	0	18	\$17,487.50	\$419,700.00	\$1,139,184.00	\$0.00	\$0.00	\$569,592.00	\$1,708,776.00
Program Administrative Staff																			
Paralegal II-R 16										1		1	\$2,099.00	\$50,376.00	\$50,376.00	\$0.00		\$25,188.00	\$75,564.00
Admin. Assistant-R 14											2	2	\$1,821.50	\$43,716.00	\$87,432.00	\$0.00		\$43,716.00	\$131,148.00
SUBTOTAL	0	0	0	0	0	0	0	0	0	1	2	3	\$3,920.50	\$94,092.00	\$137,808.00	\$0.00	\$0.00	\$68,904.00	\$206,712.00
Services and Supplies																			
Department of Law Assistance*																			\$150,000.00
Allocated Cost (6% pers)																			\$114,929.00
DNR RSA																			\$100,000.00
Travel \$4,500/tech. staff																			\$81,000.00
Contractors*																			\$150,000.00
Training (\$4,500/tech. staff)																			\$81,000.00
Commodities (\$6,500/person)																			\$136,500.00
SUBTOTAL																			\$813,429.00
PROGRAM TOTAL	1	1	1	1	2	4	4	1	3	1	2	21	\$21,408.00	\$513,792.00	\$1,276,992.00	\$0.00	\$0.00	\$638,496.00	\$2,728,917.00

Costs for these contractual services are not static and will vary on a year-to-year basis.

* Costs for these contractual services are not static and will vary on a year-to-year basis.

ALASKA 404 PROGRAM COST SPREADSHEET YEAR 3																			
Class	Senior PM	Policy Spec.	Reg. Program Manager	GIS Spec.	Mitigation	Senior Project Manager	Project Managers	Jurisdiction Specialist	Jurisdiction Coord & Wet. Planner	Paralegal II	Admin. Assistant	Number of Staff by Class	Individual Salary Range Bi-Weekly	Individual Salary Range Yearly	Yearly Salary by Class	Yearly Travel Expenses by Class	Yearly Commodity Expenses by Class	Yearly Benefit Costs by Class	Program Cost Yearly
EPM III-R 23	1											1	\$3,516.50	\$84,396.00	\$84,396.00			\$42,198.00	\$126,594.00
EPM II-R 22			2									2	\$3,293.00	\$79,032.00	\$158,064.00			\$79,032.00	\$237,096.00
EPM I-R 21		1										1	\$3,082.50	\$73,980.00	\$73,980.00			\$36,990.00	\$110,970.00
EPS IV-R 20					2			1				3	\$2,884.00	\$69,216.00	\$207,648.00			\$103,824.00	\$311,472.00
EPS III-R 18				1		6			5			12	\$2,519.00	\$60,456.00	\$725,472.00			\$362,736.00	\$1,088,208.00
EPS II-R 16							4					4	\$2,192.50	\$52,620.00	\$210,480.00			\$105,240.00	\$315,720.00
														\$0.00	\$0.00			\$0.00	\$0.00
SUBTOTAL	1	1	2	1	2	6	4	1	5	0	0	23	\$17,487.50	\$419,700.00	\$1,460,040.00	\$0.00	\$0.00	\$730,020.00	\$2,190,060.00
Program Administrative Staff																			
Paralegal II-R 16																			
Admin. Assistant-R 14										1		1	\$2,099.00	\$50,376.00	\$50,376.00	\$0.00		\$25,188.00	\$75,564.00
											3	3	\$1,821.50	\$43,716.00	\$131,148.00	\$0.00		\$65,574.00	\$196,722.00
SUBTOTAL	0	0	0	0	0	0	0	0	0	1	3	4	\$3,920.50	\$94,092.00	\$181,524.00	\$0.00	\$0.00	\$90,762.00	\$272,286.00
Services and Supplies																			
Department of Law Assistance*																			\$150,000.00
Allocated Cost (6% pers)																			\$147,741.00
DNR RSA																			\$100,000.00
Travel (\$4,500/tech. staff)																			\$103,500.00
Contractors*																			\$150,000.00
Training (\$4,500/tech. staff)																			\$103,500.00
Commodities (\$5,500/person)																			\$148,500.00
SUBTOTAL																			\$903,241.00
PROGRAM TOTAL	1	1	2	1	2	6	4	1	5	1	3	27	\$21,408.00	\$513,792.00	\$1,641,564.00	\$0.00	\$0.00	\$820,782.00	\$3,365,587.00
* Costs for these contractual services are not static and will vary on a year-to-year basis.																			

ALASKA 404 PROGRAM COST SPREADSHEET YEAR 4																			
Class	Senior PM	Policy Spec.	Reg. Program Manager	GIS Spec.	Mitigation	Senior Project Manager	Project Managers	Jurisdiction Specialist	Jurisdiction Coord & Wet. Planner	Paralegal II	Admin. Assistant	Number of Staff by Class	Individual Salary Range Bi-Weekly	Individual Salary Range Yearly	Yearly Salary by Class	Yearly Travel Expenses by Class	Yearly Commodity Expenses by Class	Yearly Benefit Costs by Class	Program Cost Yearly
EPM III-R 23	1											1	\$3,516.50	\$84,396.00	\$84,396.00			\$42,198.00	\$126,594.00
EPM II-R 22			4									4	\$3,293.00	\$79,032.00	\$316,128.00			\$158,064.00	\$474,192.00
EPM I-R 21		2										1	\$3,082.50	\$73,980.00	\$73,980.00			\$36,990.00	\$110,970.00
EPS IV-R 20					2			1				3	\$2,884.00	\$69,216.00	\$207,648.00			\$103,824.00	\$311,472.00
EPS III-R 18				1		9			5			15	\$2,519.00	\$60,456.00	\$906,840.00			\$453,420.00	\$1,360,260.00
EPS II-R 16							4					4	\$2,192.50	\$52,620.00	\$210,480.00			\$105,240.00	\$315,720.00
														\$0.00	\$0.00			\$0.00	\$0.00
SUBTOTAL	1	2	4	1	2	9	4	1	5	0	0	28	\$17,487.50	\$419,700.00	\$1,799,472.00	\$0.00	\$0.00	\$899,736.00	\$2,699,208.00
Program Administrative Staff																			
Paralegal II-R 16												1	\$2,099.00	\$50,376.00	\$50,376.00	\$0.00		\$25,188.00	\$75,564.00
Admin. Assistant-R 14											3	3	\$1,821.50	\$43,716.00	\$131,148.00	\$0.00		\$65,574.00	\$196,722.00
SUBTOTAL	0	0	0	0	0	0	0	0	0	0	3	4	\$3,920.50	\$94,092.00	\$181,524.00	\$0.00	\$0.00	\$90,762.00	\$272,286.00
Services and Supplies																			
Department of Law Assistance*																			\$150,000.00
Allocated Cost (6% pers)																			\$178,289.00
DNR RSA																			\$100,000.00
Travel (\$4,500/tech. staff)																			\$126,000.00
Contractors*																			\$150,000.00
Training (\$4,500/tech. staff)																			\$126,000.00
Commodities (\$4,000/person)																			\$128,000.00
SUBTOTAL																			\$958,289.00
PROGRAM TOTAL	1	2	4	1	2	9	4	1	5	0	3	32	\$21,408.00	\$513,792.00	\$1,980,996.00	\$0.00	\$0.00	\$990,498.00	\$3,929,783.00

* Costs for these contractual services are not static and will vary on a year-to-year basis.

* Costs for these contractual services are not static and will vary on a year-to-year basis.

APPENDIX R

Trends Analysis Results

Section 404 Permit Trends Analysis Results
2005 - 2013

