

# USACE REGULATORY

PROGRAM TRANSFORMATION  
Sept 12, 2023



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## Leading Change



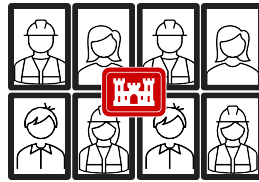
## To better serve the public



## USACE Regulatory Program

### Our Goal

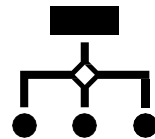
Improve public service through transformational change that will enable USACE Regulatory Program to continue to effectively deliver decisions that balance natural resource protection with the need for progress and economic growth.



- **Agile Workforce and Organizational Structure**

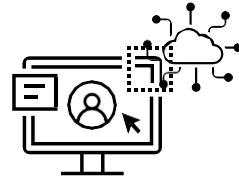
Leverage expertise to enhance delivery of efficient, collaborative, coordinated environmental reviews and permit decisions

Lead interagency efforts in recruiting, on-boarding, and training new generation of permitting professionals



- **Innovative Processes**

Facilitate implementation of cutting-edge concepts (e.g., Regulators without Borders).



- **Technology**

Identify, fund, and implement technology to for process improvement.



- **Strengthen Relationships**

Meet action agencies (Fed/State/Tribal/Local) where funding/priority decision-making occurs to maximize agility in resource allocation and execution.



# Infrastructure Investments and Jobs Act

## IIJA

- American Jobs Plan
- INVEST in America Act
- Bipartisan Infrastructure Law

## Bipartisan Infrastructure Law

- \$17B to USACE
- \$160M to Regulatory
- \$51M for Regulatory allocated to date

## Technical Regional Execution Centers (TREC)

- 107 new regulators in 7 centers
- 76% staffed
- Reducing backlog
- Mission Success Criteria

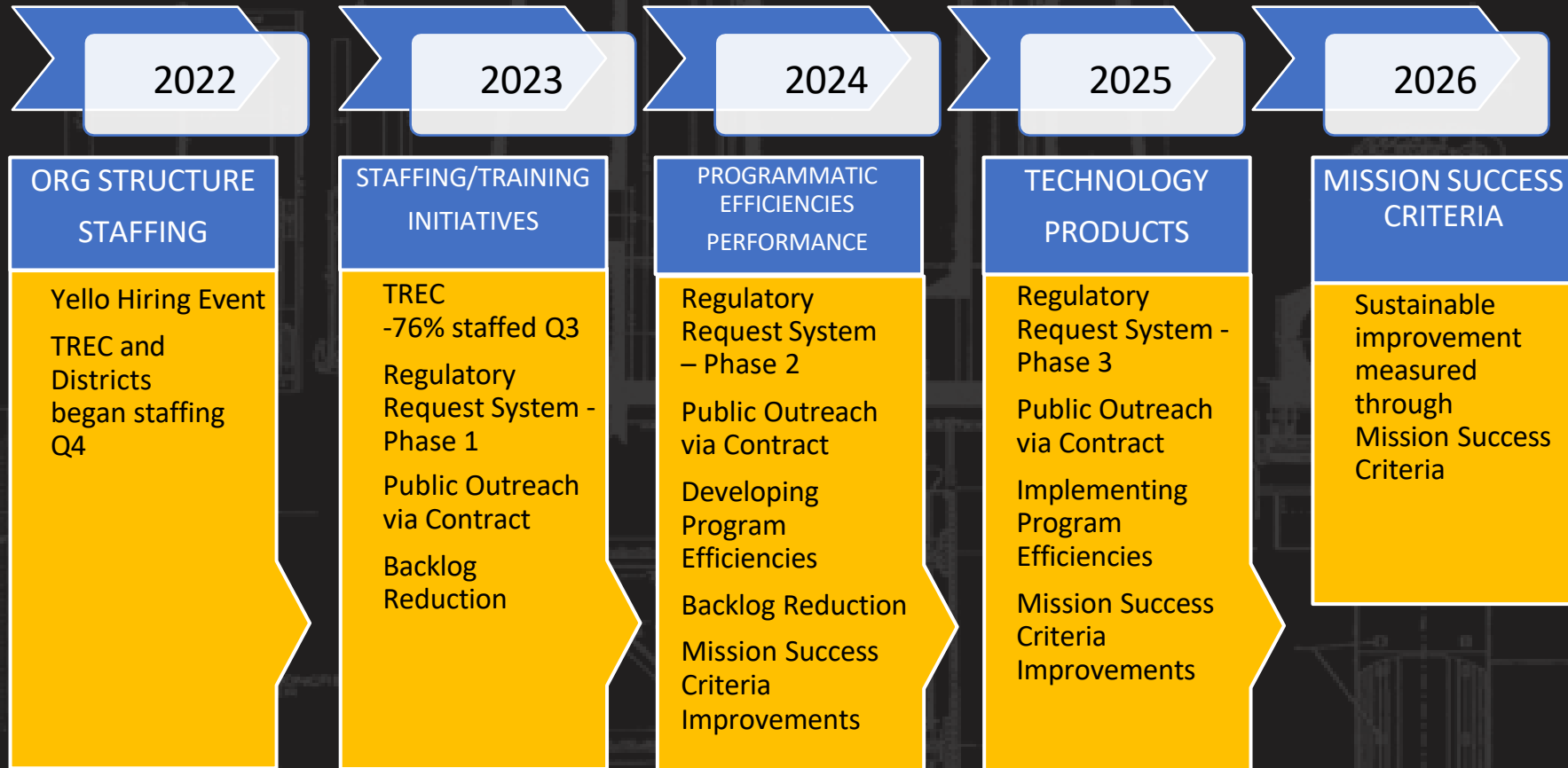


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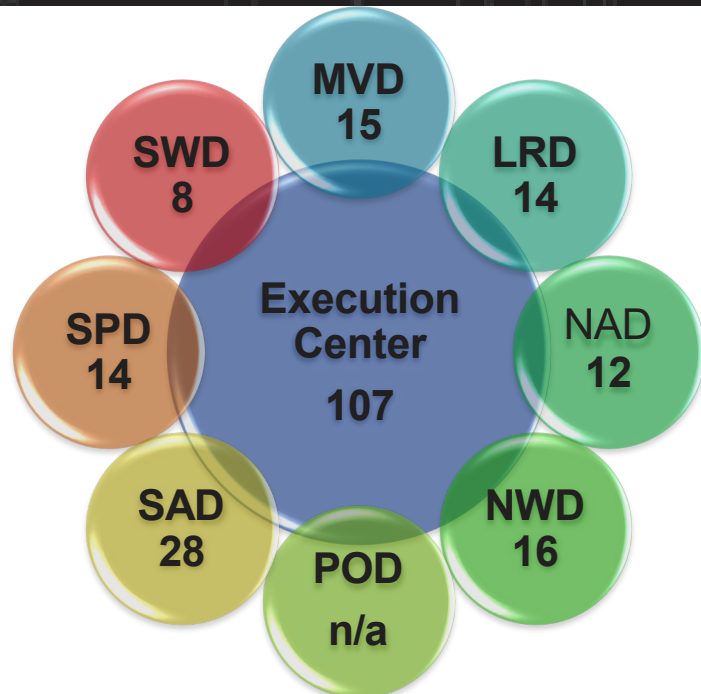
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# BIL EXECUTION PLAN



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# TECHNICAL REGIONAL EXECUTION CENTERS



Center Positions	Positions Filled	% Filled
107	83	76%

TREC FY23	Pending	Finalized
End of Q3	485	894

**Implement workload sharing  
“Regulators without Borders”**



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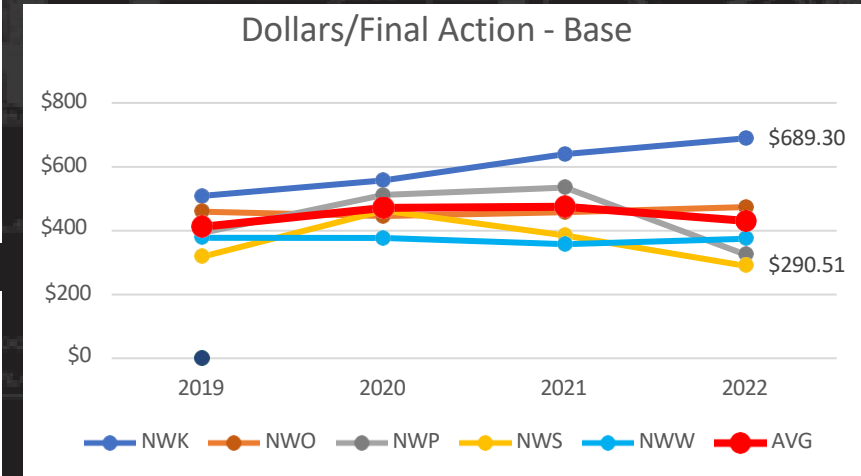
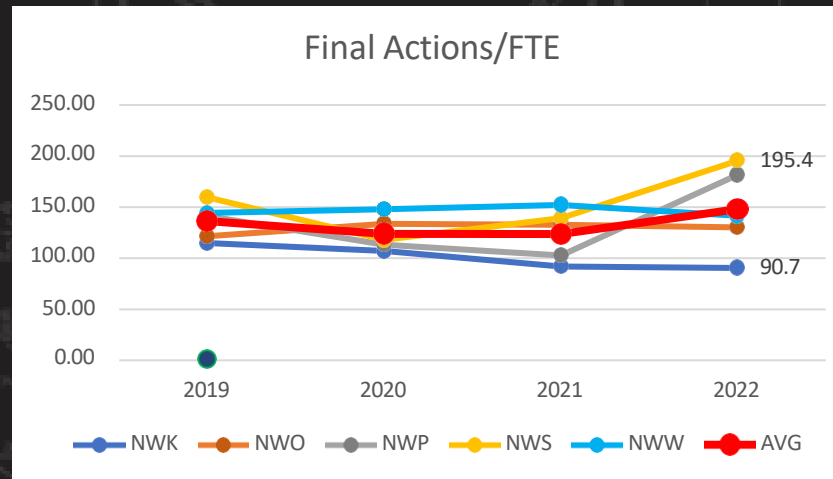
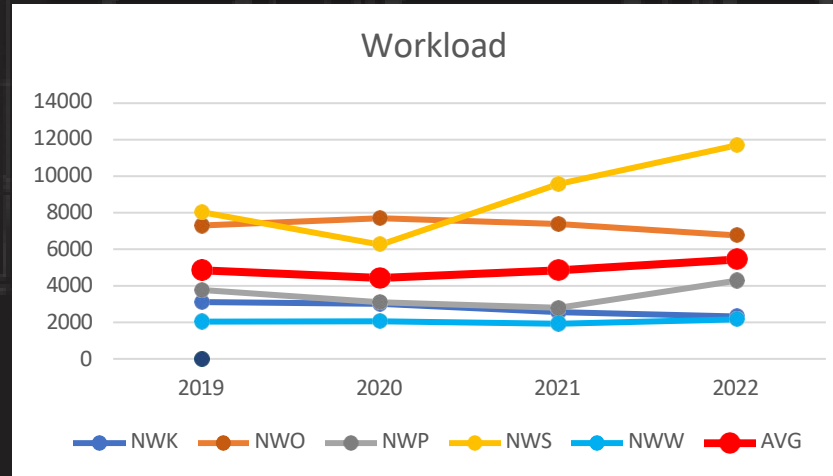


# USACE REGULATORY PROGRAM WORKLOAD EVALUATION

## National comparison

- Not all districts are underfunded or overworked
- Analysis based on hours not FTE
- Workload balancing through Technical Regional Execution Centers, and "Regulators without Borders"

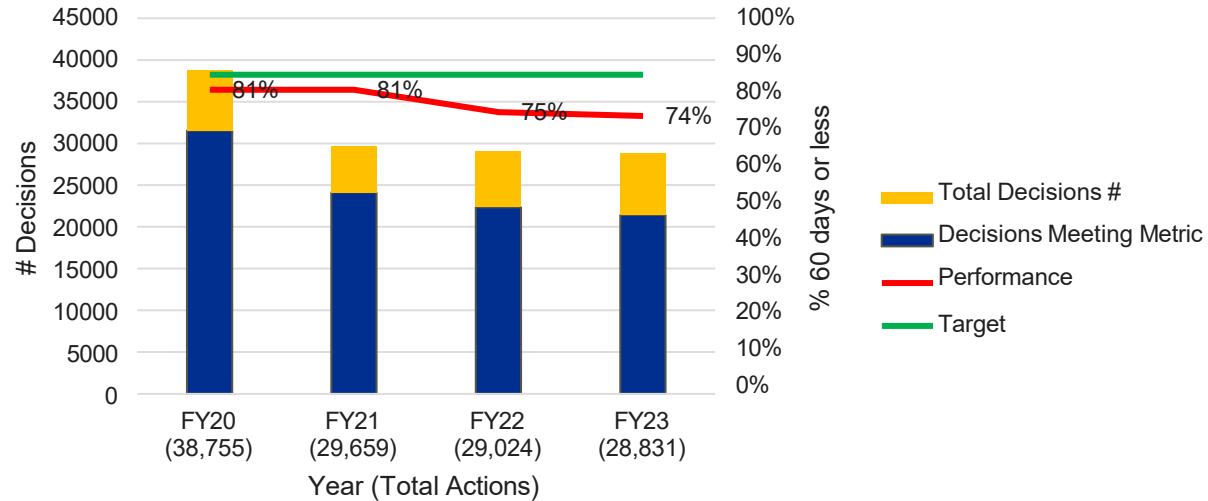
## WORKLOAD EVALUATION



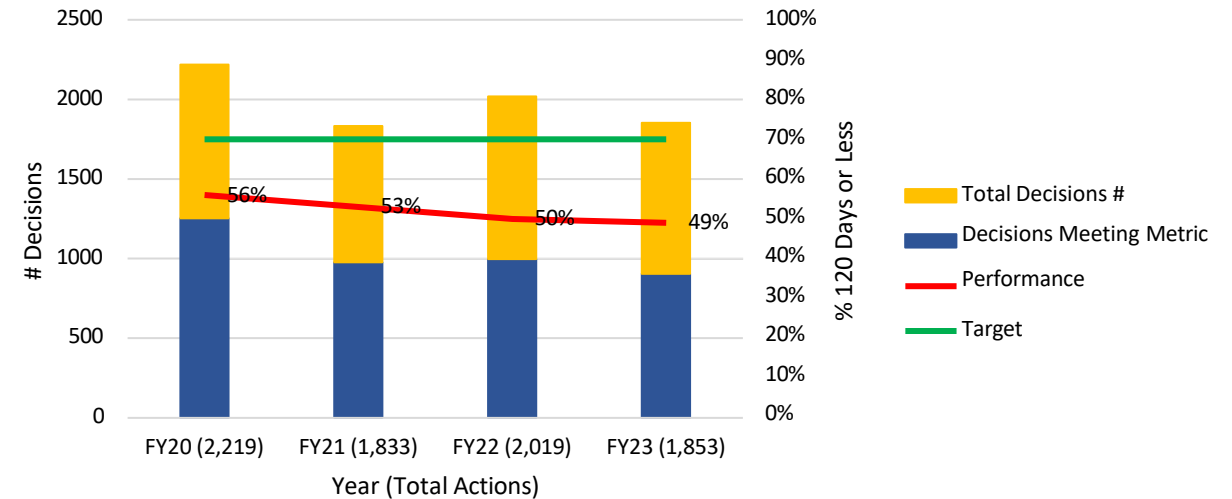
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# USACE BIL & REGULATORY PROGRAM 1 YR REVIEW

## GP Decisions in 60 Days or Less



## IP Decisions in 120 Days or Less



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# INFLUENCES AFFECTING INPUT/OUTPUT/TIME

- Sackett/2023 Rule
- More robust and transparent consultations
- Efficiencies Lag in Hiring
- Ramp up time for new regulators



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# Technical Regional Execution Center

- 107 new regulators
- Sharing of backlogged permits in MVD
- Regional Permits
- Standard Operating Procedures
- Harnessing expertise of individuals
- GIS initiative



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# REGULATORY REQUEST SYSTEM

## Regulatory Priority: Innovation

**WHO:** Regulatory Program

**WHAT:** Regulatory Request System

**WHEN:** End of CY

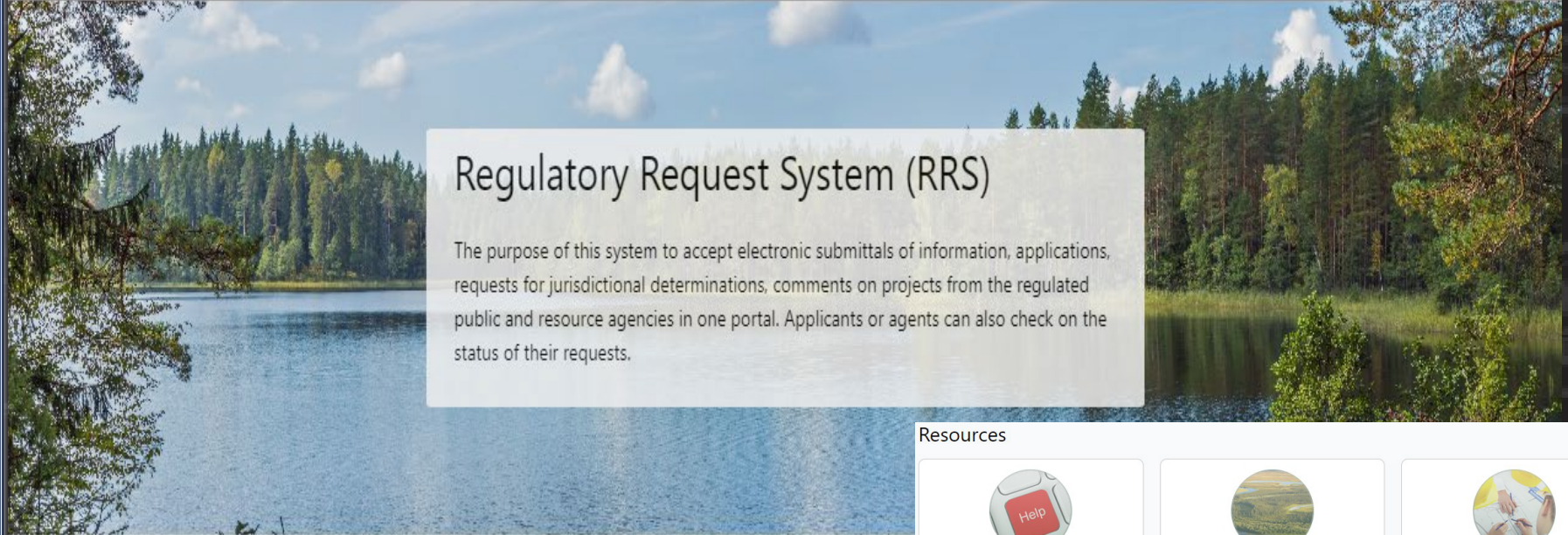
**WHERE:** Nationwide

**WHY:** The goal of RRS is to modernize our public interface and permitting process to keep up with existing technology and meet user expectations.



Regulatory Request System (RRS)

Login



## Regulatory Request System (RRS)

The purpose of this system is to accept electronic submittals of information, applications, requests for jurisdictional determinations, comments on projects from the regulated public and resource agencies in one portal. Applicants or agents can also check on the status of their requests.

### Resources



#### Getting Started

For visitors who would like help in navigating our site and content

[Try our Website Guide](#)



#### Jurisdiction

Do you have wetlands/other waters of the U.S. and does the Corps have jurisdiction?

[Go to Jurisdiction Section](#)



#### Permitting

Types of Permits, Permitting Access, Appeals Enforcement

[Go to Permitting Section](#)



#### Public Notices & Regulatory Announcements

Advising the public of proposed permit activity and soliciting public comment

[Go to Public Notices Section](#)



#### Mitigation

Avoiding and minimizing impacts to aquatic resources and providing compensatory mitigation to offset those unavoidable aquatic resource impacts

[Go to Mitigation Section](#)



#### Program Overview & Regulatory Resources

A one-stop location for Industry Consultants, State & Municipalities, and the general public. Please bookmark this page for one-click access to all regulatory resources.

[Go to Overview & Resource Section](#)



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# Questions?

Amy Henke  
MVD TREC, St. Louis  
314-873-4275  
[Amy.C.Henke@usace.army.mil](mailto:Amy.C.Henke@usace.army.mil)



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# **BACKUP SLIDES – DIVISION INFORMATION**





# MISSISSIPPI VALLEY DIVISION

STAFFING Q4 July 1	
FY 22	173
FY 23	199

BIL ALLOCATION	
DIVISION	\$2,966,246
TREC	\$2,617,794
INITIATIVES	\$1,600,000
TOTAL	\$7,184,040

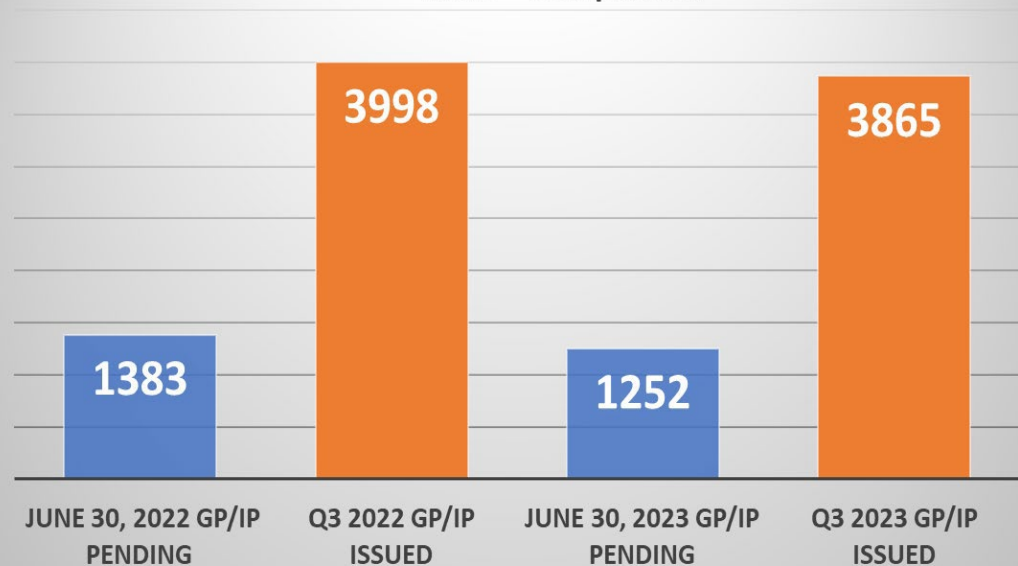
BIL FUNDS TO DATE	
OBLIGATED	\$2,196,602
REMAINING	\$4,987,438

What is the Division doing to implement solutions to better serve the public? Implementing “Regulators Without Borders” (workload sharing across all 6 Districts), creation of PGP’s, GIS PDT standardization of tools within the Valley, ORM data audits and triage pending backlog across the Region

Explain when and how backlog will turn the corner. Projecting up to 5% increase for GP target by end of 2nd Quarter, FY 24.

Project when backlog will meet the threshold and MSC will be met. Banking/ILF target will continue to be difficult to ever meet with external agency coordination and complexity. Once GP targets are met, move to IP targets.

MVD - Comparison



MVD	Q3 FY 2022				Q3 FY 2023			
Mission Success Criteria	Num	Den	%	Status	Num	Den	%	Status
<u>OUTREACH</u>	65	150	43%	Amber	52	155	34%	Red
Target 50%								
GP DECISIONS 60 DAYS OR LESS	3161	3785	84%	Amber	3129	3705	84%	Amber
Target 85%								
IP DECISIONS 120 DAYS OR LESS	99	213	46%	Red	92	191	48%	Red
Target 70%								
BANK/ILF DECISIONS WITHIN 550 DAYS	10	27	37%	Red	2	20	10%	Red
Target 70%								



# GREAT LAKES & OHIO RIVER DIVISION

## STAFFING Q4 (July 1)

FY 22	181
FY 23	196

## BIL ALLOCATION

DIVISION	\$3,480,850
TREC	\$3,025,000
INITIATIVES	\$75,000
<b>TOTAL</b>	<b>\$6,580,850</b>

## BIL FUNDS TO DATE

OBLIGATED	\$1,545,370
REMAINING	\$5,035,480

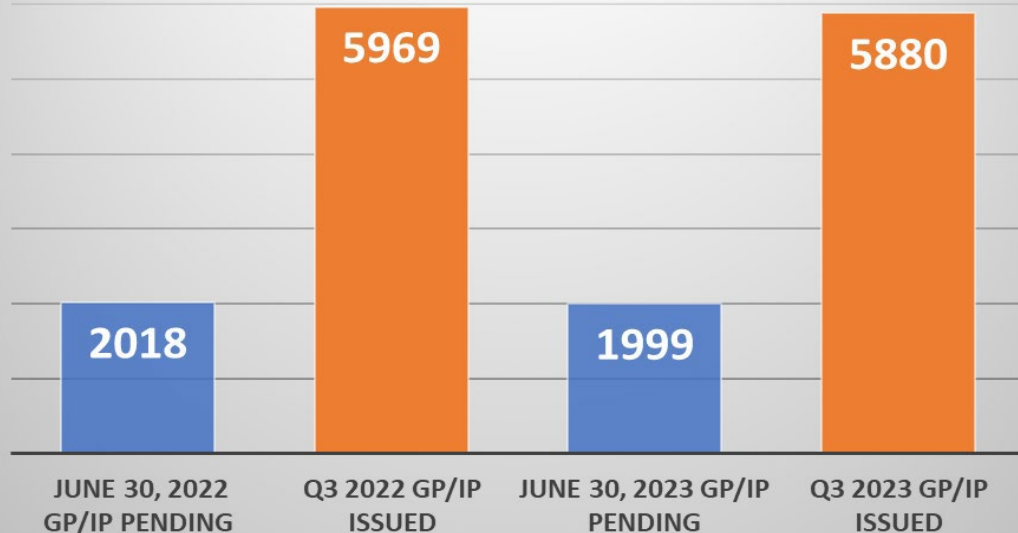
### What is the Division doing to implement solutions to better serve the public?

- LRN nearing completion of SLOPES agreement with USFWS in TN to enhance Sec 7 ESA coordination timelines.
- LRB – NYS Transportation RGP and pending 214 agreement with National Grid
- LRC – Boundary realignment with MVR
- LRH and LRP – Working to fill Mitigation SME positions

Explain when and how backlog will turn the corner. Backlog of pending permits is declining. HQ Monthly Summary ORM Reports (LRD): July 2022: 2,078 pending; July 2023: 1,893 pending

Project when backlog will meet the threshold and MSC will be met. LRD goal is to be green on GPs by 3/31/24. Outreach has been GREEN the last 3 FYs so expect green by end of FY23.

## LRD - Comparison



## LRD

	Q3 FY 2022				Q3 FY 2023			
Mission Success Criteria	Num	Den	%	Status	Num	Den	%	Status
<u>OUTREACH</u>	85	184	46%	Amber	85	188	45%	Amber
Target 50%								
<u>GP DECISIONS 60 DAYS OR LESS</u>	4366	5698	77%	Red	4029	5636	71%	Red
Target 85%								
<u>IP DECISIONS 120 DAYS OR LESS</u>	157	271	58%	Red	154	268	57%	Red
Target 70%								
<u>BANK/ILF DECISIONS REACHED WITHIN 550 DAYS</u>	8	17	47%	Red	9	19	47%	Red
Target 70%								



# NORTH ATLANTIC DIVISION

22

## STAFFING Q4 July 1

FY 22	134
FY 23	154

## BIL ALLOCATION

DIVISION	\$3,576,932
TREC	\$2,937,439
INITIATIVES	\$ 900,000
TOTAL	\$7,411,371

## BIL FUNDS TO DATE

OBLIGATED	\$2,530,584
REMAINING	\$4,880,787

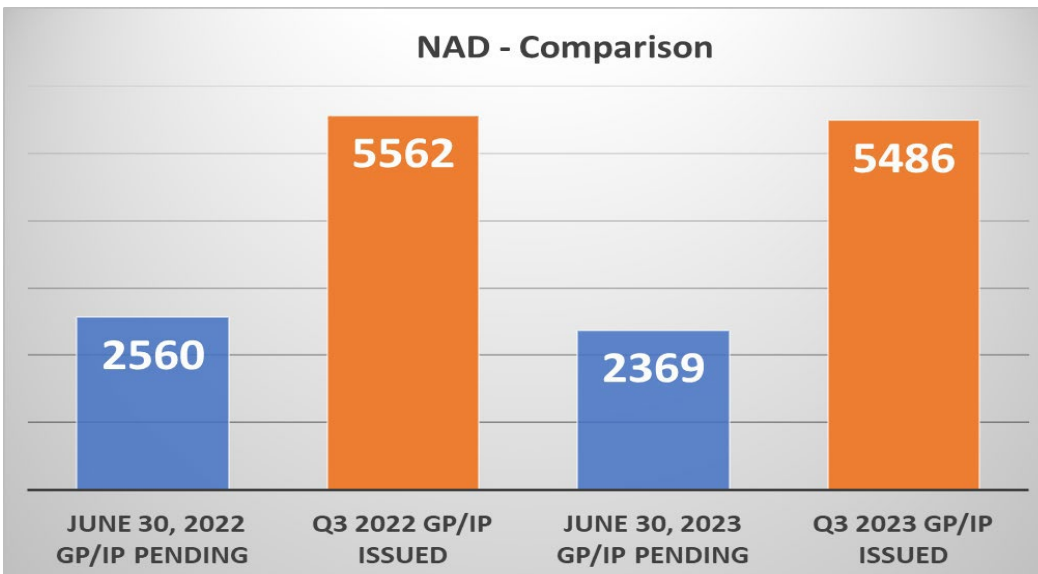
What is the Division doing to implement solutions to better serve the public? Truly Implementing Regulators w/out Borders – NAD TREC Staff have taken on a mixed load of permit actions effectively distributing the backlogged actions across district boundaries. The NAD TREC has produced/implemented efficiencies related to Mitigation, NEPA, ESA/EFH, Tribal/106 (including: Banking instrument reviews; Draft EIS Reviews; updated Programmatic Agreements; Revisions to ESA Determination Keys, and MOAs between Tribal and Historic interests). These efforts assist the districts of NAD in the daily processing of expedited permit actions and lead to more efficiently rendered permit decisions.

Explain when and how backlog will turn the corner. Backlog should turn the corner within the next 8 months. By March 2024, the TREC will have been operating for one full year and all the new staff hired at the districts will show increased productivity. We will have more efficiency tools in place that will allow all staff (existing and new) to make more quality permit decisions in a timely manner.

Project when backlog will meet the threshold and Mission Success Criteria will be met.

The majority of NAD districts are meeting the MSC for GP decisions. We plan for all districts to maintain their numbers or show improvement in the GP MSC by the end of FY23. For IPs, we will focus more resources (staff to review projects/staff to develop efficiency measures) towards districts that are not meeting the MSC and plan to move from red to amber by Q3 FY24. In order to achieve to this goal, as a division, we will need to make timely permit decisions on an additional 24 IP projects per quarter. In addition, we will examine opportunities to develop more GPs to improve efficiency measures across the Districts.

NAD - Comparison



## NAD

	Q3 FY 2022				Q3 FY 2023			
Mission Success Criteria	Num	Den	%	Status	Num	Den	%	Status
<u>OUTREACH</u>	68	142	48%	Amber	80	133	60%	Green
Target 50%								
<u>GP DECISIONS 60 DAYS OR LESS</u>	4168	5286	79%	Red	3876	5257	74%	Red
Target 85%								
<u>IP DECISIONS 120 DAYS OR LESS</u>	146	276	53%	Red	141	275	51%	Red
Target 70%								
<u>BANK/ILF DECISIONS WITHIN 550 DAYS</u>	7	9	78%	Green	6	23	26%	Red
Target 70%								



# NORTHWESTERN DIVISION

STAFFING Q4 July 1	
FY 22	95
FY 23	107

BIL ALLOCATION	
DIVISION	\$3,973,556
TREC	\$2,708,606
INITIATIVES	\$ --
<b>TOTAL</b>	<b>\$6,682,162</b>

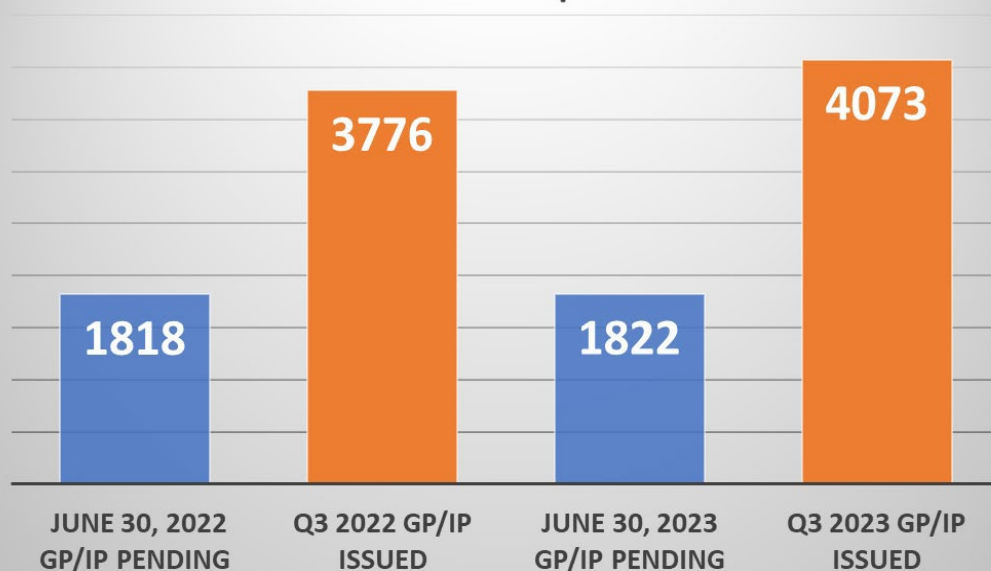
BIL FUNDS TO DATE	
OBLIGATED	\$3,011,515
REMAINING	\$3,670,647

What is the Division doing to implement solutions to better serve the public? Filling vacancies, training staff, implementing “Regulators without Borders”, developing and expanding programmatic ESA consultations, implementing short-term and developing long-term solutions for tribal treaty objections, and developing tools to streamline the mitigation banking process.

Explain when and how backlog will turn the corner. We are starting to see that turn in a rise of verified/issued permits from Q3FY22 to Q3FY23.

Project when backlog will meet the threshold and MSC will be met. Short-term, performance will drop as we clear out backlog. Additionally, as long as we continue to count ESA, Sec. 106 and tribal in the total processing time, NWD will not meet national GP/IP metrics. NWD will focus on improving the portion of the process that is within our control. For example, we are working with NMFS and USFWS on developing and expanding programmatic ESA consultations, which are significantly faster than individual ESA consultations.

NWD - Comparison



NWD	Q3 FY 2022				Q3 FY 2023			
Mission Success Criteria	Num	Den	%	Status	Num	Den	%	Status
<u>OUTREACH</u>	87	137	64%	Green	80	141	57%	Green
Target 50%								
<u>GP DECISIONS 60 DAYS OR LESS</u>	2594	3347	78%	Red	2869	3882	74%	Red
Target 85%								
<u>IP DECISIONS 120 DAYS OR LESS</u>	183	429	43%	Red	70	215	33%	Red
Target 70%								
<u>BANK/ILF DECISIONS WITHIN 550 DAYS</u>	1	8	13%	Red	0	7	0%	Red
Target 70%								





# SOUTHWESTERN DIVISION

## STAFFING Q4 July 1

FY 22 86

FY 23 108

## BIL ALLOCATION

DIVISION \$1,158,760

TREC \$2,109,346

INITIATIVES \$ 200,000

TOTAL \$3,468,106

## BIL FUNDS TO DATE

OBLIGATED \$1,236,223

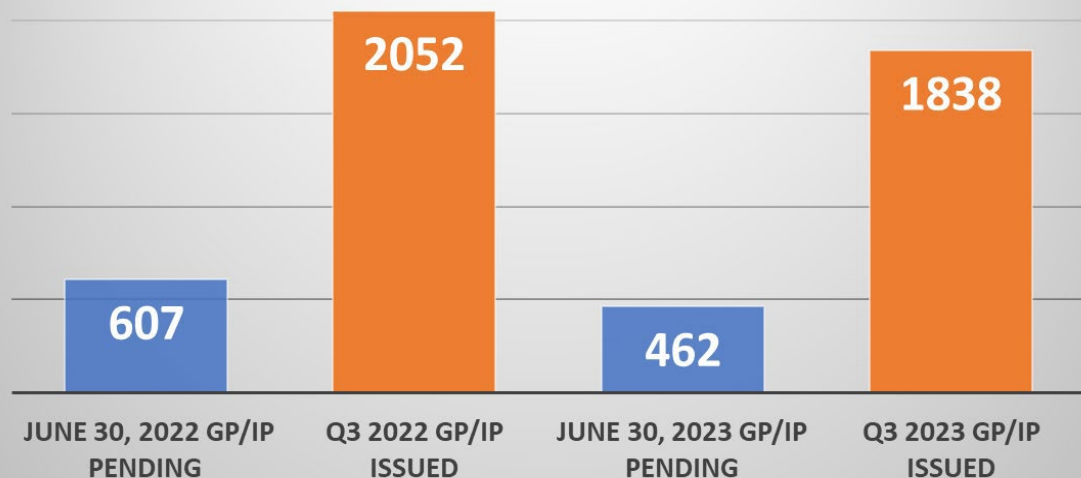
REMAINING \$2,231,883

What is the Division doing to implement solutions to better serve the public? Currently embracing Regulators without borders concepts. Focusing on ways to assist Operations to streamline 408 reviews in SWG. Working on a programmatic agreement with SWG/USFWS for quicker Section 7 consultation processes.

Explain when and how backlog will turn the corner. (consider percentage increase by end of FY) SWD expects ¾ Districts to be Green in Mission Success Criteria 3.1 this FY. SWG working on 433 pending GPs over 60-days of which 75% are awaiting 408 decisions from Operations. Expect all SWD Districts to be Green in GPs in FY 24.

Project when backlog will meet the threshold and MSC will be met. SWG not meeting in GPs and IPs. Team SWG starting programmatic agreements with USFWS and perhaps Categorical Permission for 408s. SWF, SWT, SWL expected to be Green in GPs this FY.

## SWD - COMPARISON



## SWD

	Q3 FY 2022				Q3 FY 2023			
Mission Success Criteria	Num	Den	%	Status	Num	Den	%	Status
<u>OUTREACH</u>	31	78	40%	Amber	35	68	51%	Green
Target 50%								
GP DECISIONS 60 DAYS OR LESS	1312	1893	69%	Red	1192	1718	69%	Red
Target 85%								
IP DECISIONS 120 DAYS OR LESS	81	159	51%	Red	66	126	52%	Red
Target 70%								
BANK/ILF DECISIONS WITHIN 550 DAYS					1	5	20%	Red
Target 70%								



# SOUTH ATLANTIC DIVISION

STAFFING Q4 July 1	
FY 22	236
FY 23	300

BIL ALLOCATION	
DIVISION	\$6,355,057
TREC	\$4,572,112
INITIATIVES	\$0
TOTAL	\$10,927,169

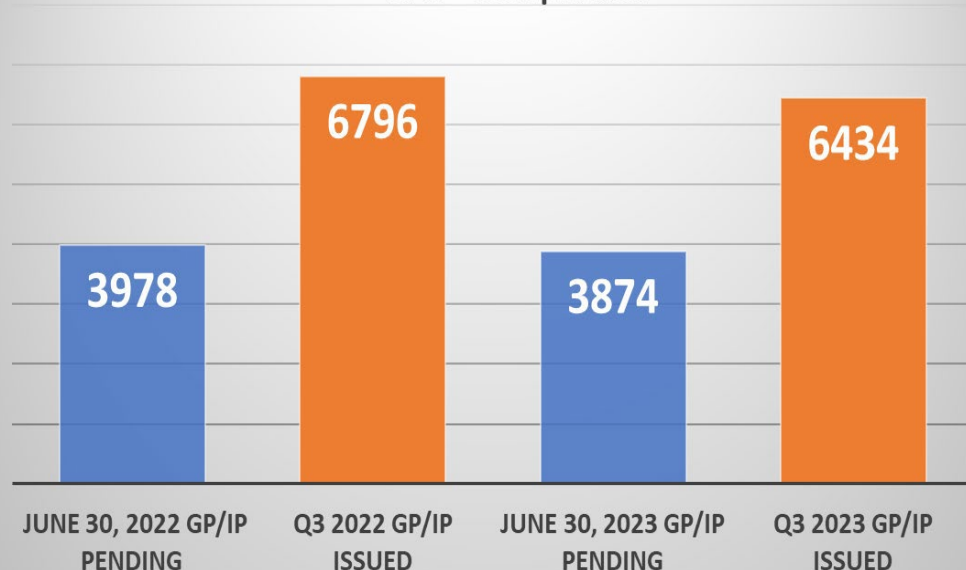
BIL FUNDS TO DATE	
OBLIGATED	\$2,391,182
REMAINING	\$8,535,987

What is the Division doing to implement solutions to better serve the public? Ongoing ORM audit to ensure accurate data and project status. Identifying internal delays and focus on reduction of delays. FY 2023 focus remains clearing backlog of “old” project workload. In addition, SAD is leading the development of the LOP contract (projected award Q1 FY 2024), RRS, Template generator, Outreach contract, and Navigation mapping tools, which will benefit the Enterprise.

Explain when and how backlog will turn the corner. With the current focus identified above, SAD is projecting to turn the corner on GP backlog by end of FY 2023. SAD expects to turn the corner on IP backlog and MSC improvement by end on Q2 FY 2024.

Project when backlog will meet the threshold and MSC will be met. SAD is projecting to be Green for GP MSC by end of Q3 FY 2024. SAD is projecting an overall improvement in IP MSC by end of FY 2024 (Goal: Amber). However, due to external delays, SAD may not be able to fully meet MSC for IPs.

SAD - Comparison



SAD	Q3 FY 2022				Q3 FY 2023			
Mission Success Criteria	Num	Den	%	Status	Num	Den	%	Status
<u>OUTREACH</u>	45	230	20%	Red	70	246	28%	Red
Target 50%								
GP DECISIONS 60 DAYS OR LESS	4546	6321	72%	Red	4089	5898	69%	Red
Target 85%								
IP DECISIONS 120 DAYS OR LESS	200	475	42%	Red	251	577	44%	Red
Target 70%								
<u>BANK/ILF DECISIONS WITHIN 550 DAYS</u>	5	16	31%	Red	4	16	25%	Red
Target 70%								



# PACIFIC OCEAN DIVISION

## BIL ALLOCATION

DIVISION	\$1,105,238
TREC	n/a
INITIATIVES	0
TOTAL	\$1,105,238

## STAFFING Q4 July 1

FY 22	47
FY 23	50

## BIL FUNDS TO DATE

OBLIGATED	\$593,706
REMAINING	\$511,532

What is the Division doing to implement solutions to better serve the public? Website updates, increased outreach/training to the public, DOT, Alaska Broadband Office (126 BIL projects), developing programmatic agreements, training staff, evaluating potential ways to restructure the Division to better meet the growing demands and serve the public.

Explain when and how backlog will turn the corner. Numbers are already starting to marginally improve. As of 28 Jul, IPs are amber (63%). Working with CPAC to expeditiously backfill many positions lost within past 12 months (new Regional Reg Chief, SMEs, branch & section chiefs). Team has implemented training programs to educate new staff on regs & policies.

Project when backlog will meet the threshold and MSC will be met. Focus is currently on backfilling senior positions. Expect to be green in outreach MSC by end of Q1, FY24. Green in GPs and IPs by end of Q3, FY24.

## POD Comparison



## POD

	Q3 FY 2022				Q3 FY 2023			
Mission Success Criteria	Num	Den	%	Status	Num	Den	%	Status
<u>OUTREACH</u>	25	48	52%	Green	16	57	28%	Red
Target 50%								
<u>GP DECISIONS 60 DAYS OR LESS</u>	323	364	89%	Green	302	349	87%	Green
Target 85%								
<u>IP DECISIONS 120 DAYS OR LESS</u>	36	58	62%	Amber	32	55	58%	Red
Target 70%								
<u>BANK/ILF DECISIONS WITHIN 550 DAYS</u>	0	0	0%	N/A	0	0	0%	N/A
Target 70%								



# SOUTH PACIFIC DIVISION

STAFFING Q4 July 1	
FY 22	145
FY 23	155

BIL ALLOCATION	
DIVISION	\$1,741,781
TREC	\$2,647,686
INITIATIVES	\$ 237,709
TOTAL	\$4,627,176

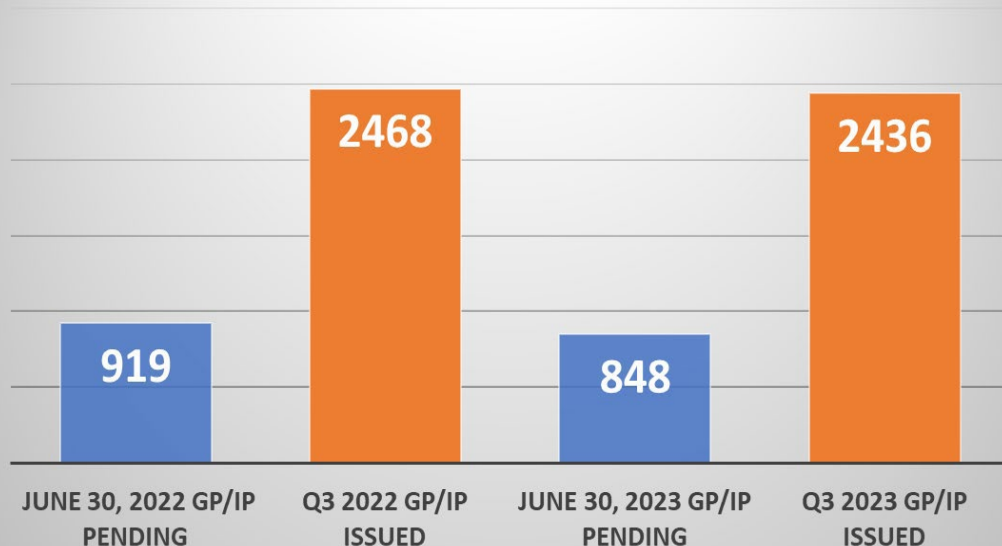
BIL FUNDS TO DATE	
OBLIGATED	\$2,703,863
REMAINING	\$1,923,313

What is the Division doing to implement solutions to better serve the public? ORM audit to identify internal delays and ways to improve; drafting EJ framework for PMs; working with TNTCX to develop a regional tribal rights guidance and practices manual, a tribal treaty GIS viewer, and a tribal training strategy; targeting relationships with SHPOs in the AOR; planning roadshows using HQ outreach contract; and working on RGP for wildfire activities.

Explain when and how backlog will turn the corner. Unprecedented winter storms in CA caused a shift in workload priorities for FY23 to include over 350 emergency permitting actions. One project in house >3 years. Targeting >2-year actions for completion in FY 24 which may lower success criteria for next FY.

Project when backlog will meet the threshold and MSC will be met. As of 7/28/23 - Green at 58% Outreach, Green at 72% for IPs, and Amber at 81% for GPs. Projecting 1-3% additional improvement for GP/IP by Q3 FY24. It is unlikely that ILF/Bank decisions will ever be green based on complexity and external agency requirements.

SPD - Comparison



SPD	Q3 FY 2022				Q3 FY 2023			
Mission Success Criteria	Num	Den	%	Status	Num	Den	%	Status
<u>OUTREACH</u>	82	121	68%	Green	74	134	55%	Green
Target 50%								
<u>GP DECISIONS 60 DAYS OR LESS</u>	1864	2330	80%	Amber	1830	2300	80%	Amber
Target 85%								
<u>IP DECISIONS 120 DAYS OR LESS</u>	95	138	69%	Amber	91	137	66%	Amber
Target 70%								
<u>BANK/ILF INSTRUMENT DECISIONS</u>								
<u>WITHIN 550 DAYS</u>	0	1	0%	Red	0	1	0%	Red
Target 70%								