

New and Updated Engineer (ENG) Forms for the USACE Regulatory Program

USACE Regulatory recently secured Office of Management and Budget (OMB) approval of our request to renew and update our information collections (a.k.a. "forms") packages (OMB Control Nos. 0710-0003 and 0710-0024).

OMB's approval of our forms packages has resulted in a suite of new and updated Engineer (ENG) forms that are to be used by our district and division offices and by members of the public to collect certain information needed to administer our Regulatory Program.

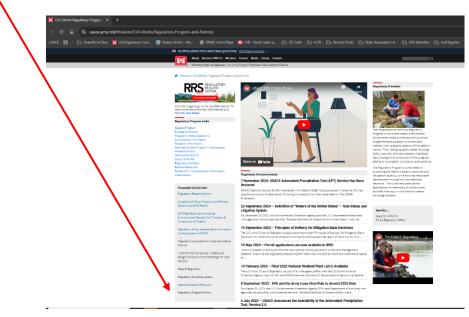
There are 23 OMB-approved ENG forms in use by the USACE Regulatory Program.

Most of the 23 Regulatory ENG forms that are now in use are updated versions of existing information collection instruments that have been in use by USACE Regulatory for some time, and as such they should be familiar to most practitioners. There are a few new forms that have not previously been approved for use, but the information that these new forms are designed to collect should be familiar to the Regulatory Community of Practice.

The 23 forms fall into four main categories:

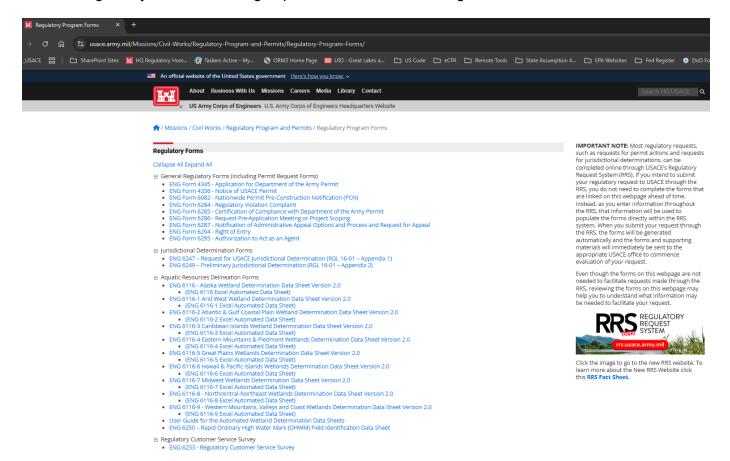
- 1) General Regulatory Forms (including permit Request Forms)
- 2) Jurisdictional Determination Forms
- 3) Aquatic Resources Delineation Forms; and
- 4) The Regulatory Customer Service Survey

USACE Headquarters has created a new "<u>Regulatory Program Forms</u>" webpage on our <u>Headquarters Regulatory Main Website</u>, to provide practitioners, the public, and our regulators with easy access to the full suite of Regulatory ENG forms. The link to the Regulatory Program Forms page is on our Headquarters Main page here:



The forms can also be accessed from the USACE Publications Engineer Forms website, which is https://www.publications.usace.army.mil/usace-publications/engineer-forms/.

The new "Regulatory Program Forms" webpage is shown below. Note that on the forms page the 23 USACE Regulatory ENG forms are grouped into the four main categories identified above:



The new and updated ENG forms that have been posted to the USACE webpages should be used when needed to support future Regulatory actions. The expiration date in the top right corner of each form can be used to ensure that you have the correct version.

- The General Regulatory forms and the Customer Service Survey form (OMB No. 0710-0003) all have an expiration date of 31 October 2027.
- The Jurisdictional Determination and Aquatic Resources Delineation forms (OMB No. 0710-0024) all have an expiration date of 30 September 2027.

NOTE: USACE Headquarters expects that districts and divisions will occasionally receive outdated versions of the forms for some period as practitioners, the public, and our regulators transition to use of the new forms. Divisions and districts have discretion to accept older versions of the forms for a reasonable period of time as members of the public transition to use of the new forms.

A brief discussion of the 23 forms in the collection is provided below:

Category 1: General Regulatory Forms (including permit Request Forms) (Forms 1-9)

1) ENG Form 4345 - Application for Department of the Army Permit

- <u>Purpose</u>: Information required on the ENG 4345 is necessary to evaluate applicants' requests for a USACE permit.
- <u>When it's needed</u>: The ENG 4345 must be completed by a permit applicant in order apply for a USACE individual permit.
- <u>New or existing form</u>: The ENG 4345 has been in use for many years.
- <u>What has changed</u>: There have been no major changes to the ENG 4345 relative to previous versions. The expiration date in the top-right portion of the form has been updated to reflect OMB's approval of USACE's request to renew the form.
- <u>RRS Status</u>: Members of the public that submit requests into USACE's Regulatory Request System (RRS) will have this form generated for them when they enter data into the RRS.

2) ENG Form 4336 - Notice of USACE Permit

- <u>Purpose</u>: The ENG 4336 is a sign that some USACE districts have been requiring permittees to post at their project sites to note the USACE authorization for the permitted work.
- <u>When it's needed</u>: The ENG 4336 should be completed by USACE district staff and provided to the recipient of any USACE authorization which requires a notice of USACE permit as a condition of the USACE authorization. When a district requires the use of an ENG 4336, the ENG 4336 will be filled out by USACE staff. The recipient of the USACE permit would be required to post the completed ENG 4336 at the project site.
- <u>New or existing form</u>: The ENG 4336 has been in use for many years by some districts.
- <u>What has changed</u>: There have been no major changes to the ENG 4336 relative to previous versions. The expiration date in the top-right portion of the form has been updated to reflect OMB's approval of USACE's request to renew the form.
- <u>RRS Status</u>: This form is completed by USACE staff and cannot currently be completed using USACE's Regulatory Request System (RRS).

3) ENG Form 6082 - Nationwide Permit Pre-Construction Notification (PCN)

- <u>Purpose</u>: Information required on the ENG 6082 is necessary to evaluate a project proponent's request for verification of coverage under a USACE Nationwide permit.
- <u>When it's needed</u>: The ENG 6082 must be completed by a project proponent in order to request verification under a USACE nationwide general permit.
- <u>New or existing form</u>: The ENG 6082 has been in use for many years.
- <u>What has changed</u>: There have been no major changes to the ENG 6082 relative to previous versions. The expiration date in the top-right portion of the form has been updated to reflect OMB's approval of USACE's request to renew the form.
- <u>RRS Status</u>: Members of the public that submit requests into USACE's Regulatory Request System (RRS) will have this form generated for them when they enter data into the RRS.

4) ENG Form 6284 - Regulatory Violation Complaint

- <u>Purpose</u>: The ENG 6284 is a USACE Regulatory Violation Complaint. This form can be used by members of the public who wish to report a suspected violation of USACE's Regulatory requirements. This form collects from the requestor all project-specific details needed by the Corps to initiate an investigation into the complaint of the alleged activity.
- <u>When it's needed</u>: USACE districts who wish to use an information collection instrument to collect the type of information on this form from members of the public must use the OMBapproved ENG 6284 to ensure compliance with the Paperwork Reduction Act (PRA).
- <u>New or existing form</u>: The ENG 6284 is a new form.
- <u>What has changed</u>: This is a new form.
- <u>RRS Status</u>: Members of the public that submit requests into USACE's Regulatory Request System (RRS) will have this form generated for them when they enter data into the RRS.

5) ENG Form 6285 - Certification of Compliance with Department of the Army Permit

- <u>Purpose</u>: The ENG 6285 is a Certification of Compliance with Department of the Army Permit. This form will be used by permittees to notify the USACE district when the work authorized in their USACE permit has been completed in accordance with the permit requirements and all permit conditions have been satisfied.
- <u>When it's needed</u>: USACE districts who wish to use an instrument to collect the type of information on this form from members of the public must use the OMB-approved ENG 6285 to ensure compliance with the Paperwork Reduction Act (PRA). The ENG 6285 should be provided to the recipient of any USACE authorization which requires a compliance certification as a condition of the USACE authorization. When a district requires the use of an ENG 6285, USACE staff will complete the first two sections of the form and will provide a copy to the permittee along with the district's notification of any permit authorization. When the work authorized in the USACE permit has been completed in accordance with the permit requirements and all permit conditions have been satisfied, the permittee would complete the bottom section of the form and submit the completed form to the USACE district.
- <u>New or existing form</u>: The ENG 6285 is a new form.
- <u>What has changed</u>: This is a new form.
- <u>RRS Status</u>: The ENG 6285 cannot currently be completed using USACE's Regulatory Request System (RRS).

6) ENG Form 6286 - Request Pre-Application Meeting or Project Scoping

- <u>Purpose</u>: The ENG 6286 is a Request for Pre-Application Meeting or Project Scoping. This form will be used by members of the public who wish to discuss their proposed project with the USACE district prior to submittal of a permit application. This form collects from the requestor all project-specific details needed by the Corps to prepare for the pre-application meeting.
- <u>When it's needed</u>: USACE districts who wish to use an instrument to collect the type of information on this form from members of the public must use the OMB-approved ENG 6286 to ensure compliance with the Paperwork Reduction Act (PRA).

- <u>New or existing form</u>: The ENG 6286 is a new form.
- <u>What has changed</u>: This is a new form.
- <u>RRS Status</u>: Members of the public that submit requests into USACE's Regulatory Request System (RRS) will have this form generated for them when they enter data into the RRS.

7) <u>ENG Form 6287 - Notification of Administrative Appeal Options and Process and Request for</u> <u>Appeal</u>

- <u>Purpose</u>: The ENG 6287 is a Notification of Administrative Appeal Options and Process and Request for Appeal (NAO-NAP).
- When it's needed: This form must be provided to all affected parties with preliminary JDs, approved JDs, initial proffered permits, proffered permits, and permit denials with prejudice. The ENG 6287 satisfies the requirement that affected parties be notified of appealable actions. When use of the ENG 6287 is required, the USACE district must complete the top portion of the form identifying the name of the applicant, the file number, the date, and the type of decision(s) being provided. Additionally, the district should ensure that the bottom portion of the form identifies the appropriate district and division point of contact information (project manager and review officer). In accordance with Regulatory Guidance Letter (RGL) 06-01, the NAO/NAP form must be dated with the date when the document is transmitted to the affected party. When an affected party wishes to appeal an appealable action with which it disagrees, the affected party must ensure that the completed ENG 6287 is returned to and received by the appropriate USACE division engineer within 60 days of the date on the ENG 6287.
- <u>New or existing form</u>: The ENG 6287 is a longstanding information collection instrument that is now part of an OMB-approved collection.
- <u>What has changed</u>: The NAO-NAP form now has an OMB control number and expiration date and information needed to ensure compliance with the Paperwork Reduction Act (PRA).
- <u>RRS Status</u>: The ENG 6287 cannot currently be completed using USACE's Regulatory Request System (RRS).

8) ENG Form 6294 - Right of Entry

- <u>Purpose</u>: The ENG 6294 is the USACE right of entry form. The right of entry form is used by members of the public to authorize the USACE to enter their property for site investigations relating to USACE project reviews, including onsite investigations needed to support application review, processing, and issuance of a Clean Water Act and/or Rivers and Rivers Act delineations, determinations, and/or permits.
- <u>When it's needed</u>: USACE districts who wish to use an instrument to collect the type of information on this form from members of the public must use the OMB-approved ENG 6294 to ensure compliance with the Paperwork Reduction Act (PRA).
- <u>New or existing form</u>: The ENG 6294 is a new form.
- <u>What has changed</u>: This is a new form.
- <u>RRS Status</u>: Members of the public that submit requests into USACE's Regulatory Request System (RRS) will have this form generated for them when they enter data into the RRS.

9) ENG Form 6295 - Authorization to Act as an Agent

- <u>Purpose</u>: The ENG 6295 is the Agent Authorization form. The agent authorization form is used by members of the public to authorize an agent (e.g., a private consultant) to act on their behalf in all matters relating to all dealings with the USACE regarding the project, including taking all necessary actions for the application, processing, issuance, and/or acceptance of a Clean Water Act and/or Rivers and Rivers Act delineations, determinations, and/or permits.
- <u>When it's needed</u>: USACE districts who wish to use an instrument to collect the type of information on this form from members of the public must use the OMB-approved ENG 6295 to ensure compliance with the Paperwork Reduction Act (PRA).
- New or existing form: The ENG 6295 is a new form.
- <u>What has changed</u>: This is a new form.
- <u>RRS Status</u>: Members of the public that submit requests into USACE's Regulatory Request System (RRS) will have this form generated for them when they enter data into the RRS.

Category 2: Jurisdictional Determination Forms (Forms 10-11)

10) ENG 6247 – Request for USACE Jurisdictional Determination (RGL 16-01 – Appendix 1)

- <u>Purpose</u>: The ENG 6247 is used to facilitate requests from the public for a USACE jurisdictional determination (JD). The ENG 6247 is based on Appendix 1 to Regulatory Guidance Letter (RGL) 16-01. This form collects the information needed by USACE to begin processing a request for a JD, such as location of the property and the reason for the request.
- <u>When it's needed</u>: The ENG 6247 must be completed by an entity in order request a USACE jurisdictional determination.
- <u>New or existing form</u>: The ENG 6247 has been in use for several years.
- <u>What has changed</u>: There have been no major changes to the ENG 6247 relative to previous versions. The expiration date in the top-right portion of the form has been updated to reflect OMB's approval of USACE's request to renew the form.
- <u>RRS Status</u>: Members of the public that submit requests into USACE's Regulatory Request System (RRS) will have this form generated for them when they enter data into the RRS.

11) ENG 6249 – Preliminary Jurisdictional Determination (RGL 16-01 – Appendix 2)

- <u>Purpose</u>: The ENG 6249 is used by USACE districts to document aquatic resources that exist on a parcel and "may be" subject to USACE's regulatory jurisdiction. The ENG 6249 is based on Appendix 2 to Regulatory Guidance Letter (RGL) 16-01.
- <u>When it's needed</u>: The ENG 6249 is an internal USACE form that is completed by USACE staff when needed to process a preliminary jurisdictional determination (PJD).
- <u>New or existing form</u>: The ENG 6249 has been in use for several years.
- <u>What has changed</u>: There have been no major changes to the ENG 6249 relative to previous versions. The expiration date in the top-right portion of the form has been updated to reflect OMB's approval of USACE's request to renew the form.

INTERNAL USE ONLY – DO NOT RELEASE

• <u>RRS Status</u>: The ENG 6249 is an internal USACE form and cannot currently be completed using USACE's Regulatory Request System (RRS).

Category 3: Aquatic Resources Delineation Forms (Forms 12-22)

ENG 6116 Series – Regional Supplement Wetland Delineation Data Sheets

- <u>Purpose</u>: The ENG 6116 (0 9) are the wetland determination data sheets that USACE uses to identify and delineate wetlands in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual (1987 Manual) and the applicable regional supplement. There are ten wetland determination data sheets in total, each of which corresponds to one of the ten regional supplements.
- <u>When it's needed</u>: Use of the ENG 6119 is strongly recommended when identifying the presence or absence of wetlands (including for wetland delineations) in accordance with the 1987 Manual and the applicable regional supplement.
- <u>New or existing form</u>: The ENG 6116 have been in use for several years.
- <u>What has changed</u>: The ENG 6116 series forms received minor updates to 1) extend the Office of Management and Budget (OMB) expiration date and 2) update the soils sections to reflect the updates in the 2024 USDA-NRCS Field Indicators of Hydric Soils (FIHS) in the United States (Version 9.0).
 - <u>NOTE</u>: The Automated Wetland Determination Data Sheet (ADS) have also been updated to 1) incorporate the updates in 2024 USDA-NRCS FIHS (version 9.0) and 2) update the hydrophytic vegetation component to be consistent with the 2022 National Wetland Plant List (NWPL). The external ADS have been released and are posted to the USACE Regulatory forms page. USACE HQ is in the process of finalizing the internal versions of the ADS and will make a separate announcement regarding the updated ADS soon.
- <u>RRS Status</u>: The ENG 6116 cannot currently be completed using USACE's Regulatory Request System (RRS).
- 12) ENG 6116 Alaska Wetland Determination Data Sheet Version 2.0
 - (ENG 6116 Excel Automated Data Sheet)
- 13) ENG 6116-1 Arid West Wetland Determination Data Sheet Version 2.0
 (ENG 6116-1 Excel Automated Data Sheet)
- 14) ENG 6116-2 Atlantic & Gulf Coastal Plain Wetland Determination Data Sheet Version 2.0
 (ENG 6116-2 Excel Automated Data Sheet)
- 15) <u>ENG 6116-3 Caribbean Islands Wetland Determination Data Sheet Version 2.0</u>
 (ENG 6116-3 Excel Automated Data Sheet)
- 16) ENG 6116-4 Eastern Mountains & Piedmont Wetlands Determination Data Sheet Version 2.0
 (ENG 6116-4 Excel Automated Data Sheet)
- 17) ENG 6116-5 Great Plains Wetlands Determination Data Sheet Version 2.0
 (ENG 6116-5 Excel Automated Data Sheet)

- 18) ENG 6116-6 Hawaii & Pacific Islands Wetlands Determination Data Sheet Version 2.0
 - (ENG 6116-6 Excel Automated Data Sheet)
- 19) ENG 6116-7 Midwest Wetlands Determination Data Sheet Version 2.0
 (ENG 6116-7 Excel Automated Data Sheet)
- 20) ENG 6116-8 Northcentral-Northeast Wetlands Determination Data Sheet Version 2.0
 (ENG 6116-8 Excel Automated Data Sheet)

21) ENG 6116-9 - Western Mountains, Valleys and Coast Wetlands Determination Data Sheet Version 2.0

(ENG 6116-9 Excel Automated Data Sheet)

User Guide for the Automated Wetland Determination Data Sheets

22) ENG 6250 – Rapid Ordinary High Water Mark (OHWM) Field Identification Data Sheet

- <u>Purpose</u>: The ENG 6250 is the Rapid Ordinary High Water Mark (OHWM) field identification data sheet. The ENG 6250 is an efficiency tool that allows practitioners to collect relevant OHWM information rapidly and in a standardized format.
- <u>When it's needed</u>: Use of the ENG 6250 to identify OHWM is at the discretion of the district. The ENG 6250 can be used to efficiently document OHWM based on the OHWM definitions in the CFR and by applying the guidance in Regulatory Guidance Letter (RGL) 05-05.
- <u>New or existing form</u>: The ENG 6250 has been in use for several years.
- <u>What has changed</u>: There have been no major changes to the ENG 6250 relative to previous versions. The expiration date in the top-right portion of the form has been updated to reflect OMB's approval of USACE's request to renew the form.
- <u>RRS Status</u>: The ENG 6250 cannot currently be completed using USACE's Regulatory Request System (RRS).

Category 4: Regulatory Customer Service Survey (Form 23)

23) ENG 6233 - Regulatory Customer Service Survey

- <u>Purpose</u>: The ENG 6233 is the Regulatory Customer Service Survey.
- <u>When it's needed</u>: This is an optional survey that can be completed by members of the public who wish to provide feedback regarding the customer service they received from the USACE Regulatory Program.
- <u>New or existing form</u>: The ENG 6233 has been in use for several years.
- <u>What has changed</u>: There have been no major changes to the ENG 6233 relative to previous versions. The expiration date in the top-right portion of the form has been updated to reflect OMB's approval of USACE's request to renew the form.
- <u>RRS Status</u>: The ENG 6233 cannot currently be completed using USACE's Regulatory Request System (RRS). However, the survey can be accessed from USACE HQ's Regulatory website. Many districts also include a link to the survey in communications with the regulated public.