US Army Corps of Engineers®

REGULATORY GUIDANCE LETTER

No. 05-09 **Date: 7 December 2005**

SUBJECT: Special Area Management Plans

1. Purpose and Applicability

a. **Purpose.** To issue guidance regarding the use of Special Area Management Plans. This guidance was previously provided in expired Regulatory Guidance Letter 86-10.

b. **Applicability.** This guidance applies to the Corps Regulatory Program.

2. General Considerations

a. **Background.** The 1980 Amendments to the Coastal Zone Management Act define the Special Area Management Plan process as "a comprehensive plan providing for natural resource protection and reasonable coastal-dependent economic growth containing a detailed and comprehensive statement of policies, standards and criteria to guide public and private uses of lands and waters; and mechanisms for timely implementation in specific geographic areas within the coastal zone."

In Regulatory Guidance Letter (RGL) 86-10, *Special Area Management Plans (SAMPs)*, Corps Headquarters (HQUSACE) indicated this process of collaborative interagency planning within a geographic area of special sensitivity is just as applicable in non-coastal areas and encouraged districts to participate in development of SAMPs, but only if it is likely to result in a definitive regulatory product. RGL 86-10 expired in 1988.

b. **Practice.** Corps districts have developed a number of successful SAMPs over the last two decades based, in part, on guidance provided in RGL 86-10. While this RGL has expired, HQUSACE has instructed the districts that the guidance continues to be generally valid since the RGL has not been superseded.

3. Guidance.

a. Districts should develop and use SAMPs to reduce challenges associated with the traditional case-by-case review. The objectives are that developmental interests can plan with predictability and environmental interests are assured that individual and cumulative impacts are analyzed in the context of broad ecosystem needs.

b. Because SAMPs are labor intensive, the following factors should exist before a district becomes involved in a SAMP:

- The area should be environmentally sensitive and under strong developmental pressure.
- There should be a sponsoring local agency to ensure that the plan fully reflects local needs and interests.
- There should be full public involvement in the planning and development process.
- All parties must express a willingness at the outset to conclude the SAMP process with a definitive regulatory product.

c. A SAMP should conclude with two products:

- Appropriate local/state approvals and a Corps general permit or abbreviated processing procedure for activities in specifically defined situations; and
- A local/state restriction for undesirable activities. An individual permit review may be conducted for activities that do not fall into either permit category above. However, it should represent a small number of the total cases addressed by the SAMP.

d. Do not assume that an environmental impact statement is automatically required to develop a SAMP.

e. EPA's program for advance identification of disposal areas found at 40 CFR 230.80 can be integrated into a SAMP process.

f. Districts are encouraged to participate in the development of SAMPs. However, since development of a SAMP can require a considerable investment of time, resources, and money, the SAMP process should be entered only if it is likely to result in a definitive regulatory product as defined in (c) above.

g. This guidance replaces RGL 86-10.

4. <u>Duration.</u> This guidance remains in effect unless revised or rescinded.

for DON T. RILEY
Major General, US Army
Director of Civil Works