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Jacksonville Regulatory Program Sourcebook

II. Permitting

Types of Permits

Letter of Permission - LOP

The term "letter of permission" means a type of individual permit issued in accordance with the abbreviated procedures of 33 CFR 325.2(e).

33 CFR 325.2(e)(1) reads as follows:

- e. Alternative procedures. Division and district engineers are authorized to use alternative procedures as follows:
 1. Letters of permission. Letters of permission are a type of permit issued through an abbreviated processing procedure which includes coordination with Federal and state fish and wildlife agencies, as required by the Fish and Wildlife Coordination Act, and a public interest evaluation, but without the publishing of an individual public notice. The letter of permission will not be used to authorize the transportation of dredged material for the purpose of dumping it in ocean waters. Letters of permission may be used:
 - i. In those cases subject to Section 10 of the Rivers and Harbors Act of 1899 when, in the opinion of the district engineer, the proposed work would be minor, would not have significant individual or cumulative impacts on environmental values, and should encounter no appreciable opposition.
 - ii. In those cases subject to section 404 of the Clean Water Act after:
 1. The district engineer, through consultation with Federal and state fish and wildlife agencies, the Regional Administrator, Environmental Protection Agency, the state water quality certifying agency, and, if appropriate, the state Coastal Zone Management Agency, develops a list of categories of activities proposed for authorization under LOP procedures;
 2. The district engineer issues a public notice advertising the proposed list and the LOP procedures, requesting comments and offering an opportunity for public hearing; and
 3. A 401 certification has been issued or waived and, if appropriate, CZM consistency concurrence obtained or presumed either on a generic or individual basis.

The criteria for Section 10 and Section 404 LOPs in the Jacksonville District, excluding Puerto Rico and the U.S. Virgin Islands, and the various addenda to the criteria are linked below.

- [LOP Criteria dated May 21, 1996](#)
- [First Addendum to LOP Criteria dated August 2, 1996](#)
- [Second Addendum to LOP Criteria dated June 20, 1997](#)
- [Correction to LOP Criteria dated July 22, 1997](#)

The Letter of Permission (LOP) evaluation includes a 15-day comment period with State and Federal agencies and the adjacent property owners. A final decision on the permit application is usually reached within 120 days from the date a complete application is received by the Corps' office. LOP's can be issued pursuant to Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, or both.

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