

# ELR

## NEWS & ANALYSIS

# ARTICLES

## Survey Says: Army Corps No Scalian Despot

by Kim Diana Connolly

*Editors' Summary: Justice Antonin Scalia and others have described the U.S. Army Corps of Engineers' (the Corps') administration of the CWA §404 permitting process as burdensome and inefficient. Empirical data gathered from the Corps, however, do not bear out this assessment. In this Article, Kim Diana Connolly evaluates data collected from Corps Customer Service Surveys as well as the apparent disconnect between applicant experiences and the public's negative perception of the permitting process. She begins the Article with an overview of the Corps' regulatory permitting process, then lays out the history of and context for the Corps' Customer Service Surveys. Next, she summarizes available responses from various districts and sets forth some concluding remarks and recommendations.*

### I. Introduction

Presented only with Justice Antonin Scalia's June 2006 plurality opinion in *Rapanos v. United States*,<sup>1</sup> someone unfamiliar with the U.S. Army Corps of Engineers (the Corps) permitting process<sup>2</sup> might expect a plethora of angry, unhappy permit applicants. Justice Scalia wrote in *Rapanos* that "[t]he burden of federal regulation on those who would deposit fill material in locations denominated 'waters of the United States' is not trivial. In deciding whether to grant or deny a permit, the [Corps] exercises the discretion of an enlightened despot. . . ."<sup>3</sup> Justice Scalia's explanation

Kim Diana Connolly is an associate professor at the University of South Carolina School of Law, and associate faculty at the University of South Carolina School of the Environment. She can be reached at [connolly@law.sc.edu](mailto:connolly@law.sc.edu). Thanks are extended to law students Yusun Woo, Valerie Cochran, and Leah Davis for compilation and research assistance, and Associate Director for Library Operations Rebekah Maxwell for expert research advice. Thanks are also extended to F.J. Cumberland Jr., Josh Eagle, Royal C. Gardner, Danielle Holley-Walker, Stephen Johnson, Russell L. Kaiser, Sam Kalen, James Murphy, David Olson, Burnele Venable Powell, J.B. Ruhl, Richard Seamon, Max Wilson, and Lance D. Wood for comments on earlier drafts. Any errors are the author's own.

1. 126 S. Ct. 2208, 36 ELR 20116 (2006) (this case is consolidated with *Carabell v. Corps of Eng'rs*, No. 04-1384 (June 19, 2006)). See generally Robert Meltz & Claudia Copeland, *The Wetlands Coverage of the Clean Water Act Is Revisited by the Supreme Court: Rapanos v. United States* (Congressional Research Service, Sept. 12, 2006), available at <http://www.cnire.org/NLE/CRSreports/06Oct/RL33263.pdf>. For background materials on the cases, including the original *Carabell* permit application and associated documentation, as well as the *Rapanos* enforcement documents, see Kim Diana Connolly, *U.S. Supreme Court Rapanos and Carabell Wetlands Cases*, <http://www.law.sc.edu/wetlands/rapanos-carabell> (last visited Mar. 20, 2007).
2. See *infra* Section II. See generally U.S. Army Corps of Engineers, *Regulatory Permit Process*, <http://www.vtn.iwr.usace.army.mil/regulatory/regpermit.htm> (last visited Mar. 20, 2007).
3. 126 S. Ct. at 2214.

continued by pointing to reported high costs and delays<sup>4</sup> involved in obtaining permits under §404 of the Clean Water Act (CWA).<sup>5</sup>

Corps records demonstrate that this alleged level of permitting delays and burdens is inaccurate.<sup>6</sup> Nevertheless,

#### 4. *Id.*

The average applicant for an individual permit spends 788 days and \$271,596 in completing the process, and the average applicant for a nationwide permit spends 313 days and \$28,915—not counting costs of mitigation or design changes. Sunding & Zilberman, *The Economics of Environmental Regulation by Licensing: An Assessment of Recent Changes to the Wetland Permitting Process*, 42 NAT. RESOURCES J. 59, 74-76 (2002). "[O]ver \$1.7 billion is spent each year by the private and public sectors obtaining wetlands permits." *Id.* at 81. These costs cannot be avoided, because the Clean Water Act "impose[s] criminal liability," as well as steep civil fines, "on a broad range of ordinary industrial and commercial activities." *Hanousek v. United States*, 528 U.S. 1102, 1103 (2000) (Thomas, J., dissenting from denial of certiorari). In this litigation, for example, for backfilling his own wet fields, Mr. Rapanos faced 63 months in prison and hundreds of thousands of dollars in criminal and civil fines. See *United States v. Rapanos*, 235 F.3d 256, 260, 31 ELR 20357 (6th Cir. 2000).

#### *Id.*

5. 33 U.S.C. §1344, ELR STAT. FWPCA §404.
6. For example, in fiscal year (FY) 2002, 88% of all permit actions were completed within 60 days, a serious difference from the 313 days asserted by the study cited in Justice Scalia's plurality. U.S. Army Corps of Engineers, *Civil Works Strategic Plan, Fiscal 2004—Fiscal Year 2009* (2004), available at [http://www.usace.army.mil/cw/hot\\_topics/ht\\_2004/cw\\_strat.pdf](http://www.usace.army.mil/cw/hot_topics/ht_2004/cw_strat.pdf). Even in the late 1990s these complaints are not supported by the data. As the Deputy Assistant Secretary of the Army for Civil Works noted in 1997:

[I]n Fiscal Year (FY) 1997, over 68,000 landowners asked the Corps for a Section 404 permit to discharge dredged or fill material into the waters of the United States, including wetlands. Of those, 87 percent received authorization under a

Justice Scalia's negative portrayal is consistent with oft-voiced complaints about the burdens involved in the Corps' permitting process. Critics of the Corps routinely portray the regulated community as extremely dissatisfied with what it perceives as an unnecessarily burdensome permitting process.<sup>7</sup> This high level of applicant discontent has been asserted for decades.<sup>8</sup>

Empirical data reveal the inaccuracy of this assertion. In fact, Customer Service Surveys filled out by permit applicants<sup>9</sup> after undertaking the process of securing a Corps permit<sup>10</sup> reveal that many are delighted with the pro-

general permit in an average time of 15 days. Less than 10 percent were subject to the more detailed individual permit evaluation, where the average time was 104 days. Less than one-half percent of the 68,000 applications were denied. It may be that in a few cases the Corps took too long to evaluate an application and perhaps subjected landowners to an unnecessarily lengthy evaluation process. However, these cases are very rare compared to the ones that go forward in a timely manner with minimal regulatory burdens.

*Wetlands Protection and Mitigation Banking: Hearing Before the House Comm. on Transportation and Infrastructure Subcomm. on Water Resources and Environment*, 105th Cong. (1997) (statement of Michael L. Davis, Deputy Assistant Secretary of the Army for Civil Works and Robert H. Wayland III, Director, Office of Wetlands, Oceans and Watersheds, U.S. Environmental Protection Agency (EPA)), available at <http://www.usace.army.mil/cw/cecwp/pcomp/davis120997.pdf>.

7. See, e.g., Daniel R. Simmons & H. Sterling Burnett, National Center for Policy Analysis, *Protecting Property Rights, Preserving Federalism, and Saving Wetlands*, <http://www.ncpa.org/pub/st/st291/st291a.html> (last visited Mar. 20, 2007) ("the Corps and EPA have pursued civil and criminal prosecutions for small, technical violations of the Act in order to intimidate property owners and developers into compliance, although the complexity of the regulatory process and the unsettled state of the law makes compliance difficult"); National Association of Home Builders, *Corps Official Hears Wetlands Regulation Complaints*, <http://www.nbnnews.com/NBN/issues/2006-05-22/Environment/2.html> (last visited Mar. 20, 2007); ("Hoping for relief from what one Florida developer called 'a shameful way to treat an American citizen,' members came armed with detailed examples of missed deadlines, painfully slow permit approval processes and even 'regulatory blackmail' from local Corps officials asserting jurisdictional authority where none exists."); see also Pacific Legal Foundation, *Another Wetlands Horror Story: PLF Asks Appeals Court to Rein in Government's Campaign Against Cape Cod Cranberry Farmers*, May 2005, <http://www.pacificlegal.org/?mvcTask=bulletinsNewsletters&nl=6&id=459&PHPSESSID=3ed290b90bb4918dedf858197212bfff0> (last visited Mar. 20, 2007); National Federation of Independent Business, *Property Rights and Wetlands*, <http://www.nfib.com/page/propertyRightsCases.html> (last visited Mar. 20, 2007).

8. See, e.g., Claudia Copeland, *Wetlands Legislation: Comparison of Two Bills* (Congressional Research Service, 1995), available at <http://www.ncseonline.org/nle/crsreports/wetlands/wet-2.cfm> ("Section 404 has increasingly become a source of conflict between those who view it as critically important to wetland protection and others who see it as excessively intruding on privately owned property and private land-use decisions."); *The Wetland Permitting Process: Is It Working Fairly? Hearing 107-50, Hearing Before the Subcomm. on Water Resources and the Env't*, 107th Cong. (2001); see also Virginia S. Albrecht & Bernard N. Goode, *Wetland Regulation in the Real World* (Beverage & Diamond, P.C., 1994); Lisa Snell, *Wait Problems—Wetlands and Land Use Permits*, REASON, Oct. 1994, available at [http://www.findarticles.com/p/articles/mi\\_m1568/is\\_n5\\_v26/ai\\_16101037](http://www.findarticles.com/p/articles/mi_m1568/is_n5_v26/ai_16101037).

9. Original survey is available at U.S. Army Corps of Engineers, *Customer Service Survey—Regulatory Program*, [http://www.usace.army.mil/cw/cecwo/reg/cust\\_surv.pdf](http://www.usace.army.mil/cw/cecwo/reg/cust_surv.pdf) (last visited Mar. 20, 2007) [hereinafter *Customer Service Survey*].

10. See *infra* Section II. For a brief overview of the permitting process, see Memphis District, U.S. Army Corps of Engineers, *The Regulatory Permit Program—A Brief Guide From the Memphis District*, <http://www.mvm.usace.army.mil/regulatory/Permit/permit.htm>

cess.<sup>11</sup> Though some applicants do express concern about the time the permit process requires, an impressive percentage of applicants give the Corps perfect marks in their overall ranking of the permitting experience.<sup>12</sup> Some applicants even go so far as to proclaim themselves "satisfied customer[s]."<sup>13</sup>

This Article explores the results of the Corps' Customer Service Surveys,<sup>14</sup> as well as the apparent disconnect between Justice Scalia's (and others') perceptions and the available nationwide data on applicants' views of the permitting process. Section II provides an overview of the Corps' regulatory permitting process. Section III lays out the history of and context for the Corps' Customer Service Surveys. Section IV summarizes available responses from various districts. Section V sets forth some concluding remarks and recommendations. An Appendix following the Article contains a table of available responses by district.

Contrary to Justice Scalia's rhetoric in *Rapanos*,<sup>15</sup> a number of the Corps' permit applicants have deemed the regulatory program to be "appropriate, sensible, and effective."<sup>16</sup> Indeed, many declare themselves to be satisfied customers,<sup>17</sup> and most are not deeply troubled by the alleged burdens of the permitting process.<sup>18</sup> As this Article explores, the disconnect between data and perception may signal larger issues within the Corps' permitting process and a need for some internal administrative examination and reform. Perhaps as importantly, however, the data may reveal a need to convey to the judiciary a more accurate picture of the Corps' permitting process in order to aid courts in their review of such agency actions.<sup>19</sup>

## II. The Corps' Permitting Process

Corps staff members have been processing permits of some sort since the late 1800s.<sup>20</sup> Modern Corps employees<sup>21</sup> pro-

(last visited Mar. 20, 2007) ("This brochure discusses the regulatory program of the U.S. Army Corps of Engineers: what it is, how it began, how it may affect you, and what you as a concerned American can do to help.").

11. See *infra* Appendix.

12. *Id.*

13. *Id.* See *infra* Section IV for a detailed discussion of applicant survey responses; see also *infra* Section IV.A.

14. See *infra* Section IV.

15. *Rapanos v. United States*, 126 S. Ct. 2208, 2214, 36 ELR 20116 (2006).

16. See Appendix, Kansas City District section.

17. *Id.*

18. *Id.*

19. Agency actions are entitled to an appropriate level of deference from the courts. *Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 1 ELR 20110 (1971). The disconnect demonstrated here may lead to erroneous judicial review by undermining agency expertise. The data here may indicate there has been more compliance in Corps permitting with the "mood" of Congress in enacting §404 of the CWA than has previously been acknowledged in judicial review of such cases generally. See *Universal Camera Corp. v. Labor Bd.*, 340 U.S. 474, 487 (1951).

20. The Corps' current regulations state in relevant part that "[t]he U.S. Army Corps of Engineers has been involved in regulating certain activities in the nation's waters since 1890." 33 C.F.R. §320.1(a)(1) (2006). See U.S. Army Corps of Engineers, *Regulatory Program: Summary of History*, <http://www.usace.army.mil/cw/cecwo/reg/reghist.pdf> (last visited Mar. 20, 2007) (noting that the Rivers and Harbors Act of 1890 was "the first general legislation giving the Corps jurisdiction and authority over the protection of navigable waters."); see also Sam Kalen, *Commerce to Conservation: The Call*

cess three types of permits: those under the Rivers and Harbors Act of 1899,<sup>22</sup> those under §404 of the CWA,<sup>23</sup> and those under the Marine Protection, Research, and Sanctuaries Act (MPRSA).<sup>24</sup> Interpreting exactly when a permit is needed pursuant to these provisions requires a case-by-case analysis.<sup>25</sup>

Section 10 of the Rivers and Harbors Act establishes permit requirements to prevent unauthorized obstruction in any traditionally navigable water of the United States.<sup>26</sup> The appropriate reading of the term “obstruction” under this Act is broad, per a 1899 U.S. Supreme Court decision<sup>27</sup>

*for a National Water Policy and the Evolution of Federal Jurisdiction Over Wetlands*, 69 N.D. L. REV. 873, 877-86 (1993).

By the second half of the nineteenth century, federal rivers and harbors legislation was necessary before either the states or the federal government could prevent obstructions to the nation's navigable waters. Supreme Court decisions interpreting the commerce clause of the United States Constitution imposed an awkward framework that confined a state's ability to regulate activities in navigable waters. On the one hand, the Constitution prohibited states from regulating interstate commerce, while on the other hand the Court had held that there was no federal common law prohibiting the obstruction of navigable waters. Congress responded by enacting various Rivers and Harbors Acts. . . .

*Id.* at 879.

21. According to its FY 2008 Budget Documentation, the Corps' Regulatory Program has approximately 1,200 regulatory staff (including biologists, engineers, archaeologists, sociologists, etc.) in 8 division and 38 district offices nationwide. These staff provide approximately 100,000 written authorizations annually, more than 100,000 jurisdictional determinations (JDs) annually, and are involved annually in approximately 4,000 unauthorized activities (enforcement cases), 7,000 permit compliance inspections, and 60 appeals (involving denied or conditioned permits or JDs). E-mail from Russell L. Kaiser, U.S. Army Corps of Engineers, “RE: Help With More Data (UNCLASSIFIED)” (Mar. 9, 2007) [hereinafter Kaiser E-mail].
22. Rivers and Harbors Act of 1899, ch. 425, 30 Stat. 1121 (codified as amended at 33 U.S.C. §§401-418 (2000)).
23. Federal Water Pollution Control Act (FWPCA) Amendments, Pub. L. No. 92-500, 101, 86 Stat. 816 (1972), as codified in 33 U.S.C. §1344 (2000). The FWPCA is commonly referred to as the CWA following the 1977 Amendments to the FWPCA. Pub. L. No. 95-217, 91 Stat. 1566 (“SEC. 518. This Act may be cited as the ‘Federal Water Pollution Control Act’ commonly referred to as the Clean Water Act.”).
24. 33 U.S.C. §§2801-2805.
25. For example, a detailed checklist of issues to consider in determining whether a §404 permit may be required can be found in Douglas R. Williams & Kim Diana Connolly, *Federal Wetlands Regulation, An Overview*, in KIM DIANA CONNOLLY ET AL., *WETLANDS LAW AND POLICY: UNDERSTANDING SECTION 404*, at 9-17 (American Bar Ass'n 2005).
26. *Id.* §403. See *United States v. Republic Steel Corp.*, 362 U.S. 482, *reh'g denied*, 363 U.S. 858 (1960).

The history of federal control over obstructions to the navigable capacity of our rivers and harbors goes back to *Willamette Iron Bridge Co. v. Hatch*, 125 U.S. 1, 8, where the Court held “there is no common law of the United States” which prohibits “obstructions” in our navigable rivers. Congress acted promptly, forbidding by § 10 of the Rivers and Harbors Act of 1890, 26 Stat. 426, 454, “the creation of any obstruction, not affirmatively authorized by law, to the navigable capacity” of any waters of the United States. The 1899 Act followed a report [ ] to Congress by the Secretary of War, which at the direction of Congress, 29 Stat. 234, contained a compilation and revision of existing laws relating to navigable waters. The 1899 Act was said to contain “no essential changes in the existing law.”

*Id.*

27. *United States v. Rio Grande Irrigation Co.*, 174 U.S. 690 (1899).

interpreting §10 of the 1890 Rivers and Harbors Act,<sup>28</sup> which noted that “any obstruction to the navigable capacity, and anything, wherever done or however done, within the limits of the jurisdiction of the United States which tends to destroy the navigable capacity of one of the navigable waters of the United States, is within the terms of the prohibition.”<sup>29</sup> Thus, many modern activities fall under the §10 permitting umbrella.<sup>30</sup>

CWA §404 authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into waters of the United States at specified disposal sites.<sup>31</sup> Section 301 makes unlawful the discharge of any pollutant by any person, except in compliance with various sections of the Act, including §404.<sup>32</sup> Thus, absent certain exemptions,<sup>33</sup> a permit is required for many activities in all waters of the United States.<sup>34</sup>

Finally, the MPRSA<sup>35</sup> authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the transportation of dredged material to be dumped at U.S. Environmental Protection Agency (EPA)-designated sites<sup>36</sup> in the ocean.<sup>37</sup> The Corps' evaluation of such a permit application requires a determination of “whether the proposed dumping will unreasonably degrade or endanger human health, welfare, amenities, or the marine environment, ecological systems or economic potentialities.”<sup>38</sup>

All three types of Corps permits are processed under a single set of procedures.<sup>39</sup> When there is an individual permit involved, a project manager “prepares a public notice, evaluates the impacts of the project and all comments received, negotiates necessary modifications of the project if required, and drafts or oversees drafting of appropriate documentation to support a recommended permit decision.”<sup>40</sup>

28. Rivers and Harbors Appropriations Act of 1890, ch. 907, 26 Stat. 426 (1890).
29. *Rio Grande Irrigation Co.*, 174 U.S. at 708.
30. See *Permits for Structures or Work in or Affecting Navigable Waters of the United States*, 33 C.F.R. pt. 322 (2006).
31. 33 U.S.C. §1344. The disposal sites are specified by EPA pursuant to 40 C.F.R. pt. 230 (the “Section 404(b)(1) Guidelines”), available at <http://www.usace.army.mil/cw/cecwo/reg/40cfr230.pdf>.
32. 33 U.S.C. §1311.
33. 33 C.F.R. §323.4.
34. *Id.* §323.1. As the Detroit District states: “Typical activities requiring Section 404 permits are: Depositing of fill or dredged material in waters of the U.S. or adjacent wetlands; Site development fill for residential, commercial, or recreational developments; Construction of revetments, groins, breakwaters, levees, dams, dikes, and weirs; Placement of riprap and road fills.” Detroit District, U.S. Army Corps of Engineers, *A Brief Guide From the Detroit District—Corps of Engineers Regulatory Program*, [http://www.lre.usace.army.mil/\\_kd/go.cfm?destination=page&pge\\_id=1678](http://www.lre.usace.army.mil/_kd/go.cfm?destination=page&pge_id=1678) (last visited Mar. 20, 2007).
35. 33 U.S.C. §§2801-2805. This Act is sometimes referred to as the Ocean Dumping Act. See U.S. EPA, *Administering the Ocean Dumping Act*, <http://www.epa.gov/history/topics/mprsa/01.htm> (last visited Mar. 20, 2007).
36. 40 C.F.R. pt. 228 (2006).
37. See generally 33 C.F.R. pt. 324.
38. *Id.* §324.4(b).
39. *Id.* pt. 325. “The processing procedures of this Part apply to any Department of the Army (DA) permit. Special procedures and additional information are contained in 33 CFR Parts 320 through 324, 327 and Part 330.” *Id.* § 325.1(a).
40. Project managers process each of the permit applications. As the Corps explains on its website:

Fewer requirements are associated with general permits,<sup>41</sup> and in fact, the vast majority of permit actions undertaken by the Corps through its §404 and §10 permitting programs are through general permits.<sup>42</sup> By statute, the Corps' general permits under §404 are limited to categories of activities involving discharges of dredged or fill material into waters of the United States that are similar in nature and cause only minimal adverse environmental effects when performed separately and considered cumulatively.<sup>43</sup>

The Corps processes an immense number of permit requests (including individual and general permits) for all sorts of projects involving aquatic resources.<sup>44</sup> Corps personnel<sup>45</sup> review between 85,000 to 90,000 permit applications per year.<sup>46</sup> As the regulations state, the Corps is nei-

ther "a proponent nor opponent of any permit proposal. However, the Corps believes that applicants are due a timely decision."<sup>47</sup>

Given the complex and necessarily subjective basis for its actions, it is not surprising that the Corps has been subject to a number of explorations of its efficacy and efficiency.<sup>48</sup> These explorations have occurred via judicial critique,<sup>49</sup> legislative examination,<sup>50</sup> and administrative response.<sup>51</sup> Thus, that the Corps' regulatory program warrants examination is not new or surprising. New, however, is the Corps seeking customer input in an effort to control quality and increase responsibility. The Corps' attempt through its Customer Service Survey to measure customer satisfaction in a setting where demands are the norm, litigation is the expectation, and ridicule by partisan interests is a popular pastime

Corps districts operate under what is called a project manager system, where one individual is responsible for handling an application from receipt to final decision. The project manager prepares a public notice, evaluates the impacts of the project and all comments received, negotiates necessary modifications of the project if required, and drafts or oversees drafting of appropriate documentation to support a recommended permit decision. The permit decision document includes a discussion of the environmental impacts of the project, the findings of the public interest review process, and any special evaluation required by the type of activity such as compliance determinations with the Section 404(b)(1) Guidelines or the ocean dumping criteria.

U.S. Army Corps of Engineers, *Regulatory Program Overview*, <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/oceover.htm> (last visited Mar. 20, 2007).

41. See 33 C.F.R. §323.2(g). The term "general permit" is defined as:

[A] Department of the Army authorization that is issued on a nationwide or regional basis for a category or categories of activities when: (1) Those activities are substantially similar in nature and cause only minimal individual and cumulative environmental impacts; or (2) The general permit would result in avoiding unnecessary duplication of regulatory control exercised by another Federal, state, or local agency provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal.

*Id.*

42. See generally 33 C.F.R. pt. 330 (2006); see also U.S. Army Corps of Engineers, *Nationwide Permit Program*, [http://www.usace.army.mil/cw/cecwo/reg/nationwide\\_permits.htm](http://www.usace.army.mil/cw/cecwo/reg/nationwide_permits.htm) (last visited Mar. 20, 2007).
43. 33 U.S.C. §1344(e).
44. ExpectMore.gov, *Detailed Information on the Corps of Engineers: Regulatory Program Assessment*, <http://www.whitehouse.gov/omb/expectmore/detail.10001130.2005.html> (last visited Mar. 20, 2007).
45. Note that my criticisms of the Corps are directed at the headquarters-level policy and not at individual personnel who implement that policy on a daily basis. I have had the good fortune of becoming personally acquainted with dozens of Corps regulatory staff through my experience as an instructor in the Proponent-Sponsored Engineer Corps Training (PROSPECT) program. See U.S. Army Corps of Engineers, *Professional Development Support Center*, <http://pdsc.usace.army.mil/> (last visited Mar. 20, 2007). It has been incredibly rewarding to work with many regulatory and other Corps staff as an instructor in that program since 1998, teaching the Environmental Laws and Regulations course. See Environmental Partners, *USACE Training*, <http://www.environmentalpartners.net/training.htm> (last visited Mar. 20, 2007). Through this experience, I have concluded that terrific individuals are employed by the Corps, but are often hampered in achieving environmental protection by less-than-terrific mandates in flawed Corps regulations and guidance documents.
46. See, e.g., U.S. Army Corps of Engineers, *U.S. Army Corps of Engineers Regulatory Program*, <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/2003webcharts.pdf> (last visited Mar. 20, 2007).

47. 33 C.F.R. §320.1(a)(4).

48. Whether administrative agency activities should be entirely efficient is, of course, another line of questioning that many scholars have explored. See, e.g., Robert V. Percival, *Regulatory Evolution and the Future of Environmental Policy*, 1997 U. CHI. LEGAL F. 159 (1997); Cynthia R. Farina, *The Consent of the Governed: Against Simple Rules for a Complex World*, 72 CHI.-KENT L. REV. 987 (1997); Thomas O. McGarity, *Some Thoughts on "Deossifying" the Rulemaking Process*, 41 DUKE L.J. 1385 (1992); Patricia M. Wald, *Regulation at Risk: Are Courts Part of the Solution or Most of the Problem?*, 67 S. CAL. L. REV. 621 (1994); Gary Lawson, *The Rise and Rise of the Administrative State*, 107 HARV. L. REV. 1231 (1994); W. Kip Viscusi, *Regulating the Regulators*, 63 U. CHI. L. REV. 1423 (1996); Edward Rubin, *It's Time to Make the Administrative Procedure Act Administrative*, 89 CORNELL L. REV. 95 (2003).

49. See, e.g., *Northern California River Watch v. City of Healdsburg*, 456 F.3d 1023, 36 ELR 20163 (9th Cir. 2006); *Baccarat Fremont Developers v. Corps of Eng'rs*, 425 F.3d 1150, 35 ELR 20212 (9th Cir. 2005), *cert. denied*, \_\_\_ U.S. \_\_\_ (2007); *City of Shoreacres v. Waterworth*, 420 F.3d 440, 35 ELR 20162 (5th Cir. 2005); *Greater Yellowstone Coalition v. Flowers*, 359 F.3d 1257, 34 ELR 20019 (10th Cir. 2004); *Utahns for Better Transp. v. Department of Transp.*, 305 F.3d 1152, 33 ELR 20036 (10th Cir. 2002); *City of Olmsted Falls v. EPA*, 233 F. Supp. 2d 890 (N.D. Ohio 2002); *Wetlands Action Network v. Corps of Eng'rs*, 222 F.3d 1105, 31 ELR 20051 (9th Cir. 2000), *cert. denied*, 534 U.S. 815 (2001); *Home Builders Ass'n of Greater Chicago v. Corps Eng'rs*, 335 F.3d 607, 33 ELR 20236 (7th Cir. 2003); *United States v. Krilich*, 209 F.3d 968, 33 ELR 20035 (7th Cir. 2000), *cert. denied*, 121 S. Ct. 482 (2000); *United States v. Hallmark Constr. Co.*, 200 F.3d 1076, 30 ELR 20266 (7th Cir. 2000); *United States v. Mango*, 199 F.3d 85, 30 ELR 20220 (2d Cir. 1999); *Michigan Peat v. EPA*, 175 F.3d 422, 29 ELR 21125 (6th Cir. 1999); *Alaska Ctr. for the Env't v. West*, 157 F.3d 680, 29 ELR 20001 (9th Cir. 1998); *United States v. Hallmark Constr. Co.*, 14 F. Supp. 2d 1065, 29 ELR 20274 (N.D. Ill. 1998); *Friends of the Crystal River v. EPA*, 35 F.3d 1073, 24 ELR 21490 (6th Cir. 1994); *Hoffman Homes, Inc. v. EPA*, 999 F.2d 256, 23 ELR 21139 (7th Cir. 1993); *United States v. Cumberland Farms of Conn., Inc.*, 826 F.2d 1151, 17 ELR 21270 (1st Cir. 1987), *cert. denied*, 484 U.S. 1061 (1988); *Friends of the Earth v. Hintz*, 800 F.2d 822, 17 ELR 20030 (9th Cir. 1986); *Buttrey v. United States*, 690 F.2d 1170, 13 ELR 20085 (5th Cir. 1982), *cert. denied*, 461 U.S. 927 (1983).
50. On August 1, 2006, for example, the U.S. Senate Subcommittee on Fisheries, Wildlife, and Water held a hearing on the effect of the *Rapanos* decision. *Interpreting the Effect of the U.S. Supreme Court's Recent Decision in the Joint Cases of Rapanos v. United States and Carabell v. U.S. Army Corps of Engineers on "The Waters of the United States": Hearing Before the Senate Subcomm. on Fish, Wildlife, and Water*, 109th Cong. (2006). Statements from the hearing are available at [http://epw.senate.gov/hearing\\_statements.cfm?id=259992](http://epw.senate.gov/hearing_statements.cfm?id=259992). For a streaming video of that hearing, see U.S. Senate Committee on Environment and Public Works, *EPW Multimedia*, <http://epw.senate.gov/epwmultimedia/epwmultimedia.htm> (last visited Mar. 20, 2007).
51. Corps administrative materials, including documents such as Regulatory Guidance Letters and Memoranda of Agreement, as well as relevant Executive Orders from the president, are compiled on their headquarters website at <http://www.usace.army.mil/cw/cecwo/reg/sadmin3.htm> (last visited Mar. 20, 2007).

provides adequate justification to examine the survey results.<sup>52</sup> The following section, accordingly, focuses on the genesis and current administration of customer service surveying by the Corps.

### III. The Corps' Regulatory Customer Focus

The federal agency focus on customer satisfaction emerged from a larger national effort<sup>53</sup> at the beginning of the Clinton Administration to "reinvent government,"<sup>54</sup> an effort that culminated in the National Performance Review.<sup>55</sup>

As part of this reinvention effort, in September 1993, Vice President Al Gore released a report<sup>56</sup> declaring that

[w]e will invent a government that puts people first, by: cutting unnecessary spending; serving its customers; empowering its employees; Helping communities solve their own problems; fostering excellence . . . Here's how. We will: create a clear sense of mission; steer more, row less; delegate authority and responsibility; replace regulations with incentives; develop budgets based on outcomes; expose federal operations to competition; search for market, not administrative solutions; measure our success by customer satisfaction.<sup>57</sup>

Such a focus on the federal government's customers also generated a 1993 Executive Order from President William J. Clinton entitled *Setting Customer Service Standards*.<sup>58</sup> The Executive Order stated that "the Federal Government must be customer-driven. The standard of

quality for services provided to the public shall be: Customer service equal to the best in business."<sup>59</sup> A customer, for purposes of the Executive Order, was defined as "an individual or entity who is directly served by a department or agency."<sup>60</sup> Agencies were instructed to survey their customers "to determine the kind and quality of services they want and their level of satisfaction with existing services."<sup>61</sup> Reports to the president with respect to such surveys, among other things, were required by 1994.<sup>62</sup> The modern Corps' Regulatory Program Customer Service Survey still cites this Executive Order.<sup>63</sup>

In 1995, President Clinton went even further in a follow-up memorandum, entitled *Improving Customer Service*,<sup>64</sup> which mandated continued customer and employee surveys as well as benchmarking strategic initiatives as part of the federal government, "in order to continue customer service reform. . . ."<sup>65</sup>

Federal reinvention efforts catalyzed the Clinton Administration to form the Interagency Working Group on Federal Wetlands Policy in 1993, which in turn drafted *Protecting America's Wetlands: A Fair, Flexible, and Effective Approach*.<sup>66</sup> This report acknowledged the need to improve wetlands protections and streamline the \$404 permitting process.<sup>67</sup> The report pointed to the combination of "the environmental and economic significance of wetlands, the alarming rate of wetlands loss, and concerns for private landowners"<sup>68</sup> and proposed initiatives to "strongly support the effective protection and restoration of the Nation's wetlands, while advocating much-needed reforms to increase the fairness and flexibility of Federal regulatory programs."<sup>69</sup> Some of those initiatives were adopted, but many were not.<sup>70</sup>

Some time thereafter, the Corps began surveying its customers. Older versions of the Corps' Customer Service Survey can still be found on the Internet.<sup>71</sup> The Corps' current Customer Service Survey is available on many Corps district regulatory websites<sup>72</sup> as well as the headquarters website.<sup>73</sup>

52. Note that the analysis here is not an in-depth statistical one, given that I have no expertise in the science of statistics. My brief analysis of the data in this Article demonstrates, however, that a more rigorous assessment of the data may be warranted.

53. See, e.g., Government Performance Results Act of 1993, Pub. L. No. 103-62, 107 Stat. 285 (codified in scattered sections of Titles 5, 31, and 39 of the U.S. Code), available at <http://www.whitehouse.gov/omb/mgmt-gpra/gplaw2m.html> (last visited Mar. 20, 2007). As the U.S. Governmental Accountability Office (then known as the U.S. General Accounting Office (GAO)) explained in a 56-page report: "GPRAs requires agencies to set goals, measure performance, and report on their accomplishments." U.S. GAO, EXECUTIVE GUIDE-EFFECTIVELY IMPLEMENTING THE GOVERNMENT PERFORMANCE AND RESULTS ACT 1 (1996) (GAO/GGD-96-118), available at <http://www.gao.gov/archive/1996/gg96118.pdf>.

54. Nancy J. Knauer attributes the term "reinventing government" to David Osborne and Ted Gaebler. See Nancy J. Knauer, *Reinventing Government: The Promise of Institutional Choice and Government-Created Charitable Organizations*, 41 N.Y.L. SCH. L. REV. 945, 946 (1997); see also DAVID OSBORNE & TED GAEBLER, *REINVENTING GOVERNMENT: HOW THE ENTREPRENEURIAL SPIRIT IS TRANSFORMING THE PUBLIC SECTOR* (Addison-Wesley 1991).

55. See generally National Partnership for Reinventing Government Reports (formerly the National Performance Review), Homepage, <http://govinfo.library.unt.edu/npr/library/review.html> (last visited Mar. 20, 2007). Note that some scholars have declared fundamental aspects of the National Performance Review to have been unsuccessful. See, e.g., Steven L. Schooner, *Fear of Oversight: The Fundamental Failure of Businesslike Government*, 50 AM. U.L. REV. 627 (2001); see also Richard H. Pildes & Cass R. Sunstein, *Reinventing the Regulatory State*, 62 U. CHI. L. REV. 1 (1995); Paul R. Verkuil, *Is Efficient Government an Oxymoron?*, 43 DUKE L.J. 1221 (1994).

56. See VICE PRESIDENT AL GORE, FROM RED TAPE TO RESULTS: CREATING A GOVERNMENT THAT WORKS BETTER AND COSTS LESS (1993), available at <http://govinfo.library.unt.edu/npr/library/nprpt/annrpt/redtpe93/index.html>; see also Knauer, *supra* note 54, at 963 n.36-45 and accompanying text.

57. *Id.*

58. EXEC. ORDER NO. 12862, SETTING CUSTOMER SERVICE STANDARDS (1993), available at <http://govinfo.library.unt.edu/npr/library/direct/orders/2222.html>.

59. *Id.*

60. *Id.*

61. *Id.*

62. *Id.*

63. See *Customer Service Survey*, *supra* note 9, at 2.

64. THE WHITE HOUSE OFFICE OF THE PRESS SECRETARY, MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES "IMPROVING CUSTOMER SERVICE" (1995), available at <http://govinfo.library.unt.edu/npr/library/direct/memos/249a.html>.

65. *Id.*

66. WHITE HOUSE OFFICE ON ENVIRONMENTAL POLICY, *PROTECTING AMERICA'S WETLANDS: A FAIR, FLEXIBLE, AND EFFECTIVE APPROACH* (1993), available at <http://www.wetlands.com/fed/aug93wet.htm>.

67. *Id.*

68. *Id.* Introduction.

69. *Id.*

70. See *Two Years of Progress: Meeting Our Commitment for Wetlands Reform; Protecting America's Wetlands: A Fair, Flexible, and Effective Approach, August 1993—August 1995*, <http://www.wetlands.com/fed/dec95wet.htm> (last visited Mar. 20, 2007).

71. See [http://www.usace.army.mil/cw/cecwo/reg/cust\\_surv.pdf](http://www.usace.army.mil/cw/cecwo/reg/cust_surv.pdf) (last visited Mar. 20, 2007).

72. See, e.g., Baltimore District, U.S. Army Corps of Engineers, *Regulatory Program Customer Survey*, <http://www.nab.usace.army.mil/Regulatory/survey.htm> (last visited Mar. 20, 2007); Detroit District, U.S. Army Corps of Engineers, *Regulatory Program Customer Ser-*

In addition to its history as part of the reinvention process, the Corps' Customer Service Survey is also identified as the product of a newer management system called Lean Six Sigma.<sup>74</sup> According to a 2006 Corps press release, the Corps uses Lean Six Sigma "to accelerate business transformation."<sup>75</sup> The Corps points to the system as "intended to create a culture of continuous, measurable improvement and innovation that eliminates non-value-added activities and increases quality and responsiveness."<sup>76</sup> The Corps' Regulatory Program is using Lean Six Sigma to assess and plan improvements for current operations.<sup>77</sup>

Lean Six Sigma is actually a set of two complementary business improvement methodologies, Lean and Six Sigma.<sup>78</sup> The Lean method maximizes profit velocity by analyzing process flow and delay times at each activity in a process.<sup>79</sup> It centers on the separation of "value-added" work with tools to eliminate the root causes (and costs) of "non-value-added" activities.<sup>80</sup> The Lean approach is intended to provide a means for quantifying and eliminating the cost of complexity.<sup>81</sup>

The Six Sigma methodology emphasizes the need to recognize opportunities and eliminate defects as defined by customers and recognizes that variation hinders the ability to deliver high-quality services reliably.<sup>82</sup> Six Sigma requires data-driven decisions and framework-based problem solving within a highly prescriptive cultural infrastructure effective in obtaining sustainable results.<sup>83</sup> The keys of the combined Lean Six Sigma approach include "delighting" customers with speed and quality,<sup>84</sup> improving processes by eliminating quality and speed variations as well as generally improving process flow and speed,<sup>85</sup> working as a team for

maximum gain,<sup>86</sup> and basing decisions on data and facts.<sup>87</sup> The project-focused approach consists of five phases—define, measure, analyze, improve, and control (DMAIC)—known as the DMAIC model.<sup>88</sup>

Though the Lean Six Sigma methodologies evolved in the manufacturing area,<sup>89</sup> noncorporate organizations have begun using them as well.<sup>90</sup> Lean Six Sigma is useful to these organizations because processes involving services are usually slow and therefore expensive for the organization,<sup>91</sup> since "(i)n any slow process, 80% of the delay is caused by less than 20% of the activities."<sup>92</sup> Examples of government organizations that use the methodologies, in addition to the U.S. Department of the Army, include the U.S. Department of the Navy<sup>93</sup> and the city of Fort Wayne,<sup>94</sup> both of which laud the program.<sup>95</sup>

Outside of the permitting component of Corps operations,<sup>96</sup> the Corps as a whole<sup>97</sup> has developed a broader Cus-

86. *Id.* at 29.

87. *Id.* at 34.

88. *Id.* at 58.

89. *Id.* at 10.

90. *Id.* at ix. In a recent *Armed Forces Comptroller* article, U.S. Department of Navy personnel proclaimed the program's success, saying that the department "looks forward to continued success stories and the opportunity to share stories within and outside the (Department of Defense)." Denise Bar et al. *Department of the Navy Lean Six Sigma: A Financial Journey: A Total Team Effort to Employ Lean Six Sigma Concepts Pays Dividends (Company Overview)*, *ARMED FORCES COMPTROLLER*, Jan. 2006, at 41, available at [http://www.accessmylibrary.com/coms2/summary\\_0286-15077378\\_1TM](http://www.accessmylibrary.com/coms2/summary_0286-15077378_1TM). The city of Fort Wayne, Indiana, is listed in *Lean Six Sigma for Service* as an example of an organization that experienced success with the program; after its implementation, many city departments allegedly saw improvements in the area of service to citizens, a significant decrease in costs, or better use of resources. See GEORGE ET AL., *supra* note 78, at 6.

91. *Id.* at 12-13.

92. *Id.*

93. See Bar et al., *supra* note 90, at 38-41. The Navy uses the Lean Six Sigma principles in three of its major command systems: (1) the Naval Sea Systems Command; (2) the Naval Air Systems Command; and (3) the Space and Naval Warfare Command. *Id.* at 39.

94. Mayor Graham Richard of Fort Wayne authorized the use of Lean Six Sigma for many city projects. See City of Fort Wayne, *Six Sigma*, [http://www.cityoffortwayne.org/index.php?option=com\\_content&task=view&id=1012&Itemid=1154](http://www.cityoffortwayne.org/index.php?option=com_content&task=view&id=1012&Itemid=1154) (last visited Mar. 20, 2007).

95. See principles used by the Navy, *supra* note 93.

96. Despite this Article's focus on the regulatory branch, the bulk of Corps personnel work on large-scale engineering and civil works matters, described by the Corps as including:

[P]lanning, designing, building and operating water resources and other civil works projects (Navigation, Flood Control, Environmental Protection, Disaster Response, etc.); designing and managing the construction of military facilities for the Army and Air Force. (Military Construction); and providing design and construction management support for other Defense and federal agencies. (Interagency and International Services).

U.S. Army Corps of Engineers, *Who We Are*, <http://www.usace.army.mil/who> (last visited Mar. 20, 2007). The Corps declares: "Today, as always, we stand ready . . . engineers, scientists, real estate specialists and administrators alike to meet national security, emergency and other national requirements." *Id.* The Regulatory Branch declares its specific mission as follows:

The mission of the Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. Corps permits are also nec-

vice Survey, <http://www.lre.usace.army.mil/functions/rf/html/survey.htm> (last visited Mar. 20, 2007); Jacksonville District, U.S. Army Corps of Engineers, *Electronic Survey Form*, [http://www.saj.usace.army.mil/permit/forms/customer\\_service.htm](http://www.saj.usace.army.mil/permit/forms/customer_service.htm) (last visited Mar. 20, 2007); Little Rock District, U.S. Army Corps of Engineers, *Customer Service Survey*, <http://www.swl.usace.army.mil/regulatory/customersurvey.html> (last visited Mar. 20, 2007). It is worth noting that the "current" survey, available on these sites and the main Corps website, expired in 2005. See *Customer Service Survey*, *supra* note 9.

73. See *Customer Service Survey*, *supra* note 9.

74. Telephone Interview with Lance D. Wood, U.S. Army Corps of Engineers (July 26, 2006) [hereinafter Wood Interview].

75. See U.S. Army Corps of Engineers, *Corps Points, Weekly Focus—Lean Six Sigma*, <http://www.hq.usace.army.mil/cepa/corps/points/5-11-06.htm> (last visited Mar. 20, 2007); see also U.S. Army Materiel Command, *Lean Six Sigma Basics*, <http://www.amc.army.mil/lean/page.aspx?id=0> (last visited Mar. 20, 2007).

76. *Id.*

77. Kaiser E-mail, *supra* note 21 ("The Corps also is currently involved in completing a Lean 6 Sigma analysis of its regulatory program, which includes a thorough examination of budget, resource allocation, workload, and performance standards with the ultimate goal of eliminating unnecessary and non-valued added process and simplifying the §404 regulatory program.").

78. MIKE GEORGE ET AL., *WHAT IS LEAN SIX SIGMA?* 7 (McGraw-Hill 2004).

79. *Id.*

80. *Id.*

81. *Id.*

82. *Id.*

83. *Id.*

84. *Id.* at 11.

85. *Id.* at 20.

tomers Outreach Training Curriculum<sup>98</sup> that contains six training opportunities for Corps personnel: (1) Customer Service; (2) Customer Outreach Tutorial; (3) Customer Outreach for Executives; (4) Customer Outreach Overview Workshop; (5) Strategic Outreach Plan Workshop; and (6) Account Management Workshop.<sup>99</sup> Corps Civil Works operations, likewise, have been publicly committed to customer service for years, with some districts even saying that customers are “on the team.”<sup>100</sup> Like the Regulatory Program, Corps military operations have been surveying their installation customers for years.<sup>101</sup> Amusingly, one Corps survey instrument in the Programs Management Division has a series of smiley-face and frowning-face icons on their survey, presumably to help those filling out the

essary for any work, including construction and dredging, in the Nation’s navigable waters. The Corps balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential values of the Nation’s aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the U.S. The adverse impacts to the aquatic environment are offset by mitigation requirements, which may include restoring, enhancing, creating and preserving aquatic functions and values. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the regulated public.

U.S. Army Corps of Engineers, *Regulatory Programs Mission Statement*, <http://www.usace.army.mil/cw/cecwo/reg/mission.htm> (last visited Mar. 20, 2007).

97. The Corps missions page declares:

The United States Army Corps of Engineers serves the Armed Forces and the Nation by providing vital engineering services and capabilities, as a public service, across the full spectrum of operations—from peace to war—in support of national interests. Corps missions include five broad areas: Water Resources; Environment; Infrastructure; Homeland Security; Warfighting.

U.S. Army Corps of Engineers, *Missions*, <http://www.usace.army.mil/missions> (last visited Mar. 20, 2007).

98. U.S. Army Corps of Engineers, *Customer Training Outreach Brochure*, <http://www.usace.army.mil/essc/intra/customer/curricul.pdf> (last visited Mar. 20, 2007).

99. See also U.S. Army Corps of Engineers, *USACE Program’s Outreach Toolkit*, <http://www.usace.army.mil/essc/intra/customer/outreach.htm> (last visited Mar. 20, 2007).

100. Rock Island District, U.S. Army Corps of Engineers, *Corps Customers*, <http://www2.mvr.usace.army.mil/FullStory.cfm?ID=403> (last visited Mar. 20, 2007) (“Starting in October we will no longer be customer oriented,” said [the Chief of Engineers, Lt. Gen. Robert] Flowers, “because the customers will be on our teams.”)

101. See, e.g., U.S. ARMY CORPS OF ENGINEERS, *CUSTOMER SATISFACTION SURVEY MILITARY PROGRAMS 1998 REPORT* (1999), available at <http://www.usace.army.mil/essc/intra/surveys/mp1998/mp1998.pdf>.

The U.S. Army Corps of Engineers (USACE), Directorate of Military Programs (CEMP), conducted its fourth standard customer satisfaction survey of customers in the spring-summer of 1998. This report contains results and insights gained from analyzing feedback from about 700 Military Programs (MP) customers and displays results by question, by customer organizational level and by customer group.

*Id.*

form.<sup>102</sup> In short, the Corps is demonstrating an organizationwide commitment to securing customer input.

Although the Customer Service Surveys reviewed for this Article appear to have been completed by permit applicants only,<sup>103</sup> Corps policy states that applicants are not the only customers of its regulatory branch.<sup>104</sup> Linked from its main web page is the Corps Regulatory Program’s Public Service Commitment, in which the Corps promises to “conduct ourselves in a professional manner in dealings with all our customers, including applicants, violators, agencies, interest groups and the general public.”<sup>105</sup> The Customer Service Survey itself identifies customers as all who are interested in the Regulatory Program.<sup>106</sup>

In keeping with the 1993 Executive Order,<sup>107</sup> many other federal agencies have adopted strategies for focusing on their customers. Like the Corps, however, they too have struggled to find an appropriate definition of the term customer.<sup>108</sup> Some define customer broadly to include program participants and third-party interests, some define customer narrowly to include only program participants, and some use the term without defining it at all. Nevertheless, many other federal agencies do survey customers to obtain their opinions about matters relating to a particular agency.

For the purposes of its Customer Service Surveys, the Corps’ Regulatory Program defines customers as those who “submitted a permit application, requested a jurisdictional determination or wetland delineation, or scheduled a pre-application meeting” as well as those who receive its public notices or commented on a particular project or work.<sup>109</sup> Thus, Corps’ Regulatory Program surveys apparently were designed to solicit input from both participants in the regulatory program as well as some third-party stakeholders who comment on particular projects or the regulatory program’s work in general.<sup>110</sup> The surveys are posted directly on the front page of the Corps’ Regulatory Program website<sup>111</sup> and on some district websites.<sup>112</sup> Yet the

102. Directorate of Military Programs, U.S. Army Corps of Engineers, *Customer Survey*, <https://ppdscivil.usace.army.mil/hecsurv/> (last visited Mar. 20, 2007).

103. See *Customer Service Survey*, *supra* note 9.

104. Note that the Corps conducts other “customer” surveys for additional roles it plays, such as providing recreational opportunities in various locations throughout the nation. See ExpectMore.gov, *Detailed Information on the Corps of Engineers: Recreation Management Assessment*, <http://www.whitehouse.gov/OMB/expectmore/detail.10002002.2005.html> (last visited Mar. 20, 2007) (“Corps customer comment card surveys reveal that 90% of respondents rated the overall quality of facilities and services as good or very good.”).

105. U.S. Army Corps of Engineers, *Public Service Commitment*, <http://www.usace.army.mil/cw/cecwo/reg/pubserv.htm> (last visited Mar. 20, 2007). As one early reviewer of this Article pointed out, it is odd that the Corps considers “violators” to be among its customer base, but then again the Corps works frequently with violators to provide after-the-fact permits. See 33 C.F.R. §326.3(e) for a description of requirements associated with after-the-fact permits.

106. See *Customer Service Survey*, *supra* note 9. There apparently was some debate about this decision within the agency. See Wood Interview, *supra* note 74.

107. See *supra* note 58.

108. The Executive Order definition of customer is “an individual or entity who is directly served by a department or agency,” see *id.*, must not have been sufficiently clear for many agencies.

109. See *Customer Service Survey*, *supra* note 9.

110. *Id.*

111. *Id.*

review of the hundreds of surveys undertaken for this Article disclosed that none appeared to be submitted to the Corps by a third-party stakeholder.

Other federal agencies cast their customer focus in slightly different language. For example, the U.S. Department of Health and Human Services (HHS) has what it terms a customer service vision.<sup>113</sup> Within HHS, the U.S. Food and Drug Administration (FDA) also has its own customer service standards.<sup>114</sup> The FDA defines customer as “a person or organization (internal or external) that receives a product or service anywhere along the product’s life cycle.”<sup>115</sup> The FDA considers the American public its primary customer, but also views as customers the following: the U.S. Congress, HHS itself as well as other government agencies, health care groups/providers, and the industries it regulates.<sup>116</sup> The FDA surveys its customers regularly, although not in an ongoing manner, as the University of Michigan discussed in a 2000 survey report, which showed “that consumers continue to be satisfied with the FDA’s performance in food labeling and consumer alerts on food safety issues. . . .”<sup>117</sup>

112. See various district websites *supra* note 72.

113. FDA’s customer service vision reads:

The U.S. Dept. of Health and Human Services (HHS) will provide its external and internal customers with courteous, timely, and efficient service that will exceed customer expectations and equal the best in business. In order to continuously improve its services, HHS will encourage and use ongoing customer feedback to help establish its customer service standards and performance measures, and share results with its customers.

U.S. Food & Drug Administration (FDA), *Customer Service Policy*, <http://www.fda.gov/comments/customer.html> (last visited Mar. 20, 2007).

114. These standards include the following:

All FDA customers are entitled to: fair, courteous and professional treatment; information that is accurate and current; timely responses to requests; reasonable access to appropriate staff; confidence that efforts are made to assure that regulated products in the marketplace are in compliance with FDA laws and regulations; two-way communication; opportunities for collaboration and partnerships, as appropriate; participation in the agency’s decision-making process; and consideration of their opinions and concerns by the agency. In addition, consumers are entitled to accurate and timely health information about regulated products; health professionals are entitled to timely information that will assist them in advancing and protecting the public health; other government agencies are entitled to cooperation from the FDA in maximizing efficient use of resources, eliminating duplication of efforts and carrying out collaborative efforts and technical assistance, training and guidance; and regulated industry is entitled to timely review of product applications, professional treatment in resolving disputes, fair application of laws and regulations in enforcement activities, fair and consistent inspections and product application reviews, and respect in the agency’s performance of duties and responsibilities.

U.S. FDA, *FDA Customer Service Standards*, <http://www.fda.gov/comments/standard.html> (last visited Mar. 20, 2007).

115. QUALITY RESOURCE & DEVELOPMENT TEAM, U.S. FDA, *DEFINING THE CUSTOMER IN A REGULATORY AGENCY* (2004), available at [http://www.fda.gov/cder/gmp/gmp2004/defining\\_customer.htm](http://www.fda.gov/cder/gmp/gmp2004/defining_customer.htm).

116. *Id.* With respect to calling the industries it regulates “customers,” the FDA admits that “(t)he idea of regulated industry as a customer has been an uncomfortable one for FDA” and hopes to “be able to expand our vocabulary to adopt more fitting references to industry.” *Id.*

117. U.S. HHS, *CUSTOMER SATISFACTION RESULTS FOR THE FOOD AND DRUG ADMINISTRATION REMAIN CONSTANT* (2000),

Likewise, EPA used to focus on customers through its formal customer service program, which it phased out in 2002.<sup>118</sup> While in existence, the program “assisted in gathering customer feedback, shared best practices and made customer service skills training available.”<sup>119</sup> EPA included within its definition of customer a plethora of categories: regulated industries, such as manufacturers and power companies; agriculture; small businesses, such as dry cleaners, printers, and developers; consultants; local governments; states; grant applicants; public interest groups; community-based groups, including environmental organizations; the public; Congress; EPA program offices; EPA employees; EPA regional program offices; other federal agencies; and international/global organizations.<sup>120</sup> EPA’s Office of Policy, Economics, and Innovation facilitated the old customer service program and “still supports customer satisfaction survey work.”<sup>121</sup> EPA also continues to apply certain principles of customer service today.<sup>122</sup>

Unlike EPA and its now-defunct customer service program, the Internal Revenue Service (IRS) surveys only a limited universe of those with whom it has contact. Through its Taxpayer Advocacy Service, the IRS surveys its customers via a “customer satisfaction survey . . . on a continuous basis to ensure alignment of its program, policies and procedures with the needs and expectations of its customers.”<sup>123</sup> According to the IRS website: “The purpose of the survey, which is voluntary and anonymous, is to determine the satisfaction level of taxpayers and practitioners who have recently received assistance from the Taxpayer Advocate Service.”<sup>124</sup> The IRS does not otherwise define customer.

Some other federal agencies use the term customer but do not define it. For example, the Federal Communications Commission (FCC) proclaims it has “customer service stan-

<http://www.fda.gov/bbs/topics/NEWS/NEW00746.html> (discussing a survey “conducted by the University of Michigan using a model established for the American Customer Satisfaction Index, which measures satisfaction with various industries.”)

118. See U.S. EPA, *About the Customer Service Program*, <http://www.epa.gov/customerservice/csabout.htm> (last visited Mar. 20, 2007).

119. *Id.*

120. See U.S. EPA, *Who Are EPA’s Customers?: Fact Sheet*, <http://www.epa.gov/customerservice/pdfs/fs1r.pdf> (last visited Mar. 20, 2007).

121. See U.S. EPA, *supra* note 118.

122. *Id.* The six principles include:

(1) Be helpful! Listen to your customers; (2) Respond to all phone calls by the end of the next business day; (3) Respond to all correspondence within 10 business days; (4) Make clear, timely, accurate information accessible; (5) Work collaboratively with partners to improve all products and services; and (6) Involve customers and use their ideas and input.

U.S. EPA, *Customer Service Standards*, <http://www.epa.gov/customerservice/standards.htm#principles> (last visited Mar. 20, 2007).

The standards for core processes include “public access standards,” “research grants standards,” “permitting standards,” “pesticides regulation standards,” “partnership programs standards,” “state, tribal, and local program grants standards,” “enforcement inspections and compliance assistance standards,” and “rulemaking standards.” U.S. EPA, *Customer Service Standards of the United States Environmental Protection Agency*, <http://www.epa.gov/customerservice/pdfs/standards.pdf> (last visited Mar. 20, 2007).

123. See IRS, U.S. Department of the Treasury, *Taxpayer Advocate Service Customer Satisfaction Survey*, <http://www.irs.gov/privacy/article/0,,id=159723,00.html> (last visited Mar. 20, 2007).

124. *Id.*

dards.”<sup>125</sup> The FCC welcomes comments from its customers by e-mail and telephone, and makes such people aware of the opportunity via its website.<sup>126</sup> Nowhere, however, does the FCC define customer or state from whom it would accept comments. Likewise, the U.S. Fish and Wildlife Service (FWS) launched a Customer Service Center in 2003.<sup>127</sup> The FWS’ Customer Service Center reports that it “currently averages 8,300 phone calls and 400 e-mails per month.”<sup>128</sup> The center also uses a customer satisfaction survey to which the public response “remains very favorable and complementary.”<sup>129</sup> However, the FWS does not define customer or otherwise state whether the people from whom it receives input include third-party interest groups in addition to program participants, or program participants only.

In sum, federal agency customer involvement, including surveys, takes many and varied paths. Their origins, and the origins of the Corps’ current Customer Service Survey, are of interest because they aid in understanding the nature of federal government commitment to fairness, flexibility, and efficiency. Still, it is the data that these surveys provide that offer the fullest opportunity to reflect on the disconnect between perception and reality with respect to the burdens imposed by the Corps’ Regulatory Program. Accordingly, the following section explores these available data in more depth.

#### IV. Corps Customer Service Survey Results

To determine what Corps Customer Service Surveys might reveal about the permitting program and related matters,<sup>130</sup> eight Corps districts from around the nation<sup>131</sup> were initially selected and sent Freedom of Information Act (FOIA)<sup>132</sup> requests for copies of responses to customer service surveys.<sup>133</sup>

125. FCC, *Customer Service Standards*, <http://www.fcc.gov/css.html> (last visited Mar. 20, 2007).

126. See FCC, *Customer Satisfaction Report*, <http://www.fcc.gov/css.html#report> (last visited Mar. 20, 2007).

127. See U.S. FWS, *Customer Service Center*, <http://www.fws.gov/info/pocketguide/csc.htm> (last visited Mar. 20, 2007).

128. *Id.*

129. *Id.*

130. It is particularly interesting to discuss the Corps’ permitting process with law and graduate students in classes that cover laws governing wetlands and other waters of the United States. Virtually all law students are new to the Corps’ regulatory process, and most are amazed at the low percentage of permit denials, and what some perceive as overly applicant-friendly approaches to the processing of permit requests. In particular, as we discussed the Corps’ Customer Service Survey in my Vermont Law School Wetlands Law and Policy class in previous years, students had a lot of questions regarding these surveys and their results in terms of what it would show about the permitting program overall.

131. The initial surveys were sent out to the following random sample of districts in November 2005: Charleston; Galveston; Huntington; Jacksonville; New England; New Orleans; Philadelphia; Sacramento; and St. Paul.

132. 5 U.S.C. §552, available in ELR STAT. ADMIN. PROC.

133. The original letters to districts contained the following substantive text:

Under the Freedom of Information Act, 5 U.S.C. §552, this letter requests copies of all customer service surveys submitted to the [specific] District Office by permit applicants in the years 2002 to present. Please see [http://www.usace.army.mil/inet/functions/cw/cecwo/reg/cust\\_surv.pdf](http://www.usace.army.mil/inet/functions/cw/cecwo/reg/cust_surv.pdf) for a sample survey.

I ask for a waiver of any fees connected with this request because this request is made in the public interest and the fur-

The surprising result was that six weeks later, only two of the districts in the initial sample supplied copies of any completed surveys, and half responded that they did not survey their permit applicants.<sup>134</sup> Shortly thereafter, similar FOIA requests were sent to the rest of the 38 districts<sup>135</sup> asking for survey responses for the years 2002-2005.<sup>136</sup>

All 38 districts responded.<sup>137</sup> As it turns out, not all Corps district Regulatory Programs survey their custom-

nishing of this information should be considered as primarily benefiting the general public. 32 C.F.R. §518.84 (2004). According to the Department of Defense’s regulations, the fee waiver will be granted if the primary purpose of the request is to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in commercial interest of the requester. *Id.* In this instance, the request is likely to contribute significantly to the public understanding of the actions surrounding permit applications in the Charleston District, because I plan to use the information to write an article that will be available to the public. This information will not be used for any financial or commercial gain. *Id.*

If this request cannot be handled free of charge, please notify me immediately of the reasons behind the denial and the cost that will be involved prior to any copying. I am aware of and do not waive any of my rights under law, including: to receive a response to this request within 20 days, to be informed of the grounds if this request is denied, to appeal any denial, and to receive copies of excepted information from a document where other sections have been declared exempt from this request.

134. Only the Jacksonville and Sacramento Districts provided survey responses. Note that New Orleans and Huntington did not respond to the initial request.

135. The remaining letters went out in late 2005 and early 2006. The text of the letters included the following request:

Re: FOIA Request for Completed Customer Service Surveys 2002 to Present

Dear FOIA Officer:

Under the Freedom of Information Act, 5 U.S.C. §552, this letter requests copies of all customer service surveys submitted to your district office by permit applicants in the years 2002 to present. Please see [http://www.usace.army.mil/inet/functions/cw/cecwo/reg/cust\\_surv.pdf](http://www.usace.army.mil/inet/functions/cw/cecwo/reg/cust_surv.pdf) for a sample survey.

I ask for a waiver of any fees connected with this request because this request is made in the public interest and the furnishing of this information should be considered as primarily benefiting the general public. 32 C.F.R. §518.84 (2004). According to the Department of Defense’s regulations, the fee waiver will be granted if the primary purpose of the request is to contribute significantly to public understanding of the operations or activities of the Department of Defense and is not primarily in commercial interest of the requester. *Id.* In this instance, the request is likely to contribute significantly to the public understanding of the actions surrounding permit applications in your district, because I plan to use the information to write an article that will be available to the public. This information will not be used for any financial or commercial gain. *Id.*

If this request cannot be handled free of charge, please notify me immediately of the reasons behind the denial and the cost that will be involved prior to any copying. I am aware of and do not waive any of my rights under law, including: to receive a response to this request within 20 days, to be informed of the grounds if this request is denied, to appeal any denial, and to receive copies of excepted information from a document where other sections have been declared exempt from this request.

136. See the specific text *supra* note 135.

137. A full list of Corps district offices can be found at U.S. Army Corps of Engineers, *Regulatory Program—District Offices*, <http://www.>

ers.<sup>138</sup> In fact, 20 districts reported having any survey responses,<sup>139</sup> and 3 of those reporting survey responses had a statistically insignificant number of only one or two surveys total.<sup>140</sup>

Generally, those districts that regularly survey their permit applicants have found them to be satisfied with the pro-

cess.<sup>141</sup> In those districts that reported with a statistically significant number of surveys,<sup>142</sup> more than half of respondents evaluating their overall experience with the Corps' Regulatory Program gave "high satisfaction" ratings, as shown in Table 1.

---

[usace.army.mil/cw/cecwo/reg/district.htm](http://usace.army.mil/cw/cecwo/reg/district.htm) (last visited Mar. 20, 2007).

138. See Appendix. Note that during my research, Corps Headquarters staff confirmed that all districts *should* be surveying their customers. Telephone Interview with Russell L. Kaiser, Headquarters, U.S. Army Corps of Engineers (Mar. 9, 2007). It is not clear to Corps Headquarters why some districts do not engage in surveys. *Id.*

139. Those districts that do not report any Regulatory Program surveys are: Buffalo; Chicago; Detroit; Fort Worth; Galveston; Honolulu; Huntington; Los Angeles; Louisville; Nashville; New England; New York; Norfolk; Philadelphia; Pittsburgh; San Francisco; St. Paul; and Tulsa. Note that the Charleston District provided a response to the FOIA request too late to have quotations from the survey written comments appear in the text of the Article, although all such comments are included in the compiled Appendix.

140. The Baltimore District had only one response, and the Omaha and Vicksburg Districts had only two responses each. See Appendix.

---

141. See Appendix.

142. For these purposes, I am excluding the three districts that had only one or two survey responses. See *supra* note 140.

**Table 1: Overall Satisfaction Rankings From Districts That Reported Survey Responses 2002-2005**

| District     | Overall Satisfaction Rankings <sup>a</sup>                                                                     |                                                                                                | District    | Overall Satisfaction Rankings <sup>a</sup>                                                                  |                                                                                  |
|--------------|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|-------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Alaska       | 984 survey responses reported.<br>· Rating of 1: 16 (2%)<br>· Rating of 2: 19 (2%)<br>· Rating of 3: 130 (13%) | · Rating of 4: 396 (40%)<br>· Rating of 5: 352 (36%)<br>· Rating of N/A <sup>b</sup> : 71 (7%) | Omaha       | 2 survey responses reported.<br>· Rating of 1: 0 (0%)<br>· Rating of 2: 0 (0%)<br>· Rating of 3: 0 (0%)     | · Rating of 4: 0 (0%)<br>· Rating of 5: 2 (100%)<br>· Rating of N/A: 0 (0%)      |
| Albuquerque  | 156 survey responses reported.<br>· Rating of 1: 0%<br>· Rating of 2: 0%<br>· Rating of 3: 0%                  | · Rating of 4: 20 (13%)<br>· Rating of 5: 131 (84%)<br>· Rating of N/A: 5 (3%)                 | Portland    | 7 survey responses reported.<br>· Rating of 1: 1 (14%)<br>· Rating of 2: 2 (29%)<br>· Rating of 3: 0 (0%)   | · Rating of 4: 0 (0%)<br>· Rating of 5: 4 (57%)<br>· Rating of N/A: 0 (0%)       |
| Baltimore    | 1 survey response reported.<br>· Rating of 1: 0 (0%)<br>· Rating of 2: 1 (100%)<br>· Rating of 3: 0 (0%)       | · Rating of 4: 0 (0%)<br>· Rating of 5: 0 (0%)<br>· Rating of N/A: 0 (0%)                      | Rock Island | 180 survey responses reported.<br>· Rating of 1: 1 (1%)<br>· Rating of 2: 1 (1%)<br>· Rating of 3: 3 (2%)   | · Rating of 4: 60 (33%)<br>· Rating of 5: 99 (55%)<br>· Rating of N/A: 16 (9%)   |
| Charleston   | 96 survey responses reported.<br>· Rating of 1: 5 (5%)<br>· Rating of 2: 9 (9%)<br>· Rating of 3: 9 (9%)       | · Rating of 4: 23 (24%)<br>· Rating of 5: 45 (47%)<br>· Rating of N/A: 5 (7%)                  | Sacramento  | 447 survey responses reported.<br>· Rating of 1: 9 (2%)<br>· Rating of 2: 11 (2%)<br>· Rating of 3: 28 (6%) | · Rating of 4: 113 (25%)<br>· Rating of 5: 256 (57%)<br>· Rating of N/A: 30 (7%) |
| Jacksonville | 34 survey responses reported.<br>· Rating of 1: 9 (26%)<br>· Rating of 2: 3 (9%)<br>· Rating of 3: 5 (15%)     | · Rating of 4: 8 (24%)<br>· Rating of 5: 7 (21%)<br>· Rating of N/A: 2 (6%)                    | Savannah    | 370 survey responses reported.<br>· Rating of 1: 8 (2%)<br>· Rating of 2: 17 (4%)<br>· Rating of 3: 25 (7%) | · Rating of 4: 138 (37%)<br>· Rating of 5: 161 (44%)<br>· Rating of N/A: 21 (6%) |
| Kansas City  | 25 survey responses reported.<br>· Rating of 1: 0 (0%)<br>· Rating of 2: 0 (0%)<br>· Rating of 3: 3 (12%)      | · Rating of 4: 4 (16%)<br>· Rating of 5: 18 (72%)<br>· Rating of N/A: 0 (0%)                   | Seattle     | 6 survey responses reported.<br>· Rating of 1: 2 (33%)<br>· Rating of 2: 0 (0%)<br>· Rating of 3: 1 (17%)   | · Rating of 4: 0 (0%)<br>· Rating of 5: 3 (50%)<br>· Rating of N/A: 0 (0%)       |
| Little Rock  | 40 survey responses reported.<br>· Rating of 1: 0 (0%)<br>· Rating of 2: 0 (0%)<br>· Rating of 3: 2 (5%)       | · Rating of 4: 5 (13%)<br>· Rating of 5: 32 (80%)<br>· Rating of N/A: 1 (3%)                   | St. Louis   | 14 survey responses reported.<br>· Rating of 1: 0 (0%)<br>· Rating of 2: 0 (0%)<br>· Rating of 3: 0 (0%)    | · Rating of 4: 2 (14%)<br>· Rating of 5: 10 (71%)<br>· Rating of N/A: 2 (14%)    |
| Memphis      | 19 survey responses reported.<br>· Rating of 1: 0 (0%)<br>· Rating of 2: 0 (0%)<br>· Rating of 3: 1 (5%)       | · Rating of 4: 3 (16%)<br>· Rating of 5: 14 (74%)<br>· Rating of N/A: 1 (5%)                   | Vicksburg   | 2 survey responses reported.<br>· Rating of 1: 0 (0%)<br>· Rating of 2: 0 (0%)<br>· Rating of 3: 0 (0%)     | · Rating of 4: 1 (50%)<br>· Rating of 5: 1 (50%)<br>· Rating of N/A: 0 (0%)      |
| Mobile       | 50 survey responses reported.<br>· Rating of 1: 3 (6%)<br>· Rating of 2: 2 (4%)<br>· Rating of 3: 5 (10%)      | · Rating of 4: 12 (24%)<br>· Rating of 5: 24 (48%)<br>· Rating of N/A: 4 (8%)                  | Walla Walla | 12 survey responses reported.<br>· Rating of 1: 0 (0%)<br>· Rating of 2: 0 (0%)<br>· Rating of 3: 0 (0%)    | · Rating of 4: 3 (25%)<br>· Rating of 5: 9 (75%)<br>· Rating of N/A: 0 (0%)      |
| New Orleans  | 168 survey responses reported.<br>· Rating of 1: 4 (2%)<br>· Rating of 2: 3 (2%)<br>· Rating of 3: 11 (7%)     | · Rating of 4: 64 (38%)<br>· Rating of 5: 77 (46%)<br>· Rating of N/A: 9 (5%)                  | Wilmington  | 489 survey responses reported.<br>· Rating of 1: 4 (1%)<br>· Rating of 2: 5 (1%)<br>· Rating of 3: 17 (3%)  | · Rating of 4: 131 (27%)<br>· Rating of 5: 326 (67%)<br>· Rating of N/A: 6 (1%)  |

a. These are the results for the response requested of all survey participants: "5. What is your OVERALL rating of the level of service provided by the Corps' Regulatory Program." See U.S. Army Corps of Engineers, *Customer Service Survey—Regulatory Program*, [http://www.usace.army.mil/cw/cecwo/reg/cust\\_surv.pdf](http://www.usace.army.mil/cw/cecwo/reg/cust_surv.pdf) (last visited Mar. 20, 2007). Ranking percentages are rounded to the nearest whole number. Rating of 5: 82% means that the survey respondents ranked the district at the level of five (the best of the rankings) 82% of the time. Note that due to rounding issues not all percentage totals will add up to 100.

b. Survey responses characterized as N/A in this table (defined on the Corps' survey as "does not apply to you") include those respondents who chose that option on the form, as well as those who did not check any answer.

The Corps' survey instrument is two pages long.<sup>143</sup> On the first page, the survey provides an opportunity to rank the Corps numerically on a variety of matters using a scale of 1-5.<sup>144</sup> Instead of providing a specific breakdown on what these numbers mean, the numbers 1-3 appear under a grouped category of low satisfaction.<sup>145</sup> Then the numbers 4 and 5, as well as N/A,<sup>146</sup> appear under a grouped category of high satisfaction.<sup>147</sup> The second page of the survey allows applicants to check off categories that indicate some specific details about their interaction with Corps regulatory personnel, and space is provided to write comments about that interaction.<sup>148</sup> One district (Alaska) has designed its own one-page form, but it still provides space for written comment and an overall ranking score.<sup>149</sup>

Written comments are prompted by the question: "Do you have any comments or suggestions on the Regulatory Program?"<sup>150</sup> The Appendix contains a full compilation of the comments from surveys collected through the FOIA process. The written commentary can be divided into five categories: (1) general praise for the Corps' Regulatory Program service; (2) praise (mostly) for particular Corps employees' service; (3) comments (including praise and complaints) about the length and complexity of the permitting process; (4) general recommendations and criticisms (often focused on staff workload or technological improvement); and (5) larger policy-based commentary on the permitting program.<sup>151</sup> The subsections that follow provide representative examples from each category above.

#### *A. General Praise for the Corps' Regulatory Program Service*

Many applicants who completed surveys had general praise for the Corps, often focusing specifically on a particular district office's work. For example, one applicant from the Albuquerque District declared that "[s]ervice was exemplary."<sup>152</sup> Another stated that "[e]veryone that I met at the Corps has been very helpful."<sup>153</sup> An applicant from the Sacramento District declared Corps staff "[e]specially helpful."<sup>154</sup> A Walla Walla District applicant said: "I have had a

great working relationship with the Corp[s]."<sup>155</sup> A Wilmington District applicant wrote: "I feel the program is well run, responses are prompt and detailed, and the contacts in the office are knowledgeable and helpful."<sup>156</sup>

Some of these comments providing general praise to the Regulatory Program were specific to certain district office activities. For example, one Kansas City District applicant wrote:

By far and without question, I am extremely impressed with the technical knowledge and communication skills of the regulatory specialists in the [Kansas City] office. Our firm works with four regional Corps offices in the Midwest USA in application of 100+ [§]404 permits annually. Although we may not always agree with staff decisions, we are treated fairly and professionally by the regulatory specialists who work under the supervision of [Corps employee].<sup>157</sup>

Likewise, a Little Rock District office applicant wrote: "I was very impressed by this office's cooperation to resolve permitting issues even when the project manager was unavailable."<sup>158</sup>

Like the Kansas City District comment from the previous paragraph, some commenters had experience in multiple districts, and provided comparative comments. For example, one applicant from the Savannah District wrote: "We work in numerous districts. Savannah is by far the most professional and effective."<sup>159</sup> One from the Wilmington District suggested: "Update the Wilmington District Web site. The Charleston District has an outstanding Web site—user friendly with good information."<sup>160</sup>

Other comments were more general. For example, a Rock Island District office applicant wrote: "We appreciate your help in the past and look forward to working with [Corps] personnel in the future. [Corps] personnel have always been helpful and have taken care of permit applications in a very timely manner. Thanks!"<sup>161</sup> A New Orleans District applicant said: "Very helpful. This is my first time going through the permit process overall. I was happy with the process."<sup>162</sup> Finally, a Sacramento District applicant wrote with similar enthusiasm that "[e]veryone including secretaries, receptionist, and higher ups have been polite, professional and responsive to our needs—Thank you Corps and [Corps employee]!"<sup>163</sup> An Alaska District applicant corre-

143. See *Customer Service Survey*, *supra* note 9.

144. *Id.*

145. *Id.*

146. The term "N/A" is defined on the Corps' survey as "does not apply to you." *Id.*

147. *Id.* The survey contains text in a separate box above the area with the numbers that seems to set forth the scoring system in a somewhat different manner from the actual survey layout, by stating that "for each question, please indicate the level of service you received by marking the appropriate number on a scale from 1-5, with 1 being low ('dissatisfied') and 5 being high (very satisfied)." *Id.*

148. *Id.*

149. Although the online form for the Alaska District is the same as the one used nationally by other districts, the forms returned to me in response to the FOIA request were unique, one-page forms. See <http://www.poa.usace.army.mil/reg/CustSurvey.pdf> (last visited Mar. 20, 2007).

150. *Id.*

151. There are undoubtedly other ways that the results could be organized, but this approach seemed to provide the most constructive review for my purposes.

152. See Appendix, Albuquerque District section.

153. *Id.*

154. See *id.*, Sacramento District section.

155. See *id.*, Walla Walla District section.

156. See *id.*, Wilmington District section.

157. See *id.*, Kansas City District section.

158. See *id.*, Little Rock District section. Another Little Rock District customer agreed with this principle, saying: "I sincerely appreciate the level of quality service and support on the project." *Id.*

159. See *id.*, Savannah District section. Another Savannah District commenter wrote: "We have always found the Albany office specifically to be knowledgeable, prompt and fair. If all of the USACOE districts were as good, our lives would be a lot easier! Keep up the good work." *Id.*

160. See *id.*, Wilmington District section.

161. See *id.*, Rock Island section. Other Rock Island District customers agreed with this concept, noting that "[c]onsidering our situation I thought the Corp representatives handled everything very well" and "[t]he staff of the Regulatory Branch have always been very knowledgeable and helpful." *Id.*

162. See *id.*, New Orleans District section.

163. See *id.*, Sacramento District section. Other Sacramento District customers share similar sentiments, providing comments like: "Everyone I spoke with was extremely helpful and professional. The Web

spondingly wrote: “The permit process went smoothly and was very effective.”<sup>164</sup>

Of course, not all comments were complimentary. One applicant from the Albuquerque District said: “Program hard to understand and jurisdictional issues are not well defined.”<sup>165</sup> Likewise, a Jacksonville District applicant wrote that “[t]he attitude of staff was unprofessional and adversarial. The staff threatened with absolutely no basis in fact or regulations.”<sup>166</sup>

Such negative comments generally were few and far between, while positive comments were the norm. As to such praise about the Corps’ Regulatory Program generally or a particular district office specifically, comments like “[e]xcellent service,”<sup>167</sup> “[y]ou guys do a good job!,”<sup>168</sup> or “thank you”<sup>169</sup> were not uncommon. The surveys thus show that many Corps permit applicants are not only content, but in some cases delighted, with their overall exposure to the Regulatory Program.

### *B. Praise (Mostly) for Specific Corps Employees’ Service*

Another significant general category of comments containing positive feedback was directed at the actions of specific Corps employees. Many times, such comments were extraordinarily enthusiastic.<sup>170</sup> For example, one Rock Island District applicant called on the Corps to “[g]ive [the particular Corps employee] a raise and more vacation.”<sup>171</sup> Likewise, an Albuquerque District applicant declared: “[Corps employee] did an outstanding job of investigating my situation and getting back to me in record time. He was prompt and professional! Thank you [Corps employee] and Corps of Engineers. This man was one of the best professionals I have ever worked with.”<sup>172</sup> A Memphis District applicant wrote:

I want to commend all those involved in the Memphis Corps District, especially [Corps employee] for the prompt and processing and issuance of the individual 404 that I needed. As always, [Corps employee] communicated with me about issues needing clarification, and made special efforts to issue by a deadline I was under.

page is also very helpful.” and “I am impressed with the professional, timely manner that the permit application was processed.” *Id.*

164. *See id.*, Alaska District section.

165. *See id.*, Albuquerque District section.

166. *See id.*, Jacksonville District section.

167. *See id.*, Sacramento District section.

168. *Id.*

169. *See* Appendix throughout.

170. There were, of course, a few negative comments about particular Corps employees. For example, about an Albuquerque District employee one respondent noted: “Get personality in Phoenix office personnel. I spoke to [Corps employee] on several occasions; the conversations seem to be fruitless. He doesn’t appear to put the plans and descriptions. . . . Therefore having our business bottleneck.” *See* Appendix, Albuquerque District section. *See also infra* notes 183-84 and accompanying text.

171. *See* Appendix, Rock Island District section. Such sentiment is not unique to Rock Island—a Sacramento District applicant wrote a very similar comment saying that “[Corps employee] was great—give her a raise.” *See id.*, Sacramento District section.

172. *See id.*, Albuquerque District section. Another Albuquerque applicant wrote: “[Corps employee] was extremely helpful during the whole process starting from our pre-application meetings during which she provided us with clear direction in our attempt to comply with regulations. [Corps employee] responded promptly to phone calls and issued our permit in a very reasonable time frame.” *Id.*

This is just one example of the top-notch work performed by your District. Thank you!”<sup>173</sup>

A Sacramento District applicant wrote: “[Corps employee] was very professional and very, very helpful.”<sup>174</sup> A Savannah District applicant said: “[Corps employee] enters into his duties in a most energetic and professional manner. He’s good at suggesting changes that will assist you with your project, and come within regulations.”<sup>175</sup>

In the Rock Island District, one applicant wrote: “It is a big help to have people like [Corps employee] to explain the complexities and options clearly and accurately. Qualified people administering the program make it workable.”<sup>176</sup> In the St. Louis District, an applicant praised multiple employees who had contact with the application process by saying: “[Corps employees] were very helpful, fair and professional. They are a credit to your staff and their profession.”<sup>177</sup> Likewise, in the New Orleans District, one applicant wrote: “[Corps employee] was the most professional and understanding person I have ever dealt with. He made what I heard would be a nightmare, not bad at all. God bless him.”<sup>178</sup> Another New Orleans District applicant wrote:

If all the permit writers were as professional, responsible and responsive as [Corps employee], you would have fewer complaints and irate applicants. He does exactly what he says he will do in a timely manner. He is clear about his objectives and does not vacillate, even when pressured. He is not afraid to be candid and direct.”<sup>179</sup>

In the Walla Walla District, an applicant noted that “I was sure surprised with all the help I got from [Corps employee].”<sup>180</sup> One Alaska District applicant wrote: “I have

173. *See id.*, Memphis District section.

174. *See id.*, Sacramento District section. Another Sacramento District applicant wrote: “[Corps employee] has given me exceptional service in understanding and submitting ACOE permit applications. We truly appreciate the information she gave us to assist us in expediting the permit process and look forward to working with her in the future.” A different Sacramento District applicant summarized the experience by noting that “[Corps employee] was as reasonable and helpful as I could have hoped for.” *Id.*

175. *See id.*, Savannah District section. Another Savannah District applicant wrote: “I found everyone (including receptionist) to be very pleasant and helpful. The professionals were responsive in a timely manner. I requested an inspection, after construction, to ensure compliance. They responded promptly and were very helpful through the entire project.” *Id.*

176. *See id.*, Rock Island District section. Another Rock Island applicant wrote: “In our case the Corps Representative played the part of the mediator between us and dealing with other agencies involved between the program and the representative. The process on our behalf went very smoothly and very professional with everyone involved.” *Id.*

177. *See id.*, St. Louis District section. Another St. Louis applicant wrote: “Keep doing what you are doing. I have always found [Corps employees] to be very fair and forthright in addressing DA permit requirements on difficult improvement projects.” *Id.*

178. *See id.*, New Orleans District section. Likewise, another New Orleans District applicant wrote:

If all the permit writers were as professional, responsible and responsive as [Corps employee], you would have fewer complaints and irate applicants. He does exactly what he says he will do in a timely manner. He is clear about his objectives and does not vacillate, even when pressured. He is not afraid to be candid and direct.

*Id.*

179. *Id.*

180. *See id.*, Walla Walla District section. Other Walla Walla District applicants were equally pleased, writing: “I was impressed and very

never had this fast of response time from any Federal Agency. Thanks, [Corps employee].”<sup>181</sup> Another Alaska District respondent commented that “[o]n a scale of 5 and 1, your Regulatory Specialist, [Corps employee], deserved a 6!”<sup>182</sup>

A few of those submitting surveys were not as complimentary about Corps employees. One Wilmington district applicant said: “They need to speed up to a slow walk.”<sup>183</sup> An Alaska District applicant noted that “[r]equests for additional information were numerous and cumbersome. The instruction for what is required for a project should be clearly spelled out. This may help limit the discrepancies between what different project managers require. Travel by the project manager delayed the permit process.”<sup>184</sup> But such negative responses about particular employees were highly unusual for most districts. The survey results viewed as a whole shows that most Corps permit applicants have particularly good experiences with individual Corps Regulatory Program personnel.

### *C. Comments About the Length and Complexity of the Permitting Process*

The data show an appreciable number of survey complaints in some districts that were focused on the length and/or complexity of the Corps’ permitting process. There are, however, significant variations among districts, and survey respondents in some districts had mainly praise for the prompt responses.<sup>185</sup> Moreover, many of those providing comments about delay suggested that it was workload and not staff failings that lead to their complaints. For example, one Mobile District applicant declared that “[t]hree months or longer is way too long to have to wait for replies from [the Corps].”<sup>186</sup> A Sacramento District applicant noted they believed

pleased with how quickly [Corps employee] handled the work.” and “[Corps employee] is great to work with. I wish that all agencies were as helpful.” *Id.*

181. *See id.*, Alaska District section. With the largest number of responses, the Alaska District had a huge number of positive remarks. For example, another applicant from the Alaska District wrote: “Thanks to [Corps employee] for his expeditious assistance,” another remarked that “[Corps employee] was effective in resolving environmental issues without the need to heap on a pile of bureaucracy” and another said that “[Corps employees] have been super to work with. All have been knowledgeable, responsive, and easy to work with.” *Id.*

182. *Id.*

183. *See id.*, Wilmington District section.

184. *See id.*, Alaska District section. Another Alaska District applicant wrote that “[Corps employee] is great to work with. [Corps employee] is not good to work with.” *Id.*

185. *See Appendix.* For purposes of this statement I am not including the districts with less than 10 survey responses, because it seems more likely that disgruntled applicants would have submitted the form. In those districts with statistically significant response rates, though, the results are quite mixed. For example, those commenting in the Alaska, Albuquerque, Little Rock, and Memphis Districts seemed to have significantly more praise than disappointment with the permit processing times. Conversely, those commenting from Jacksonville, Mobile, and New Orleans Districts seemed to have more negative than positive things to say about permit processing times. Comments about response timeliness from Charleston, Kansas City, Rock Island, Sacramento, Savannah, St. Louis, Walla Walla, and Wilmington Districts were either mixed or had too few comments on timeliness to generalize.

186. *See Appendix*, Mobile District section. Compare, however, another Mobile District applicant who commented that the “Mobile District has been very responsive.” *Id.*

that [Corps employee] helped us as best he could, but given his workload, he could not respond in a timely manner. It took a month after he received the last document needed for permit approval to get us the permit. We submitted our permit application at the end of August, and received the permit at the end of November.”<sup>187</sup>

Likewise, an applicant from the Jacksonville District “[a]ppplied for permit approx [date]. This took a year to receive. However, after your agency began to work on the permit, it was fast and delivery was quick and professional.”<sup>188</sup>

Some of those raising complaints about the delays offered suggestions for how to cure them, such as one Sacramento District applicant who said: “Staff seems knowledgeable and courteous, just maybe overloaded. For large projects, developers would trade higher fees (use of ‘approved’ consultants perhaps) for speedier permits.”<sup>189</sup> Yet others suggested modifications to the process that might further delay their permit review, such as the Sacramento District applicant who declared there was a need for

more rapid review of submitted materials and quicker turn-around time for written responses to applicant. Need more rapid response to phone calls as well. Many of the special conditions in this and other permits are standard clauses that might be applicable to some of the businesses above, but not necessarily to public entities. This standard language seems to be for the benefit of [Corps] staff in issuing a permit so as not to have to create customized conditions relevant to the subject action. Some of this language can have unacceptable legal implications. Our requests to remove or modify conditions, with explanations provided, were largely ignored.

A New Orleans District applicant wrote: “[Corps employee] was extremely helpful. My only suggestion is that the time for permit submission to approval be speeded up (if not limited by statute).”<sup>190</sup>

Those who complained about timeliness, however, were often careful to note that certain Corps employees were not to blame. One comment from the Memphis District said: “Need more timely approval and issuance of permit. . . . However, Corps personnel were very helpful.”<sup>191</sup> Likewise, in the Rock Island District, one applicant wrote that “[t]he process is very thorough and time consuming, but the Corps personnel were very helpful and professional.”<sup>192</sup> In the Seattle District, one applicant stated that “[Corps employee] is very competent, but slow in processing documentation and returning phone calls or email.” In the Wilmington District, an applicant stated: “[Corps employee] was wonderful, helpful, good at explaining and clarifying the process and thorough. He’s worth waiting for. But if there are three times as many of him our only complaint is the length of time the process took, because of the workload on limited personnel members.”<sup>193</sup> A Savannah District applicant wrote: “You have a good program but seem to be over worked.”<sup>194</sup>

187. *See id.*, Sacramento District section.

188. *See id.*, Jacksonville District section.

189. *See id.*, Sacramento District section.

190. *See id.*, New Orleans District section.

191. *See id.*, Memphis District section.

192. *See id.*, Rock Island District section.

193. *See id.*, Wilmington District section.

194. *See id.*, Savannah District section. Another Savannah District respondent suggested different offices within their particular district have different levels of response, commenting that “North Area Sec-

Finally, in a similar vein, a Sacramento District applicant commented that “[a]s usual, the Corps needs more staff in the Regulatory Branch to improve service-time. Service overall was good and staff were courteous and helpful.”<sup>195</sup>

Applicant complaints on the Corps Regulatory Program’s failure to process permits in a timely manner were not, however, universal. Contrary to the quotes in the previous paragraph, other Sacramento District applicants said: “Great job on timeliness” or “[t]hanks for the speedy response!” An Albuquerque District applicant likewise wrote: “[Corps employee’s] response was immediate and thorough. He was very helpful in answering additional questions. He is always courteous.”<sup>196</sup> In the Rock Island District, one applicant wrote: “We appreciate the fast processing of this permit modification.”<sup>197</sup> In the Savannah District, one survey respondent commented that the assigned Corps employee “provided very prompt service.”<sup>198</sup> And in the Alaska District, one respondent said: “Thank you for a ‘speedy’ courteous service.”<sup>199</sup>

Likewise, it seems that the Corps may be making progress in responding to complaints about timely processing, as evidenced by one Sacramento District respondent who wrote: “In the past the Corps has not been reasonable or quick in responding. This time it went well.”<sup>200</sup> A respondent in the Wilmington District wrote: “I want to note that staff changes/reassignments in Wilmington have resulted in much better response time. . . .”<sup>201</sup> In the Alaska District, one applicant wrote: “In past years (8-10 years) the Corps were really nasty to deal with. There has been a complete attitude change.”<sup>202</sup> A Savannah District respondent remarked: “Outstanding permitting. Less time required than ever before.”<sup>203</sup> Nevertheless, it cannot be denied that the survey data show some districts still experiencing challenges in timely processing of permit applications and related activities.

#### *D. Recommendations and Complaints Focused on Technological or Educational Improvement Suggestions*

Some recommendations and complaints submitted by survey respondents dealt with technological suggestions, such

tion has many, many problems that should be resolved including excessive timeframes, inconsistency, unresponsiveness and general lack of knowledge. Southern Section (Savannah) generally much better.” *Id.*

195. *See id.*, Sacramento District section. Another Sacramento commenter similarly noted:

Both individuals were very courteous and professional, though I think they are overloaded with work such that they can’t make decisions in a timely and accurate manner. I respect the work they are doing, though I don’t think much thought or time was given to this project due to their overwhelming workload.

*Id.*

196. *See id.*, Albuquerque District section.

197. *See id.*, Rock Island District section.

198. *See id.*, Savannah District section.

199. *See id.*, Alaska District section.

200. *See id.*, Sacramento District section. Another Sacramento District respondent wrote: “The improvements over the past few years have been fantastic. We still need to improve overall communication, but it seems to be getting better all the time.” *Id.*

201. *See id.*, Wilmington District section.

202. *See id.*, Alaska District section.

203. *See id.*, Savannah District section.

as an Albuquerque District applicant who recommended that “you add to your Web site (or if this is already there, make it more obvious) a general timeline of the [§]404 application process and a process flowchart, including what contacts and decisions that may be made at various points.”<sup>204</sup> Another recommended that the Corps “[m]ake the Internet more user friendly—e.g., downloadable permit form.”<sup>205</sup> An Alaska District applicant remarked that the “[w]ebsite is generally very slow.”<sup>206</sup>

Other complaints recommended implementing deadlines for responses. A Jacksonville District applicant noted: “So overworked and understaffed to handle such a large workload, that the process becomes management through government permitting! Staff adequately, then create reasonable, specific response times which the Corps must respond within. Not having any time accountability is not fair to the public or private sector.”<sup>207</sup> Some complaints focused on difficulties in contacting people, such as the Sacramento District comment noting it was “[d]ifficult to reach person in office—no admin staff to answer/take calls”<sup>208</sup> and an Alaska District comment stating: “Call backs take a couple of days. I assume you are very busy.”<sup>209</sup>

A few complaints centered on Corps employees’ familiarity with the process. For example, one Portland District applicant noted that “[i]ndividuals in the permitting process should be better aware of the Corps’ own regulations. I had to point them out!”<sup>210</sup> A Sacramento District applicant likewise stated that “[i]nterpretation of regulations is arbitrary. There is no consistency between project managers.”<sup>211</sup> However, one Wilmington District applicant suggested that

[i]t might be helpful to offer some kind of program to help applicants become more educated as to which course to take towards project approvals. I’m referring mainly to mitigation options but also to options on avoiding impacting as well. Maybe seminars for surveyors engineers landscape architects soil scientists. I got my best advice from the Corps. I think I have received poor advice from private consultants.<sup>212</sup>

Thus, some survey responses support other changes, in addition to speeding up the process, that the Corps’ Regulatory Program should explore. Certain reported improvements currently in process at Corps headquarters<sup>213</sup> may address a number of these issues.

#### *E. Policy-Based Commentary on the Permitting Program*

Some comments by survey respondents went to larger, policy-level issues. A significant number of these comments

204. *See id.*, Sacramento District section.

205. *Id.* Contrast that with another Sacramento District applicant who wrote: “The Web site is very helpful and always seems to be up-to-date. Our Corps representative is very helpful and always tries to respond to our questions. He is very knowledgeable and has a wide range of experience that is helpful when trying to find solutions for a complex project.” *Id.*

206. *See id.*, Alaska District section.

207. *See id.*, Sacramento District section.

208. *Id.*

209. *See id.*, Alaska District section.

210. *See id.*, Portland District section.

211. *See id.*, Sacramento District section.

212. *See id.*, Wilmington District section.

213. *See infra* note 255 and accompanying paragraph.

support the program as it is or call for it to be strengthened. For example, one Sacramento District comment suggested that the Corps “[h]ire more personnel to keep up with all the demands and violations. Stop being just a ‘permitting agency’ and be a regulatory agency—don’t just issue permits to everyone—Say NO sometimes (which the Corps rarely does) and enforce violations.”<sup>214</sup> Similarly, a Savannah District applicant called on the Corps to “[s]pend more time on enforcement and compliance.”<sup>215</sup> Likewise, in the Albuquerque District, an applicant suggested the Corps provide “[m]ore outreach and education about the permit program. Didn’t like the way the Corps has backed off on permits for [a particular watershed] due to losing a Supreme Court decision on a sand and gravel quarry; don’t see how they relate.”<sup>216</sup> In a similar vein, a Rock Island District comment remarked that “[a]ll seemed reasonable to me. — It’s the people that do not apply but take law into their own hands that disturb me.”<sup>217</sup> A Sacramento District comment called on the Corps to “[q]uit nit-picking the small (really small) stuff and bust people’s chops for violations or failing to follow thru w/mitigation. Require bonding for all mitigation activities (that will make them do it!).”<sup>218</sup>

Other suggestions presented innovative training or staffing ideas. For example, a Wilmington District applicant suggested that “[t]he Corps should cont[inue] efforts to dev[elop] a certified wetland delineator program. Valuable time could be saved by allowing Corps reps. to make/sign JDs from an [official] review or a cert delineators submittal rather than requiring a site review every time.”<sup>219</sup> A Kansas City District applicant suggested that “[m]aybe you could have some trained retired people or other trained parties to do screening of compliance spot checks. They would report to the project manager who would either visit the site or take the spot checkers information to develop the violation report. Photographic records could help formalize the process.”<sup>220</sup> One Savannah District applicant suggested that the government “[t]ransfer jurisdiction over wetlands out of the Army to a better managed and customer-friendly organization.”<sup>221</sup> Yet one Wilmington District applicant wrote very positively that the “Regulatory Program is completely justified. It serves the purpose to protect wetlands and all the benefits of wetlands. Wetlands must be protected.”<sup>222</sup>

214. See Appendix, Sacramento District section. A Wilmington District applicant wrote likewise:

Where is the enforcement program? It seems that there is very little Corps/Federal enforcement in western North Carolina (Charlotte and westward) of unauthorized activities. It is hard as a consultant to tell developers what they are and are not allowed to do when the guy down the road is completely ignoring the 404-401 program. Why hasn’t North Carolina been able to announce a \$550,000 fine like the recently announced Corps violation against the Mungo Co. in Columbia SC?

See *id.*, Wilmington District section.

215. See *id.*, Savannah District section.

216. See *id.*, Albuquerque District section.

217. See *id.*, Rock Island District section.

218. See *id.*, Sacramento District section.

219. See *id.*, Wilmington District section.

220. See *id.*, Kansas City District section.

221. See *id.*, Savannah District section.

222. See *id.*, Wilmington District section.

## F. Concluding Remarks on the Survey Comments

Readers should not think that there were no clearly negative general comments. There were quite a few. One applicant from the Sacramento District complained about the district office, saying that “[i]t’s slow, cumbersome and staffed by people who are not motivated to produce a finished product. The only agency I would rate lower is [FWS]! [The Corps/FWS] staff need to forget personal biases and do their job.”<sup>223</sup> Likewise, an applicant from the same district claimed to be

[v]ery unsatisfied with how a piece of land was taken care of. I was confused of what they were doing for approximately six months. Then was not instructed on how to secure a permit or even if I needed one. All they have done is delayed progress for me on approximately 1/2-acre of wet property.<sup>224</sup>

And yet another wrote, “[r]eceived no response to submitted materials for 4 1/2 months; had to make 14 phone calls and resubmit to receive any response.”<sup>225</sup> A Wilmington District applicant wrote: “Please stop taking our land.”<sup>226</sup>

Despite such seemingly heartfelt complaints from a few applicants, the majority of those who completed the Corps’ Regulatory Program Customer Service Surveys are satisfied with the Corps. For example, one Rock Island District applicant claimed to be a “[s]atisfied customer.”<sup>227</sup> Another declared herself or himself to be “totally satisfied with entire program in particular the friendly personnel.”<sup>228</sup> Sacramento District applicants also joined in the chorus of praise, telling the Corps “[t]hank you. Very interesting process.” and “[i]t was easier than expected.”<sup>229</sup> An Albuquerque District applicant likewise wrote the Corps to say: “Your agency is a pleasure to work with.”<sup>230</sup> In the Alaska District, one applicant wrote: “Great, efficient service!” and another: “Good job!”<sup>231</sup> These statements and others, along with the rating numbers,<sup>232</sup> show a very different agency than one

223. See *id.*, Sacramento District section.

224. *Id.*

225. *Id.*

226. See *id.*, Wilmington District section. Another Wilmington District applicant wrote:

Too much discretion given to individuals—verbally told one thing and documented something else. Process too long and redundant. Received permit after excessive jumping through hoops and not given enough time to get state and local permits. Forced to start over to what appears to be worse than the first time. System totally unfair in my mind! I have never been through any process like this and am totally disillusioned. I, to my knowledge, have done everything by the book and get shot down over and over. Contrary to advise given by many others I thought that playing by the rules was the proper and right thing to do. To my knowledge no one has ever said the project is not permissible. Just seems that I am being taught a lesson by doing things the right way. The wetlands on my project are not of a significant nature. Was informed by the local Corp field rep that buying into the mitigation project is not possible. I have been informed by others that it is. I have contracted with [contractor] . . .

*Id.*

227. See *id.*, Rock Island District section.

228. *Id.*

229. *Id.*

230. See *id.*, Albuquerque District section.

231. See *id.*, Alaska District section.

232. See *supra* tbl. 1.

would expect from Justice Scalia's remarks in *Rapanos* that opened this Article.<sup>233</sup>

### V. Conclusion: What Does Having "Satisfied Customers" Really Mean?

The Corps' Regulatory Program declares that it has three equally important goals: "(1) To provide strong protection of the Nation's aquatic environment, including wetlands; (2) To enhance the efficiency of the Corps' administration of its regulatory program; and (3) To ensure that the Corps provides the regulated public with fair and reasonable decisions."<sup>234</sup> As to these second and third goals, as explored in the previous section, the Corps seems to be doing a decent job from the perspective of a considerable segment of the regulated public. In fact, in the words of some who experienced the permitting experience, the "[p]rogram seems to be appropriate, sensible, and effective"<sup>235</sup> and the "[p]ermit process was smooth and fair."<sup>236</sup>

Admittedly, the data presented here are imperfect.<sup>237</sup> Many districts do not conduct surveys.<sup>238</sup> Some districts reported very few surveys.<sup>239</sup> There is no way of knowing the background of those who responded to the surveys.<sup>240</sup> But, as discussed above, the data do demonstrate a degree of disconnect between the views of some (including Justice Scalia and some vocal representatives of the regulated community) and the reality expressed directly by a significant number of applicants.<sup>241</sup>

Although technically dicta, Justice Scalia's invective against the Corps' Regulatory Program preceded a plurality opinion that provided no deference to the Corps in its interpretation of proper jurisdiction.<sup>242</sup> To the extent that Justice Scalia's distrust of the Corps' process may not be based on supportable data, the reliability of the administrative review process by the judicial branch may be in question.<sup>243</sup>

233. See *supra* notes 3, 4 and accompanying text.

234. U.S. Army Corps of Engineers, *Regulatory Program Goals*, <http://www.usace.army.mil/cw/cecwo/reg/goals.htm> (last visited Mar. 20, 2007). Interestingly, a fourth goal appears in a 2006 PowerPoint® presentation to the Regional Regulatory Office: "Take care of our Regulatory Personnel." U.S. Army Corps of Engineers, *Regional Regulatory Conference June 2006* (PowerPoint® Presentation, on file with the author).

235. See Appendix, Kansas City District section.

236. See *id.*, Rock Island District section.

237. Note that my analysis, as a non-scientist lawyer, might also be considered "imperfect" in terms of truly dissecting the data.

238. See *supra* note 139.

239. The Baltimore District had only one response, and the Omaha and Vicksburg Districts had only two responses each. See Appendix.

240. Because the survey instrument allows anonymous feedback, we cannot know for example what percentage of respondents had either their permit application denied or not modified at all.

241. Proper "marketing" by the Corps of their own survey results may be able to do a bit of damage control on that score.

242. (Quoting *Chevron, U.S.A., Inc. v. Natural Resources Defense Council*, 467 U.S. 837, 843, 14 ELR 20507 (1984), the *Rapanos* plurality ruled specifically that "[t]he Corps' expansive interpretation of the 'the waters of the United States' [was] not 'based on a permissible construction of the statute.'"). *Rapanos v. United States*, 126 S. Ct. 2208, 2236 36 ELR 20116 (2006). Cf. "The Corps' decision in the underlying cases to treat these wetlands as encompassed within the term 'waters of the United States' is a quintessential example of the Executive's reasonable interpretation of a statutory provision." *Rapanos*, 126 S. Ct. at 2252 (J. Stevens, dissenting).

243. See *supra* note 19 and accompanying text.

Because the two newest Justices (Chief Justice John G. Roberts Jr. and Justice Samuel A. Alito Jr.) signed on to the opinion authored by Justice Scalia,<sup>244</sup> this matter warrants further examination.

In addition to these issues with judicial review, the data also suggest a number of changes to agency operations are needed. First, the fact that only certain districts survey customers demonstrates that Corps headquarters needs to find a way to make its districts more accountable.<sup>245</sup> Whether or not one concludes that surveying is still mandatory under the 1993 Executive Order,<sup>246</sup> the Corps should be consistent in surveying activities nationwide. Likewise, it may be a good time to update the customer survey instrument in light of Lean Six Sigma<sup>247</sup> and analysis of data received through those surveys over the years.<sup>248</sup>

Additionally, with respect to agency operations, the level of expressed dissatisfaction with delays<sup>249</sup> means efforts should be amplified in certain districts to speed up permitting. Recent increases in funding to the Corps' Regulatory Program likely helped,<sup>250</sup> but more or reallocated federal appropriations and an increased workforce seem to be needed. Furthermore, other efficiency measures in the works by the Corps' Regulatory Program (such as having permit applications online on most districts,<sup>251</sup> the "lead district" initiative,<sup>252</sup> new regulatory guidance letters,<sup>253</sup> and an

244. *Rapanos*, 126 S. Ct. at 2214.

245. Corps Districts have been accused of operating too independently and without sufficient headquarters-level control in the past. See, e.g., U.S. GAO, *WATERS AND WETLANDS: CORPS OF ENGINEERS NEEDS TO EVALUATE ITS DISTRICT OFFICE PRACTICES IN DETERMINING JURISDICTION* (2004), available at <http://www.gao.gov/new.items/d04297.pdf>.

246. See *supra* note 58 and accompanying text.

247. See *supra* notes 78-94 and accompanying text.

248. It is worth noting that the Alaska District, with its shorter survey form, reported the largest number of survey responses nationwide. See Appendix. Furthermore, one New Orleans District respondent urged: "Make this survey easier to read." See Appendix New Orleans District section.

249. See *supra* Part IV.D.

250. Between FY 1999 and FY 2006 the Corps' Regulatory Program budget increased from \$106 million per year to \$160 million per year. *Energy and Water Development, 1999 Appropriations*, Pub. L. No. 105-245, 112 Stat 1838, 1842 (Oct. 7, 1998); *Energy and Water Development Appropriations Act of 2006*, Pub. L. No. 109-103, 119 Stat. 2247, 2251 (Nov. 19, 2005); see also *Conference*, *supra* note 234.

251. A number of districts are using online permit applications now, but increased usage is anticipated to expedite processing and save time with data entry. Telephone Interview with David Olson, U.S. Army Corps of Engineers (Mar. 15, 2007) [hereinafter Olson Interview]. Once the Operations and Maintenance Business Information Link (OMBIL) Regulatory Module, an automated information system to collect regulatory information and track regulatory actions including impact acreage, wetland type and acreages, and mitigation type and acreages, is up and running all districts will have access to on-line permit applications. See National Wetlands Mitigation Action Plan, *Initial Deployment of ORM*, <http://www.mitigationactionplan.gov/OMBILdatabase.html> (last visited Mar. 20, 2007).

252. The "lead district" approach is directed at streamlining activities in states with more than one Corps district. Appointing a "lead" is designed to minimize conflicts and simplify applicant's confusion on regional issues (such as programmatic general permits). Olson Interview, *supra* note 250.

253. Corps regulatory guidance letters can be found online at U.S. Army Corps of Engineers, *Regulatory Guidance Letters*, <http://www.usace.army.mil/cw/cecwo/reg/rglsindx.htm> (last visited Mar. 20, 2007).

updated automated information system)<sup>254</sup> should be brought online as soon as possible.<sup>255</sup> Finally, because they are defined among the customer base, Corps district offices should seek regular input (through the existing survey or perhaps another instrument) from nonapplicant customers.

With respect to the protected resources themselves, these data likely demonstrate that too many permits are being issued too freely by the Corps. As the Corps' own statistics show, significantly less than 1% of permit applications are

denied.<sup>256</sup> Though there are many opponents—some vocal—and many complaints about process timing, in the end it seems that not only do almost all those who seek a permit from the Corps end up getting one,<sup>257</sup> but the process of securing a permit is not all that bad.

Finally, with regard to both agency and judicial matters, what these data do show is that the rhetoric opposing the permitting program needs to be met with fact.<sup>258</sup> According to many of those who have experienced the process, applying for a permit from the Corps' Regulatory Program is not an overly burdensome event. Thus it seems the Corps is actually more "enlightened" (or at the very least, far less onerous) than Justice Scalia portrays.<sup>259</sup>

254. Olson Interview, *supra* note 250.

255. Russell Kaiser from Corps Headquarters reports that

[t]he Corps has several ongoing initiatives to expedite the processing of jurisdictional determinations and permit applications.

First, the Corps has prepared a new form for documenting jurisdictional determinations. In addition to the form, the Corps has developed an instructional guidebook to facilitate determination practices and documentation requirements. Furthermore, the Corps HQ's will work with the Corps districts to reduce the learning curve and ensure an understanding of the program impacts resulting from the Rapanos decision.

To further aid the decision-making process, several new Regulatory Guidance Letters (RGLs) are being prepared. One RGL will identify practices and documentation requirements to support jurisdictional determinations; another RGL will clarify the exemptions for irrigation and drainage ditches; yet another RGL will provide guidance on writing special conditions. Additional RGLs will be developed to support wetland delineations. Regional supplements are being prepared to supplement the 1987 Wetland Delineation manual. Finally, RGL 05-05 was developed to identify the physical indicators supporting an ordinary high water mark. Districts will be encouraged to publish requirements for jurisdictional determinations that would generally support the decision being made without a site visit.

Additionally, ORM v2.0 will provide a streamlined, step by step process that will assist in the evaluation of jurisdiction. Embedded GIS resources will support timely reviews of aerial photography, topographic mapping, and existing national wetland inventories and will provide for quick references to jurisdictional determinations already conducted. Use of GIS and geo-location tools will support data populations of standard geographical location, such as State, County, watershed and drainage basins. Users will be able to document the nearest waterway and any large scale river network automatically by establishing the location of the project site. Users will identify the size and type of each aquatic re-

source on site and then document the jurisdiction or lack thereof for each aquatic resource. The jurisdictional module of ORM v2.0 will be developed to include the required documentation for establishing or declining jurisdiction and will support electronic notification to the EPA and posting of the documentation on district web pages.

See Kaiser E-mail, *supra* note 21. In a telephone interview David Olson with the Corps' Regulatory Program Headquarters office also pointed to the new Nationwide Permitting Program as intended to increase efficiency by making those general permits easier to understand. Olson Interview, *supra* note 250. See also Reissuance of Nationwide Permits; Notice, 72 Fed. Reg. 11092 (Mar. 12, 2007), available at [http://www.usace.army.mil/cw/cecwo/reg/nwp/nwp\\_2007\\_final.pdf](http://www.usace.army.mil/cw/cecwo/reg/nwp/nwp_2007_final.pdf) (the "Corps proposal is intended to simplify the NWP program while continuing to provide environmental protection . . ."). *Id.*

256. The latest statistics available online are from FY 2002 and FY 2003. U.S. Army Corps of Engineers, *U.S. Army Corps of Engineers Regulatory Program*, <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/2003webcharts.pdf>. They show that in 2002, there were 128 denials of the 81,302 permits applied for (0.16%), and in 2003, there were 299 denials of the 86,177 (0.35%) permits applied for. This means that in those two years an average of 0.25% of permits applied for were denied.

257. In fact, in describing the low number of permit denials, the Corps itself states that "only 1% denied because projects made permissible thru avoidance, minimization and compensation." See Kaiser E-mail, *supra* note 21.

258. For an interesting discussion about the power (and dangers) of rhetoric, see Marcilynn A. Burke, *Much Ado About Nothing: Kelo v. City of New London, Babbitt v. Sweet Home, and Other Tales From the Supreme Court*, 75 U. CINN. L. REV. 101 (2006).

259. *Rapanos v. United States*, 126 S. Ct. 2208, 2214, 36 ELR 20116 (2006).

**Appendix**  
**Compiled Survey Responses Including “Overall”**  
**Satisfaction Rankings and Compiled Comments**  
**of Customers**

**Alaska**

984 survey responses reported.

Rating of 1: 16 (2%)  
 Rating of 2: 19 (2%)  
 Rating of 3: 130 (13%)  
 Rating of 4: 396 (40%)  
 Rating of 5: 352 (36%)  
 Rating of N/A: 71 (7%)

- “I have had 4 or 5 previous wetland issues with the Fairbanks office and have always been happy with the process and the people, especially (Corps employee).”
- “Service at Fairbanks office is excellent.”
- “Thanks to (Corps employee)’s prompt attention to our need.”
- “I found the staff to be highly efficient, professional, and knowledgeable. It is one of the best government agencies I have worked with.”
- “Thank you (Corps employee)!”
- “(Corps employee) was a pleasure to work with.”
- “Call backs take a couple of days. I assume you are very busy. Thanks. Your staff is always able to help.”
- “No consistency!”
- “(Corps employee) was one contact person—everything handled very professionally.”
- “(Corps employee) was very responsive, understanding of issues on this project. She should be commended for taking over a project that started at least 5 years prior to her arrival and then responding in a timely manner.”
- “Kudos to (Corps employee) for all his help!”
- “Good job guys. Keep up a good work.”
- “I have never had this fast of response time from any Federal Agency. Thanks, (Corps employee).”
- “Our USACE contact, (Corps employee) was extremely helpful in identifying the best permit for our project, and in expediting the permit issuance process. Please extend our appreciation.”
- “I would like to thank (Corps employee) for working so fast for me. Thank you so much.”
- “DEC should not be allowed to charge \$500 for a piece of paper stating they “looked” at the project! It wasn’t even insurance in case of accidental environmental damage. It was highway robbery!”
- “Thanks for help.”
- “Keep up the good work.”
- “(Corps employee) quickly responded to my request for a JD, verbally, and quickly responded to my written request.”
- “Both (Corps employee) and (Corps employee) were very courteous and helpful.”
- “(Corps employee) is most cooperative, helpful and is a credit to the Corps of Engineers.”
- “(Corps employee) has been extremely helpful both in obtaining our building permit and in granting us an extension.”
- “All personnel have been courteous and efficient.”
- “Thanks to (Corps employee) for his expeditious assistance.”
- “Thank you for all your help.”
- “Very pleased with service I received.”
- “Just wanted you to know I appreciate your work.”
- “(Corps employee) was effective in resolving environmental issues without the need to heap on a pile of bureaucracy.”
- “The issue of timeliness resulted from personnel changes within the Corps. Once (Corps employee) was assigned, he expedited our application in a satisfactory time.”
- “(Corps employee) is an effective Corps representative who participates in projects as a team member.”
- “Thanks for prompt turn around.”

- “Written information hard to understand. Requested info that had several answers. (not one clear answer to one clear question). After I proved my point, your project manager helped out. The charts had more than one answer. Process could be made easier for everyone involved!”
- “You folks are getting faster all the time. Thanks, (Corps employee).”
- “We had exceptional help and assistance from (Corps employee).”
- “Would be helpful to have offices off military base. Corps should be removed from department of Army.”
- “(Corps employee) and (Corps employee) extremely helpful!”
- “Keep up the good work. Thank you and your staff for being very helpful.”
- “Thanks.”
- “Thanks.”
- “The employees were very helpful and nice. Thank you.”
- “Thanks.”
- “Thanks again.”
- “It is important to respond in a timely fashion to communities requests in regards to their environmental reviews and assist them to be in compliance with regulations with their projects. I’ve worked with your agency in the past and have been satisfied with your assistance. Keep up the good work.”
- “Thank you, (Corps employee)!”
- “Telephone calls were not returned promptly. Travel by the COE project manager stopped process of application numerous times. The project manager was extremely knowledgeable and experienced on several aspects of the project; however, she was unwilling to defer to experts on unfamiliar aspects. Comments accepted after the public comment deadline were also weighted heavily. All conversations between the project manager and agency reviewers should be made public.”
- “Requests for additional information were numerous and cumbersome. The instruction for what is required for a project should be clearly spelled out. This may help limit the discrepancies between what different project managers require. Travel by the project manager delayed the permit process.”
- “I heard that you are opening an office down here on the Kenai Pen. Is this true? If this is going to be my contact, could someone please contact me at the address or phone number below? Thank you, (Corps employee).”
- “The COE staff is generally very helpful.”
- “Our experience with the Corps has been courteous and professional.”
- “(Corps employee) is a nice addition to the regulatory program.”
- “(Corps employee) helped me in a very timely manner!”
- “(Corps employees) have been super to work with. All have been knowledgeable, responsive, and easy to work with.”
- “(Corps employee) has been great to work with—clear with instructions and expectations, the process, etc., and has followed through with his J.D., additional information, etc. Can’t think of any desired improvements at this time—hence, scores of ‘5’ above.”
- “Follow up from initial submittal was very fast—and very much appreciated. (Corps employee) was particularly helpful and knowledgeable.”
- “Very good attitude much better than in past years.”
- “In past years (8-10 years) the Corps were really nasty to deal with. There has been a complete attitude change.”
- “Thank you for helping me to achieve this quest. This can sometimes be very confusing! (Corps employee) in your office almost made it an enjoyable experience.”
- “Thanks to (Corps employee) for working our NW request.”
- “Prompt and professional service—good job.”
- “Very helpful and timely.”
- “(Corps employee) should be commended for his excellent assistance in permitting.”
- “Keep on with good relations.”
- “(Corps employee) was extremely helpful processing our IP,

and quite understanding of short construction seasons in a remote areas.”

- “(Corps employee) was very helpful getting a permit mod.”
- “I have always been pleased with the service, courtesy, and timely response your people. Thank you!”
- “Very prompt responses on all inquiries.”
- “I was impressed by the response I got.”
- “My situation and questions were handled in a very professional and considerate way by a (Corps employee) in the Kenai Office. This is something your customers have come to not expect from most governmental agencies...Thanks!”
- “Thank you!”
- “(Corps employee) was very helpful and worked with us to address our concerns, as well as the resource agency concerns and come up with permit stipulations we could all agree upon.”
- “I appreciate the diligence of (Corps employee) and her efforts to expedite the process.”
- “Corps project manager dealt with application in a professional manner. (Corps employee) responded to questions in a timely manner. We are very satisfied with the Corps service.”
- “The permit process went smoothly and was very effective.”
- “Faxes sent were delivered to the wrong person or ‘lost’ in your office. Project manager implied it was our problem when it wasn’t. The Corp’ interpretation of whether or not a NWP was applicable varied between regulatory specialists. Customer satisfaction would be improved by consistent (and more liberal) interpretation of NWP criteria.”
- “Your office was very prompt and kept us informed of the process.”
- “Keep the great work.”
- “Why make the applying individuals reduce their project plans from 11x17 to 8 1/2x11? Standard plan sets are 11x17.”
- “The toll free numbers saved us time and money. On a scale of 5 and 1, your Regulatory Specialist, (Corps employee), deserved a 6!”
- “(Corps employee) is an outstanding individual to work with. He is the Sandy Koufax of Bureaucrats.”
- “Thank you for your help in permitting my NWP process.”
- “Thanks—Once I got a hold of the right person you guys did good.”
- “The process is too slow and too restrictive.”
- “Office personnel were very helpful—Special thanks to (Corps employee).”
- “Thanks.”
- “(Corps employee) was extremely helpful with information that we could use to determine the timing of our project.”
- “Helpful. On one project I think an NWP was appropriate, but it didn’t hold things up. Overall good service. Thanks.”
- “(Corps employee) is always a pleasure to do business with.”
- “Thanks for your wisdom and help!”
- “Everything was done in a timely/professional manner.”
- “(Corps employee) is by far the best person I have ever had the pleasure of dealing with any government agency!”
- “Very professional, easy to understand and accomplish what was required for permit.”
- “As a government agency, you could have anticipated a 5¢ postage hike.”
- “I think most of the problems were tied to my ‘ignorance’ of the process. COE PM was accommodating, timely and helpful. State entities are well coordinated, but tend to wait until the last minute to provide details of concern for applicant.”
- “The wetlands program seems to have questionable need in Alaska where wetlands are not in questionable quantity. Thanks to (Corps employee) for a rapid processing my permit request.”
- “(Corps employee) was helpful and efficient in processing this permit modification. Requirements were clearly explained and responses were prompt.”
- “I have worked with (Corps employee) on two separate occasions and found him to be extremely helpful and responsive to questions and concerns.”

- “The Corps officials I have dealt with have been consistently gracious and helpful which I greatly appreciate!”
- “Thank you, (Corps employee)!”
- “(Corps employee) is great to work with. (Corps employee) is not good to work with.”
- “I was not aware the USACE was involved in my renewal of the walkway on our Kenai River Lot. But thank you for your concern.”
- “Your personnel were very helpful. They helped all they could. The regulations are cumbersome—expensive to meet and ridiculous in a state like Alaska where every thing is classified wetlands.”
- “Your timely responses and courteous services made our construction process easier and better for our customers. Thank you for your time.”
- “I want to especially commend (Corps employee) for responding to my phone calls and permit request so expeditiously and effectively. Excellent work! Thanks.”
- “Too picky applications. Too extreme permit all wetlands especially those with trees.”
- “I appreciate your prompt phone calls with the letter follow-up. Thank you.”
- “Regulations are hard to understand. Could be made easier to read.”
- “In addition to (Corps employee) talking excellent case of our emergency situations and keeping me informed, (Corps employee) also stayed later when released early for snow so I could pick up the correspondence. Great folks!”
- “(Corps employee) represents the Army Corps in a cooperative, firm manner. We appreciate his term approach.”
- “Thank you for a “speedy” courteous service.”
- “It seems hard to enforce regulation to protect wetland when the owner is not in agreement with the need to leave wetlands. Is there any way that concerned adjacent property owners can help?”
- “(Corps employee) was responsive, informative and helpful, as usual. It is a pleasure to do business with the COE. Thanks again.”
- “You guys do good work. I wish all agencies were this easy to work with. Thanks particularly to your timely responses. Few things will hurt a project like having your permits sitting on somebody’s desk for months on end. Also thanks (Corps employee) cool grandsons.”
- “Great service!”
- “It was a real pleasure working with (Corps employee). He was friendly, knowledgeable, and courteous. But most importantly he gave me accurate information which allowed me to move forward with a minimum of backtracking.”
- “Non-permitting agencies should not be allowed to kill or needlessly delay necessary projects.”
- “(Corps employee) treated me more like a friend and neighbor and really helped me expedite my needs. Thanks a lot!”
- “(Corps employee) responsive and thorough—a good combination.”
- “I work with permitting agents at the COE very often and have been quite pleased with the services provided.”
- “I think the Clean Water Act should recognize several classes of wetlands. Marsh and riparian areas would be high valued and most muskeg would be low valued.”
- “(Corps employee) has been extremely responsive and helpful to me and to my employer. I am learning a lot from (Corps employee) about the COE program. Sincerely.”
- “For this application I dealt with (Corps employee) and she was very prompt in returning any phone calls. (Corps employee) is very helpful and pleasant to work with.”
- “I have not always gotten the ruling I wanted but the Alaska District has always been fair about their ruling.”
- “The personnel at the Kenai AK office was very helpful. What a relief to work with such fine people!”
- “It was pleasure doing business with the Corp.”
- “A big thank you to (Corps employee)!”
- “They are very helpful.”
- “Very good job.”

- “Thank you for all the fine work you do.”
- “(Corps employee) was extremely helpful in providing a jurisdictional determination in a prompt manner. Her assistance is always greatly appreciated.”
- “Very prompt response to our request.”
- “Any dealings I have had with the Corp of Engineers now and in the past have been very positive and helpful. Thank you.”
- “Permit time extension-Thanks to (Corps employee) for their timely processing of this request.”
- “Permit application was processed in a timely fashion; (Corps employee) was very professional. Thanks.”
- “Thank you (Corps employee), your assistance was appreciated.”
- “Thank you for the guidance in making my application.”
- “Staff was not only courteous, but also very professional. Thanks.”
- “Excellent customer service. Excellent follow-up.”
- “(Corps employee) was very helpful in conducting a site visit to determine if jurisdictional wetlands would be impacted and in the issuance of the required authorization.”
- “It would be great if you had a web page that showed known, delineated wetlands. I realize you haven’t mapped the whole state, but the mapping would cover more areas as the years went by.”
- “(Corps employee) was very responsive and helpful in working on our project-I have a very positive impression of the people I’ve worked with from your office.”
- “(Corps employee) was excellent in providing assistance.”
- “(Corps employee) has been a pleasure to work with!” We do business with many state and federal agencies and the Corps has by far communicated most clearly and in a most timely fashion. Thank you.”
- “Do not like to have to get permit, but also know that some people would create hazardous conditions if it were not for the Corps.”
- “I want to express my thanks for a pleasant experience with the regulation department. (Corps employee) was prompt and courteous in responding to my evacuation request.”
- “Thank you so much for the help in the right direction.”
- “Thank you for your help.”
- “Thank you for all of your help in our permit process. All of your staff was a pleasure to work with.”
- “I have dealt with two Corp employees. They were great! Both went out of their way to help me through difficult areas of the permit process. Polite, courteous, helpful, personable, efficient...describe these two men.”
- “The Kenai field office responded promptly to the delineation submitted to their office and scheduled a convenient time for a field confirmation.”
- “Good job.”
- “I would personally like to thank (Corps employee) for being so helpful. Could you please send me a certification letter to sign when the work is complete? I didn’t get one with my authorization letter. Thanks.”
- “Application process easy to follow and complete.”
- “(Corps employee) was very helpful and easy to work with. Give him a raise. Thank you.”
- “Thanks again, folks and keep up the good work.”
- “I was treated courteously by all parties, but apparently someone lost my paperwork and I had to do a follow up to get assistance.”
- “(Corps employee) was very professional and courteous. I look forward to future business dealings provided I am treated the same way I was on this matter.”
- “(Corps employee) has been very helpful and he is always courteous and we get answers in a timely manner.”
- “(Corps employee) was very professional and processed my application in a timely and professional manner.”
- “(Corps employee) was very professional and processed my application in a timely and professional manner.”
- “Thank you for the prompt attention.”
- “My opinion at the regulatory program has to do with over-zeal-

ous regulation, not with regard to the very positive and helpful service I received from the local Corps office.”

- “We at the [other federal agency] would like you to now how much we appreciate the timely response in processing applications. The rapid processing at permit insured the success if a project with an impossible schedule. Thank you so much and keep up the great work.”
- “(Corps employee) is one of the best persons I have worked with over 30 years of involvements.”
- “Thank you.”
- “(Corps employee) was very courteous and responsive. Also, his visit to the office was very helpful and sped the COE evaluation along. Thanks!”
- “(Corps employee) was very helpful and easy to work with.”
- “(Corps employee) is very helpful and responsive.”
- “Generally the ACOE regulatory programs are relatively easy to work with. ACOE staff tell it like it is and stay true to what they say.”
- “Process was smooth and professional.”
- “Original contact person supplied all the necessary information to apply. Thanks.”
- “The project manager (Corps employee) was the most straight forward and helpful government employee I have ever dealt with in 30 years.”
- “(Corps employee) was a true pleasure to work with and extremely timely and efficient.”
- “Thanks.”
- “Toll-free number was great, but was still difficult to contact individual I needed to speak to.”
- “Thank you, didn’t know about the 1-800 number.”
- “Any on-base contact is nearly impossible as is hand delivery if time critical materials.”
- “I appreciate (Corps employee) keeping us updated on the progress at our application.”
- “Keep up the good work and timeliness.”
- “I will check out the web page. Thanks.”
- “(Corps employee) was extremely helpful and provided decisions in a timely manner.”
- “Everything worked well.”
- “(Corps employee) was tremendously helpful. Our process went very smoothly.”
- “(Corps employees) have all helped on my projects. I have received excellent help all the way through the process.”
- “The Corps people are very good to work with.”
- “Thanks so much for getting all these permits together for the project on [location].”
- “(Corps employees) were extremely helpful.”
- “The project manager responded promptly in spite of the load of work he had to do. That’s good.”
- “I would like to thank (Corps employee) for acting in a timely manner. Thanks.”
- “(Corps employee) was great!”
- “Thank you for your help in this matter.”
- “All of us really appreciate your quick response on this project.”
- “(Corps employee) is great to work with.”
- “The Corp has always been prompt in responding and helpful when resolving issues.”
- “Wow! That was quick. Thank you folks and until next time, take care.”
- “Anchorage office referred me to Kenai office, but Kenai office does not include Anchor Project. Kenai office very helpful though.”
- “Thanks for the prompt response!”
- “Thank you for indeed being courteous and timely response. It is greatly appreciated.”
- “Are you kidding? Who would want more involvement from you?”
- “I would like to see the COE take on a leadership role rather than be dictated to by the various resource agencies.”
- “Very helpful-cooperative!”

- “(Corps employee) has been great to work with. He walked me through some pretty complex issues and instructions.”
- “Every conduct I had with the Corps was pleasant, informative, and helpful. Even expedient when I received emergency approval.”
- “(Corps employee)—very courteous and quick to resolution at!”
- “I think it all was done very well. The problems were few and mainly due to my inexperience in the program.”
- “The Corps is a straight forward and timely permitting agency. My experience dealing with you has always been positive.”
- “Approval of our dredge permit depended on coordination with USFWS “endangered species” office—that part took way too long. I leave that to COE how to expedite coordination process. Our request did 22 Oct, and your answer did 4 February.”
- “I appreciate the fast, professional, friendly service. Thank you!”
- “(Corps employee) was very pleasant to work with.”
- “(Corps employee) was exceptional!”
- “Would have rated the web page higher if it had been easier to determine whether I needed a Sect. R permit and been able to get an electric copy (found elsewhere on web). My appreciation to (Corps employee), Flocks office for stepping in and doing a superb job helping me out.”
- “(Corps employee) out of the Anchorage office was first class in his application and timeliness in helping me with procedures.”
- “Thank you, (Corps employee)!”
- “I worked with two people, the first person I dealt with did not do as good of a job clearly explaining things to me. The second person I dealt with cleared up many misunderstandings I had.”
- “Thank you for reviewing APMN (number). This is my first contact with Corps of Engineers.”
- “1) Corps was somewhat slow to respond to our letter and 2) Corps office on base is difficult to visit.”
- “I wasn’t given the 800 number. I called long distance each time I called. Make the number available to people living outside.”
- “The process worked well. Requests for info and additional detail were reasonable. The project manager was courteous and prompt.”
- “Big thanks to (Corps employee) for keeping everyone on track.”
- “(Corps employee) is always professional and helpful!”
- “Always enjoy working with staff at this office.”
- “(Corps employee) assisted me, and was courteous, prompt and expedient. Thank you for your help.”
- “Very quick service, very pleasant.”
- “Website is generally very slow.”
- “Thanks to (Corps employee) for his help.”
- “Process was clear. Responses were timely. Thanks.”
- “All worked out OK.”
- “Special conditions requiring restrictions on pile driving are excessive for over specific area and construction. The Corps should require other agencies to address specific sites and construction rather than accepting very conservative, generalized restriction to construction. These restrictions will add significant cost to our projects.”
- “Good service.”
- “Thank you for the quick response to my letter.”
- “This being my first time working with the “Corps.” I was surprisingly impressed with the help and timely fashion my request was processed. I wish all government agencies were like yours.”
- “[Applicant] forwarded our application for an addition to our home which is in a flood plain area to your office to secure permits. We were told initially to plan on a 30 day timeframe for permits. Service was prompt and we had our required information in approximately 10 days.”
- “Staff, particularly (Corps employee) is very good to work with.”
- “This was my first experience with the Corp of Engineers, and I have to say I was impressed for the response to my question. Thanks.”
- “The Corps has always been very helpful, and easy to work with.”
- “Great, efficient service!”
- “More thanks to (Corps employee) for his assistance.”
- “(Corps employee) was very helpful and a pleasure to work with. Thank you!”
- “Thank you, (Corps employee)!”
- “Very prompt and professional service provided—I had the sense that the COE is responsive to project driven timing needs—much appreciated.”
- “This is all new to me. But I have found that everyone I have come into contact with to be very helpful and courteous.”
- “Since I have not been to your office, I could not determine an answer.”
- “Both (Corps employee) and (Corps employee) were very helpful. It was a pleasure working with them.”
- “The receptionist at the 1-800 number was not helpful. I was put a hold twice for over ten minutes while she tried to connect me.”
- “Good job!”
- “(Corps employee) is always, courteous and helpful!! Thank you.”
- “Very impressed with the professionalism.”
- “Thank you for your time and speedy response.”
- “(Corps employee) is very helpful, knowledgeable and courteous.”
- “Appreciate the quick service but am concerned about the Corp spending resources on a homeowner’s 1 acre building lot.”
- “Courteous, quick response.”
- “Regarding the first question, the Army COE in Alaska needs better wetland info—the NWI maps have very limited use, but I’m sure you deal with this everyday!”
- “Keep up your good work—Working with each and every individual has been a pleasure and productive.”
- “I’ve always found the Corps staff very helpful and constructive.”
- “Keep up the good work!”
- “It took almost two years to administer a simple permit. This worries me about more complex projects, but I’m glad a system of some sort exists.”
- “Thank you, (Corps employee)!”
- “(Corps employee) was very helpful and professional.”
- “I dealt with (Corps employee) who was very prompt and clear about what additional information she needed.”
- “As always, it was a pleasure working with (Corps employee). He is extremely knowledgeable and responsive, and is a credit to the Corps.”
- “(Corps employee) was responsive and helpful.”
- “Thanks to (Corps employee) for prompt action.”
- “Worked with (Corps employee) and (Corps employee) this time. Outstanding employees, very satisfactory experience. Thank you both!”
- “Good job! Job was done.”
- “Keep up the good work, continue to assist us on our goal for our community.”
- “Thanks to (Corps employee) for working on such a protracted review process for [project].”
- “As with previous experience, the timeliness and ease of obtaining Corps services ranks high. Thanks.”
- “Since this is my first time I’ve contacted Army Corps of Engineers, I could not and can not determine where the organization stands as far as service or response rendered at this time. The tribal members of [tribe] could be able to answer more accurately than I can.”
- “Just received on 6-14-02 as was mailed to property physical address of which we have no mail delivery—only P.O. Box.”
- “(Corps employee) provided to me excellent service including working late after training to ensure my needs were met. Thanks.”
- “Both (Corps employee) and (Corps employee) were extremely responsive and very easy to work with. They both get kudos from [applicant]-Thanks!”
- “(Corps employee) is an exceptional individual and representative of the Corps. He is able to equitably weigh the value of the environment and development within standards and guidelines.”
- “Only your Kenai office answered the phone. The others put me

on that dammed voice mail system. Please can you improve in that area?"

- "This was a difficult permit due to state agency comments and state permitting delays. (Corps employee) was excellent to deal with throughout the arduous process."
- "Your permit process was a great surprise for us. Very helpful and caring. Nothing like we have in Washington State."
- "You realize I applied for permit consideration during May of 2002."
- "I think the lack of wetland designation in locations along the [particular] River is detrimental to the protecting riparian habitat and fishery protection from development impacts."
- "Response from (Corps employee) was excellent. I was able to work with her on ACMP coordination."
- "Personnel really trying to cooperate is maintaining the purpose of wetland regulation when Nixon was here. He was a jerk. Though he was god. Set this office back 5 years."
- "The Juneau office is well run!!!"
- "(Corps employee) has been an excellent helper. He is a good understanding man towards the bush villages."
- "I found your agency's project manager (Corps employee) to be very helpful in the permitting process, and prompt in responding to my queries, and application."
- "I realize the "...needs met in a timely fashion" reflect your workload. Good luck with future staff levels. The project manager was very courteous."
- "Wetland determination seems to vary with region- i.e., Anchorage vs. Fairbanks. SWANNC case is not clear on where it applies and what is used to evaluate cases. If vegetation, wild fowl do not apply but commercial use and situated soils do?"
- "I had to wait for permit to do Kenai River Bank Restoration and it was faxed to save time. Thanks!"
- "Fast, courteous transaction."
- "Correspondence was timely and professional. It is super to call a governmental agency and hear a live person answering the phone. Additionally, our project manager was easy to contact. When not available, he was prompt in returning calls. The entire handling of our permit and application has been professional. Thanks. First contacts were with (Corps employee). Also have had contact with (Corps employee)."
- "I have been happy with the service I received! Thank you for your help."
- "Very courteous and helpful people as well as friendly didn't present a bureaucratic front."
- "(Corps employee)'s office personnel was timely and profession. We appreciate their effort!"
- "While going into the web site, I was unable to read the documents. I want to read as I couldn't find it-Nationwide permits. When I tried to open the file for read only, it never came up?"
- "This particular permit came through faster than any one I have even applied for before. Thanks for all the help!"
- "(Corps employee) was very professional and helpful."
- "Thank you, (Corps employee)!"
- "Very timely response from (Corps employee). Thanks!"
- "Thank you, (Corps employee)!"
- "(Corps employee) and (Corps employee) were very helpful in explaining the regulatory process for the department of the Army permit applications. Very friendly in all their interactions. Kudos to both."
- "All the folks I have worked with at ACOE permitting have been outstanding. Seriously, this includes (Corps employees)."
- "I was pleasantly surprised with the timely response and completion of this project. On the phone your office was very friendly and helpful. Thanks so much!"
- "Thank you!"
- "Everyone in the process was professional, courteous, and efficient. I was most impressed. Keep up the great work."
- "My request was addressed in a professional manner. I received approval in a timely manner. Thanks."
- "It would be great if Petersburg permits were handled through

your Juneau office. It would be easier to stop in the office to discuss plans and the regulatory program."

- "Once we realized what we were up against and could express our needs to the Corps, you came through to expedite your processes. The process was very confusing as a Federal agency making application because there appears to be a lot of duplication of effort. It was difficult to understand the types of permits available and what was needed to acquire a permit."
- "(Corps employee) was great to work with."
- "CWA in Alaska should exempt wetland impacts to residential properties up to 5 acres. Too much effort put in designation wetlands when nearly all wetlands are low value and in excessive quantities."
- "This is the second permit in a row that I have received with at a return envelop in it."
- "Process was quick and easy. Thanks."
- "(Corps employee) was very professional and helpful. I did not feel like I was dealing with a not compassionate government agency."
- "I found staff in Kenai office to be very courteous and helpful. Pleasant to deal with. Thank you."
- "(Corps employee) has been very helpful."
- "For a federal agency, the ease of processing paperwork was painless."
- "This District does an excellent job. I have always been treated like family, with respect to helpfulness. (Corps employee) and (Corps employee) are outstanding employees. Thanks."
- "Thanks."
- "(Corps employee) was very friendly helpful (Kenai office)."
- "I wasn't all that timely myself."
- "Thank you."
- "This request for a Nationwide Permit was processed in a prompt manner that will help us in planning the work schedule. The project manager (Corps employee) was very helpful and recognized the constraints we were working with to accomplish the project."
- "Thanks for all your help!"
- "Very rapid response to my inquiry. Thank you."
- "Great job. Thanks-timely."
- "It is always a pleasure to go through the permitting process in Alaska. Everyone is very helpful. I just wish this attitude culture in Alaska was in the Seattle office also. Difference of ninety days between the two districts."
- "I and we appreciate your timely service."
- "I would like to complement (Corps employee) for professional, courteous, timely and informative help. If you find more like her, hire them! Also (Corps employee) was very helpful in expediting permit."
- "Project manager (Corps employee) was very helpful and responsive. Thanks for your terrific efforts!"
- "(Corps employee) was excellent to work with. She was very responsive, even during times of personal distress."
- "(Corps employee) is an asset to your organization!"
- "Our project manager, (Corps employee), has been very helpful and responsive to the applicants' inquiries throughout the permit process."
- "Appreciating the clarity of advice given."
- "The personnel that have been in Wrangell have been great."
- "I have found the Fairbanks District office to be very helpful in assisting our office with both technical matters (with regard to wetlands assessments) and in reviewing our submissions."
- "The Fairbanks office rocks! They deserve a larger, more impressive office. Every dealing I've had with the Fairbanks office staff has illustrated their professionalism and genuine helpfulness."
- "Appropriate concerns were raised by your agency and handled professionally."
- "I thought it might be a difficult process to get a permit for our work, but it was very straight forward and timely. Thank you."
- "Services were very courteously and helpfully delivered."
- "Thanks for the timely service."

- "Application was not processed in a timely manner. All concerned agencies had no issues with application. USACE took 7 months to process this application."
- "Thanks for timely response."
- "We gave the Corps short notice. They reviewed our project within one week. Not only that, but we also received the answer we were hoping for! Thank you for the super, quick turnaround. Thanks especially to (Corps employee) and (Corps employee)."
- "(Corps employee) was extremely helpful. Although she was busy, she took the time to look up my information right away. She returned calls promptly and explained things in a way that was easy to understand. She deserves recognition for this!"
- "(Corps employee) was very helpful with prompt action."
- "(Corps employee) was very helpful in getting this permit."
- "I would like to commend and express my appreciation of and for the responsiveness of the Fairbanks office. Thank you, (Corps employee) for your performance-above and beyond the call."
- "(Corps employee), our project manager was extremely competent and responsive. His effort enabled us to submit a complete application which could be processed timely."
- "Great service and very short turn-around time for permit renewal. Thank you."
- "I am very pleased with the timely manner in which this permit was processed. And the willingness to help a private land owner through this large process, from your project managers."
- "There seems to be problems with resources available to do regulatory permitting. Too many supervisors and mid-level managers and not enough workers at the staff level."
- "I worked with (Corps employee). Questions and responses were very timely. Great service."
- "The buoys held by [a particular party] are dragging every year and then just left, causing damage and potential hazard. Please ask [that party] to set heavier anchors! It's a serious worry, and has already caused me great damages!"
- "Thanks for your service."
- "I used the Kenai people at the [particular] Association to contact you. They were okay after we decided on what I wanted done."
- "The fax that was sent was answered in a timely fashion."
- "I was very impressed with the response time on my request."
- "I am working with [consultant] and [client] and have, therefore, not had direct contact with Corps of Engineer personnel. Thank you."
- "I had no interaction with Corps. My application was sent by [consultant]."
- "I would like to thank (Corps employee) for his advice and assistance in getting my permit processed. He promptly returned my calls and kept the project moving."
- "(Corps employee) is great! A wonderful guy to work with!"
- "I can't comment on the other departments or program besides getting a jurisdictional determination is a waste of time. Everybody always builds anyway. This delays the process."
- "Applying for jurisdictional determination is a waste of time, money and resources."
- "The Anchorage office and personnel have been extremely helpful with management of permit requirements. I appreciate the skills required for this responsibility."
- "Great working with you all."
- "All my questions were answered by the staff. I received very prompt and professional service. The staff was very helpful! Thanks."
- "(Corps employee) has been very helpful in identifying me information needs and explaining the process."
- "Good experience."
- "(Corps employee) was extremely helpful and help us with our permit quickly."
- "It would have been nice to have the 1-800 number and it would also be nice if there were less hoops for this type on land. The 30 pine trees are not quite wet lands."
- "Our project manager (Corps employee) was extremely helpful and professional."
- "If we had not had professional help, there is no way we would have figured out all the figures and regulations and what you needed for the permit."
- "Everyone I have dealt with has been very helpful and courteous. (Corps employee) is a very helpful person. I look forward to meeting him personally."
- "I appreciate the guidance and assistance provided to me by (Corps employee). She was very helpful during the acquisition of our DA permit. Thanks."
- "(Corps employee) was extremely helpful with out project."
- "I have had many dealings with the Regulatory program within the last two years and have found them to be extremely helpful in all respects."
- "Change of ownership, very helpful process."
- "(Corps employee) was exceptionally helpful in working with us to get him the information he needed to complete agency review and issue a very speedy Nationwide Permit for our small time constrained [particular] rehabilitation project. Thank you!"
- "(Corps employee) contacted me telephone. He was very helpful in getting my permit issued."
- "I was amazed that (Corps employee) would come to Homer to conduct his field investigation (6/11/05). This extra effort was greatly appreciated!"
- "(Corps employee) knows her job forward and backwards. The Corps of Engineers is very lucky to have her as an employee."
- "We found the staff in Fairbanks to be very helpful, courteous and friendly. They made it very easy to process what we needed. If you need any future comment, I would be happy to talk to them."
- "Thank you!"
- "This was a positive experience for all of us."
- "I am dedicated to do all that I can to preserve and maintain the health of this Kenai River. For 14 years of living on the River and we'll always do so."
- "Very informative and little bureaucracy. Easy to work with."
- "(Corps employee) was very helpful in leading me through the application process."
- "(Corps employee) was excellent to work with. He was courteous and timely and good in his explanations."
- "Good coordination and timely response."
- "Thank folks, Great job and have a wonderful summer."
- "Thank you for a timely evaluation."
- "Thank you for helping me. I would like information on buying the balt land to me and the Slough. Could you send me the information how to do this?"
- "(Corps employee) and (Corps employee) were both very helpful in developing a time critical solution for a remote project. Their timely and effective advice resulted in meeting a critical deadline."
- "Thank you!"
- "Thank you!"
- "(Corps employee) at your Regulatory branch at Elmendorf AFB did an excellent job at answering my questions as I homesteaded this land and was unfamiliar with what I had to do to meet your requirements. He answered my questions, gave me his private phone line for additional questions, reviewed my information and provided a filed inspection and letter with delineation within 3 weeks. I rate him on a scale of 5."
- "Thank you!"
- "Thanks so much for all the help. (Corps employee) was my contact and was wonderful to work with."
- "Overall, it is a pain to look and request J.D.'s. They seem rather pointless as we have so much land in Alaska. And must get approval anyway. Why bother?"
- "The USACE is a great resource for assisting our clients when wetlands our U.S. water issues arise. The USACE representatives have, in all cases, been extremely helpful."
- "I could not have asked for better help. (Corps employee) was completely helpful."

- “Wish to extend praise for (Corps employee) in Juneau for his aid in a noncompliance matter”
- “[My co-applicant] and myself appreciate your prompt attention to our gravel pit permit [for our project] renewal. We will keep your office informed on the pit’s operation.”
- “[My co-applicants] and I appreciate your prompt attention to our requested inspection of the [#] acres that are [in specific location]. I am sure we will have other contacts with you on this parcel.”
- “(Corps employee) was extremely helpful and professional.”
- “(Corps employee) has been very helpful and seems like a nice guy.”
- “The regulatory branch in Fairbanks is very helpful and reasonable to work with.”
- “Thank you, (Corps employee).”
- “Very very fast turnaround. Thank you.”
- “Very fast processing /review of a construction project for our utility. Approximately one week turn around. Thank you for your prompt response.”
- “Very knowledgeable and comprehensive response letter.”
- “Very knowledgeable and comprehensive response letter.”
- “(Corps employee) was very helpful.”
- “Response to permit applications in past couple of years has been very quick. Thanks.”
- “(Corps employee) is extremely responsive, clear and concise. A pleasure to do business with.”
- “Thank you, (Corps employee).”
- “My project was greeted in a timely and professional manner.”
- “Keep up the good work.”
- “Looking forward to working with the Corps on my first project. Thanks.”
- “Comment attached to COE permit evaluation: ACOE personnel have expedited my permit and treated me courteously and professionally. I question the practicality of the CWA in Alaska where nearly all land is undeveloped and the greater majority of the land based is low productivity wetlands. Delineating, measuring, and accounting for impacts to wetlands in Alaska is a great waste of taxpayers’ dollars. I realize this problem is the result of congressional action, and can be modified only through congressional action. I would request that the ACOE recognize this problem and forward a recommendation to the congressional liaison in your office to streamline the permit application process for wetlands.”
- “I really enjoy working with (Corps employee). Her vast knowledge and guidance inspire my work everyday.”
- “(Corps employee) worked very hard to meet our timeline on this last minute minor modification. Very much appreciated!”
- “(Corps employee) does an outstanding job.”
- “Thank you for your help.”
- “Did a great job.”
- “Keep up the good work.”
- “I had a good experience with all experts of the permitting process.”
- “Always professional and courteous.”
- “Thanks.”
- “Building a subdivision and needed a Corp determination.”
- “This round of permits has gone very smoothly. I was pleasantly surprised. Thanks, (Corps employee)! ”
- “Thanks.”
- “Thanks for the quick work.”
- “Our permit was handled quickly and professionally.”
- “Thanks for the quick work!”
- “Not visit office. Too lengthy time wise, especially due delay in State. Toll-free number not access Juneau office. Web page difficult to use.”
- “Very courteous, informative and helpful staff assisted my client and I in addressing the wetland issues associated with our project.”
- “Working with COE was easy and pleasant. Thank you.”
- “Website-unless you already know how to find the website it is frustratingly hard to find, especially if you start at the national website.”

- “Your agent, (Corps employee) is a credit to your office. If all the government office were run as well as your, we would be in a better world. She was fair, informative, fast and knew what she was doing. She deserves a raise, and promotion. Thank you for all your help.”
- “I have been very impressed with the speed and professionalism that our recent applications have been handled. Thanks.”
- “(Corps employee) is an experienced project manager with the ability to maintain project schedule while sorting through project issues from agencies and applicant.”
- “Everyone I spoke with was very helpful.”
- “(Corps employee) was very nice and I would encourage anyone from Homer to see her regarding their questions about wetlands.”
- “Make it easier to contact manager assigned to questions.”
- “Great program. Thanks for protecting Alaska waters and wetlands!”
- “Wetland delineation-Clarification of designation, determination of classification.”
- “I appreciate the timely response.”
- “Thank you, (Corps employee)! ”
- “Thank you, (Corps employee)! ”
- “Thank you, (Corps employee)! ”
- “Thank you for all your help!”
- “It would still be nice to simplify the process for these residential, privately owned, muskeg “wetlands” lots here in Southeast, Petersburg area.”
- “It took 1 and a half years from application submittal to issuance of permit. Although it was a complex project, you seem quite understaffed.”
- “I mainly dealt with (Corps employee). He was courteous, prompt, and very helpful. I made occasional contact with other staff and they were of the same caliber.”
- “(Corps employee) was extremely helpful, professional and timely. He was cooperative and understood and assisted us in the success of our project.”
- “I have permitted many projects and have been completely satisfied with the professionalism and timeliness the permit applications have been handled.”
- “Thank you for your quick response!”
- “John and staff are very helpful.”
- “Permit process information available on line password protected or not to comment/check via e-mail and save time on phone from both end.”
- “(Corps employee) did an excellent job. I hope if need be, I can work with her again. Thanks.”
- “Pleasure to work with this office. Thank you.”
- “The Fairbanks office was very helpful with the entire process.”
- “Thank you, (Corps employee)! ”

### Albuquerque

156 survey responses reported.

Rating of 1: 0%  
 Rating of 2: 0%  
 Rating of 3: 0%  
 Rating of 4: 20 (13%)  
 Rating of 5: 131 (84%)  
 Rating of N/A: 5 (3%)

- “All is satisfactory.”
- “I received better service than other offices.”
- “I had exceptionally pleasant and informative conversation concerning my last application. The Corps’ determination was received in a very reasonable length of time. Excellent response time!”
- “Your agency is a pleasure to work with.”
- “(Corps employee) was prompt, courteous, and highly professional in his response to our request.”
- “(Corps employee) was the best to work with!”

- “The permit went very smoothly, and relatively quickly.”
- “Service was exemplary.”
- “(Corps employee) is exceptionally professional, and expedient. He has been willing to assist with any questions we have had, and has given good information. Many more like him would take the stigma away from govt bureaucracy.”
- “We are grateful for the professionalism and helpfulness of everyone in your office.”
- “(Corps employee) was most professional and helpful requiring conformance with the regulations.”
- “Our agency appreciates the Corps of Engineers’ timeliness and helpfulness on getting our proposed projects properly permitted.”
- “(Corps employee’s) quick attention and follow up was greatly appreciated.”
- “Most landowners . . . do not have any awareness of the potential need to contact the Army CE when place stream crossings.”
- “(Corps employee) is very helpful, providing necessary information concerning the Section 404 program.”
- “I am very pleased with the progress made in the 404 program by the ACOE over the last 20 years.”
- “(Corps employee) is a pleasure to work with. She is professional, efficient, and thorough. I find the 404 application itself to be so constraining as to limit useful information about the proposed project. Also, I recommend that you add to your Web site (or if this is already there, make it more obvious) a general timeline of the 404 application process and a process flowchart, including what contacts and decisions that may be made at various points.”
- “Your office has been a pleasure to work with. Thank you.”
- “(Corps employee) was extremely efficient and helpful.”
- “You folks are doing a great job.”
- “(Corps employee) has helped in resolving issues that would otherwise delay projects due to demands made by local authorities. His experience has given a higher level of the layman. More staff like him is desperately needed. We enjoy and look forward to doing business with him.”
- “Your Pueblo office is great. Good service, good information, good to work with.”
- “(Corps employee) was extremely helpful during the whole process starting from our pre-application meetings during which she provided us with clear direction in our attempt to comply with regulations. (Corps employee) responded promptly to phone calls and issued our permit in a very reasonable time frame.”
- “(Corps employee) was outstanding!”
- “(Corps employee) was our contact and was outstanding to work with.”
- “Courteous, professional, and attentive to both the customer and the project details.”
- “You guys do a good job!”
- “The Pueblo office and in particular, (Corps employee), has always been extremely helpful and very responsive. Thank you as you break the stereotype of government organizations.”
- “Many operators/people who fall under the regulations, e.g., construction companies, in our area are unaware of the 404 regulations. Cities, counties, and contractors should be targeted for education. Houston has started this and it should continue.”
- “These people are fantastic—answers when we need them, and action—right-now-type action.”
- “(Corps employee) was very informative—this is the first time I have dealt with (Corps employee)—it was a pleasure. I don’t have suggestions at this time.”
- “(Corps employee) was great to work with.”
- “The spreadsheet we were required to fill out was somewhat confusing and was somewhat onerous for the environment involved. It was helpful and keeping track of the numerous gullies, etc.”
- “Program hard to understand and jurisdictional issues are not well defined.”
- “Very professional.”
- “Get personality in Phoenix office personnel. I spoke to (Corps employee) on several occasions; the conversations seem to be

fruitless. He doesn’t appear to put the plans and descriptions . . . Therefore having our business bottleneck.”

- “(Corps employee) was very helpful in meeting with us and answering our questions and working with us to help understand our project requirements.”
- “(Corps employee) did an outstanding job of investigating my situation and getting back to me in record time. He was prompt and professional! Thank you (Corps employee) and Corps of Engineers. This man was one of the best professionals I have ever worked with.”
- “Make the Internet more user friendly—e.g., downloadable permit form. (Corps employee) was very professional and helpful and timely—I appreciated his help.”
- “Everyone at the Corps has been very kind and supportive—your Conchas people are tops!! (Corps employee) in Albuquerque office was also excellent in assisting in getting permit—very clear.”
- “(Corps employee) was very helpful and responsive.”
- “The agent responded with verbal approval by phone and a hardcopy within the time he said. Very responsive and easy to work with.”
- “(Corps employee) worked with me on this. He was very helpful.”
- “Please consider making the regulatory program more usable on your Web page.”
- “We thank (Corps employee) and the Pueblo office for expediting this permit.”
- “Everyone that I met at the Corps has been very helpful.”
- “(Corps employee) is knowledgeable, courteous, and efficient; staff support not on same prompt schedule. This front line operation is a key public interface for the Corps and needs proper staff and staff support to maintain high level of expertise and quick turnaround.”
- “(Corps employee) was great. Very helpful and clear. I appreciate her help and the service she provided.”
- “Out of all the government agencies and departments our company deals with, the regulatory offices in Littleton and Durango have been the most useful and courteous.”
- “More outreach and education about the permit program. Didn’t like the way the Corps has backed off on permits for [particular watersheds] due to losing a Supreme Court decision on a sand and gravel quarry; don’t see how they relate.”
- “Very responsive. (Corps employee) has been excellent to deal with. He is very articulate and willing to explain.”
- “Excellent response. Good job.”
- “I thought that (Corps employee) and the Albeq. staff were very reasonable, courteous, and professional during this permitting process.”
- “His response was immediate and thorough. He was very helpful in answering additional questions. He is always courteous.”

### **Baltimore**

1 survey response reported.

Rating of 1: 0 (0%)  
 Rating of 2: 1 (100%)  
 Rating of 3: 0 (0%)  
 Rating of 4: 0 (0%)  
 Rating of 5: 0 (0%)  
 Rating of N/A: 0 (0%)

- “The Regulatory Staff is courteous and professional. However, the turn around time on permit applications is incredibly slow, resulting in project delays.”

### **Buffalo**

Reported that it has no surveys.

N/A.

**Charleston**

96 survey responses reported.

- Rating of 1: 5 (5%)
- Rating of 2: 9 (9%)
- Rating of 3: 9 (9%)
- Rating of 4: 23 (24%)
- Rating of 5: 45 (47%)
- Rating of N/A: 5 (7%)

- Took a little too long
- We received excellent service from the Project Manager; Questions were answered expeditiously; Project Manager was highly complimented for his service.
- Weren't happy with amount of time to receive a permit should not have had to hire [consultant] to obtain permit dealt with too many different people w/ Corps. Too much red tape.
- Hire more people and require field experience even for non field personnel
- More qualified project managers
- Pain in the A\*\*
- This permit was filed for on October 22, 2005. After an understandable 2 week delay while Archives and History assessed the project, [Archives and History staff members] each wrote letters, Feb. 19th and Feb 28th respectively, stating that their office had decided there would be no adverse effects from the project. Four months later, still no further word on the project. On June 27 I inquired and was told by [Corps employee] that the holdup was Archives and History. I immediately faxed him my copies of the February letters. Three weeks later I was told the permit is in a pile waiting for processing. Finally today July 31 I received this package. I had tried to be patient – it's a good thing I called and the hold up was discovered. Four months in limbo is frustrating. It would seem that there should be some better way to monitor the progress of a permit – especially when 2 letters from 2 different people written on 2 different dates never made it into my file.
- [Corps employee] reviewed, visited & responded to the needs of my project (two projects) in a timely and professional manner. He is a welcome addition to the Columbia office.
- [Corps employee] provided outstanding service during the course of our project. His efforts are significantly improving the COE's regulatory program in Watershed Group 6.
- The lag between Nationwide Permits expiring and replacements being authorized is unacceptable.
- [Corps employee] is very nice, professional & never fails to return our phone calls. She processes our requests in a timely fashion and is always very clear about any additional info she may need.
- Process is entirely too slow.
- [Corps employee] has handled our JD req. and permit applications in a professional, thorough and timely manner.
- [Corps employee] entirely too long to complete what should have been a simple process. He rarely returned calls and was generally evasive. Very poor service!
- [Corps employee] moved our NWP39 through the process in a timely fashion, promptly returned our phone calls and was always very friendly.
- am complaining about a permit application initially submitted in 2003 it has had four different project managers & it still hasn't been issued.
- Slower and getting slower. Streamline permitting process by placing deadline on commenting and review periods of 90 days.
- [Corps employee] is unorganized, indecisive and as a result: SLOW!
- [Corps employee] continues to do an excellent job in all respects for the COE Regulatory Program. He is thorough, fair & professional at all times. He even completes his actions in a reasonable amount of time, which is typically not the case of other project managers.

- Process took almost a year to get a permit to replace a dock – We got the runaround from DHEC to Corp to State. Property owners should be given detail instructions of procedures & easy to follow checklist of names of folks to contact.
- All of the guys in Columbia have been very responsive and timely in such responses. I consider it a pleasure to work with these individuals and they all have always been very accommodating. I enjoy working with the Columbia office, and only wish all agency responses were as timely! Exemplary performance – keep it up.
- [Corps employee] is not efficient, particularly in processing permits in a timely manner. Six to nine months may be reasonable for Individual Permits, but NWPs should not take as long.
- Just a comment about the service received from [Corps employee]. He provided me with excellent information and suggestions in a timely manner and made our permit process progress smoothly.
- It is clear there is a shortage of personnel to cover the state of SC – I think the Corps does a remarkable job given the lack of Congressional support for the program.
- [Corps employee] acted on this NWP-PCN in a very professional, courteous and timely manner.
- Permitting for residential subdivisions should not include on site mitigation (Preservation/Buffering). I am sure, as you are aware, homeowners regularly destroy upland buffers. It is my opinion (for what it is worth) that mitigation for residential sites should be required to come from an approved mitigation bank.
- [Corps employee] and his assistant arrived early at the proposed pond site and I was late. They spent every minute thoroughly evaluating the area. I am very impressed with how friendly and responsive they were to my questions. I want to invite them back once the pond is built.
- It took 2 years for a jurisdictional determination of the wetlands on my ten-acre lot.
- [Corps employee] is very slow! He just doesn't seem organized, and though he was always nice when we spoke on the phone, I had a difficult time getting him on the phone or getting what he had promised...
- It is always a pleasure dealing with [Corps employee], extremely professional and always has a smile on her face, which is something we should all strive for. I look forward to working with [Corps employee] in the future.
- I was quite impressed with [Corps employee]. She was very helpful, direct and timely in her responses, and provided or addressed issues quite well. She is an asset to your office.
- It took three months to get a wetland determination for a 0.14-acre urban lot. When I followed up via email to [email address] after two months, I received no reply. After calling, I finally received a response, but could not get any info re when the determination was likely to be complete. Perhaps the Corps could send out a postcard or email acknowledgement receipt of info and a timeframe for potential completion.
- [Corps employee] is very knowledgeable, friendly, and he expedited our request in a timely fashion.
- [Corps employee] has always performed her duties in a professional manner. She has never lost any of our projects & always responds in a timely manner. Thanks.
- Excellent response time. Helpful. Overall great experience.
- [Corps employee] failed to return my phone calls, seemed confused when we did talk, and lied to me! I still don't have my verification, but don't want it now – I decided not to buy the land. It was a \$7,000 lesson about red tape and bureaucratic BS. I am now looking for land in another state – far away from [Corps employee].
- [Corps employee] has been an excellent source for information, has always been very professional and proficient and has helped me move many projects through the process in a timely manner.
- Process too long.

- Very helpful.
- Process took 2 years. Too long.
- [Corps employee] took my request and reported to me in an exemplary manner. His conduct was both professional and most cordial at all times.
- [Corps employee] provided regulatory coordination services and processed an NWP. He performed an excellent public service. He was professional, thorough, responsive to calls & questions & relatively timely.
- Respond to telephone calls and questions more timely. Put professionalism first. Explain more thoroughly why projects are delayed as opposed to “they are in legal,” and be able to let client know where or who has the request.
- The process for handling applications can improve for expediting the service. Allow public access on the web for updates on applications (status).
- Difficult to obtain an answer/return call by Telephone, that could improve. Internal Review process could improve. A conference with applicant to review comments from Project Manager would be beneficial. Difficult to determine status of Permit. Can that improve?
- In my opinion, the approval process took far too long (many months). Also, it would be very helpful to have the USACE provide, and review with the applicant, a list of all steps necessary to receive the final permits/authorization, with estimated times required for each step (with no additional conditions added during the process). My experience has been that it is difficult to get calls through to and back from the project manager at USACE. It would be desirable for the USACE project manager to work to minimize the time and effort required to receive final authorization.
- 9 months is too long for a standard nationwide permit. Should be 45 days. See Federal Register Vol. 67, No. 10,13, Notification, pg. 2090. Processing times are killing me!!!
- Improve processing time of nationwide permit. It should not take 6+ months. See Federal Register – 45 day time limit.
- Unfortunately, information that I sent to the Charleston office never made it to the Columbia office. Fortunately, [Corps employee] (after being out of town for a week) answered her phone and we spoke. I then went to Columbia (as I was in town on business) and met with [Corps employee]. He was very helpful & quickly helped me. I was then able to give his letter to the [state office] to release the funds for my project. But Columbia crew is in too small quarters. I hope you will move them to some bigger space. Very nice people there.
- Great job! Very helpful and timely. I’ve seen a lot of improvement in the past 6 months or so.
- [Corps employee] did an excellent job through the period that we worked with him. He was professional and efficient & provided services in a timely fashion.
- [Corps employee] performed in a very professional manner, was very nice and promptly returned our calls.

### **Chicago**

Reported that it has no surveys.

N/A.

### **Detroit**

Reported that it has no surveys.

N/A.

### **Fort Worth**

Reported that it has no surveys.

N/A.

### **Galveston**

Reported that it has no surveys.

N/A.

### **Honolulu**

Reported that it has no surveys.

N/A.

### **Huntington**

Reported that it has no surveys.

N/A.

### **Jacksonville**

34 survey responses reported.

Rating of 1: 9 (26%)  
 Rating of 2: 3 (9%)  
 Rating of 3: 5 (15%)  
 Rating of 4: 8 (24%)  
 Rating of 5: 7 (21%)  
 Rating of N/A: 2 (6%)

- “The attitude of staff was unprofessional and adversarial. The staff threatened with absolutely no basis in fact or regulations.”
- “Convince the South Permits Branch to follow the 404(b)(1) Guidelines.”
- “More staffing”
- “Where is the information about the problems we are having here?”
- “Not happy we had to change the project, but now I understand.”
- “(Corps employee) has done a good job handling DRIs but is not timely in issuing.”
- “I really appreciate the helpful information that I have received on projects.”
- “The above survey is only applicable to the many tribal (Seminole Indian).”
- “People are very nice and knowledgeable. Timing stinks.”
- “The Palm Beach Gardens, Florida office needs more staff to handle the works.”
- “It would be extremely helpful to provide wetland delineation verification.”
- “Obviously can’t handle the workload; average time to acquire permits from ACOE is 18-20 months...too long!”
- “I understand CE is understaffed and overloaded with work. Why is the staff creating more work for so many projects with minimal impacts?”
- “(Corps employee) was extremely helpful in working with our client’s closing.”
- “Accelerate the permit process. The pre-application meeting was held in July 2000 – the [applicant] finally received the permit in September 2003 (over three years!)”
- “So overworked and understaffed to handle such a large workload, that the process becomes management through government permitting! Staff adequately, then create reasonable, specific response times which the Corps must respond within. Not having any time accountability is not fair to the public or private sector.”
- “Although the permit timing for the COE wasn’t bad (about one year) the other necessary permits from the county and state took about six months, so it was the COE permit that held us up.”
- “Applied for permit approx 5-22-02. This took a year to receive. However, after your agency began to work on the permit, it was fast and delivery was quick and professional.”

**Kansas City**

25 survey responses reported.

Rating of 1: 0 (0%)  
 Rating of 2: 0 (0%)  
 Rating of 3: 3 (12%)  
 Rating of 4: 4 (16%)  
 Rating of 5: 18 (72%)  
 Rating of N/A: 0 (0%)

- “Speed up process.”
- “Develop a strategy to ... Maybe you could have some trained retired people or other trained parties to do screening of compliance spot checks. They would report to the project manager who would either visit the site or take the spot checkers information to develop the violation report. Photographic records could help formalize the process.”
- “Respond as quickly as possible or at least acknowledge receipt of request for information within a few days.”
- “Very well done and (Corps employee) was helpful in explaining the process.”
- “(Corps employee) was very helpful and processed the application within a few days. His efforts will assist the [applicant] to complete the project on-time. Thank you!”
- “(Corps employee) did an outstanding job to expedite the emergency pipeline maintenance permit. He answered all of my questions thoroughly, provided the appropriate direction, and had the permit approved in less than two days. He was exceptional.”
- “I was pleased with the help and timeliness of the staff at the El Dorado, KS office in giving a jurisdictional determination on our project. They were extremely helpful and quick to reply to any correspondence.”
- “By far and without question, I am extremely impressed with the technical knowledge and communication skills of the regulatory specialists in the KC office. Our firm works with four regional Corps offices in the Midwest USA in application of 100+ 404 permits annually. Although we may not always agree with staff decisions, we are treated fairly and professionally by the regulatory specialists who work under the supervision of (Corps employee).”
- “(Corps employee) was excellent to work with.”
- “We deal with the Warsaw, MO office regarding rip rap permits on Lake of the Ozarks in Central MO. That office only has two people to handle permit applications and while they are always helpful, the six weeks that it generally takes to get permit approval adversely affects our business. They need more help or turn the permit program over to [another agency].”
- “We need to develop a NWP for stream relocations that currently require an IP. In the mining industry, we often encounter ephemeral drainages that are determined to be jurisdictional, and it would be advantageous for industry and the regulatory agencies if a NWP were in place to permit such activities. Not only would it save industry time and resources, but also it would decrease permit turnaround times for the agency, leaving more time for the regulatory specialist to perform their other duties.”
- “In the crude oil producing department with so many small producers (the Majors have left the area), we are somewhat at a loss in the knowledge of what is a violation. I had no idea a pasture draw before a pond was considered a wet land. Perhaps a way to disseminate information to possible (ignorant) violators in the various occupations that could be potential violators.”
- “(Corps employee) was very professional and personable and helped us remedy our situation.”
- “Program seems to be appropriate, sensible, and effective.”
- “We have consistently received excellent service and guidance from the Kansas Regulatory Office under demanding time frames.”

**Little Rock**

40 survey responses reported.

Rating of 1: 0 (0%)  
 Rating of 2: 0 (0%)  
 Rating of 3: 2 (5%)  
 Rating of 4: 5 (13%)  
 Rating of 5: 32 (80%)  
 Rating of N/A: 1 (3%)

- “Response was very timely. This we appreciated.”
- “A process to expedite minor projects would be helpful.”
- “I was very impressed by this office’s cooperation to resolve permitting issues even when the project manager was unavailable.”
- “I worked with (Corps employee) in Branson, Mo., office and (Corps employee) at Little Rock office. They were both outstanding people. Thank you.”
- “Both men are very courteous, polite, and a pleasure to work with. They each were extremely helpful and knowledgeable.”
- “Very time consuming, but final product was worthwhile.”
- “The person at both the mountain home, and the Little Rock office conducted themselves in a very professional manner.”
- “I sincerely appreciate the level of quality service and support on the project.”
- “Very smooth and timely process. My compliments to the Little Rock District on their promptness and professionalism.”
- “We support carefully done projects and regulations that help keep waterways intact and healthy. Thank you for your work.”
- “The COE Department worked well with us. Good working relationship—best within COE.”
- “Both (Corps employees) were very helpful and professional. My permit was handled quickly.”
- “Every thing work out good.”

**Los Angeles**

Reported that it has no surveys.

N/A.

**Louisville**

Reported that it has no surveys.

N/A.

**Memphis**

19 survey responses reported.

Rating of 1: 0 (0%)  
 Rating of 2: 0 (0%)  
 Rating of 3: 1 (5%)  
 Rating of 4: 3 (16%)  
 Rating of 5: 14 (74%)  
 Rating of N/A: 1 (5%)

- “(Corps employee) has displayed the highest level of professionalism in all of my interactions with him on this project. He is responsive and knowledgeable. He obviously takes his job very seriously. I have worked with the Corps across the country and (this Corps employee) is one of the best Corps representatives I have encountered.”
- “I want to commend all those involved in the Memphis Corps District, especially (Corps employee) for the prompt and processing and issuance of the individual 404 that (I) needed. As always, (this Corps employee) communicated with me about issues needing clarification, and made special efforts to issue by a deadline I was under. This is just one example of the top-notch work performed by your District. Thank you!”
- “I was very pleased with the handling of my case. (Corps employee) was very considerate and prompt in our situation.”

- “(Corps employee) went out of her way to give us the best service available.”
- “Corps needs better communication with state agencies in regard to the overall info needed to acquire permits—Corps would tell me one thing and State would tell me something different. The entire process needs to be simplified.”
- “We had a capital need to receive the individual 404 permit to replace several bridges, because the existing bridges were in poor condition and had been condemned, which closed the road. The Memphis District responded very quickly to our application, and their efforts have been of the highest quality.”
- “Need more timely approval and issuance of permit.... However, Corps personnel were very helpful.”
- “(Corps employee) was our primary contact. He was excellent to work with, followed up on calls and issues promptly, and worked well with us regarding explaining Corps requirements and what was required to meet them.”

### **Mobile**

50 survey responses reported.

Rating of 1: 3 (6%)  
 Rating of 2: 2 (4%)  
 Rating of 3: 5 (10%)  
 Rating of 4: 12 (24%)  
 Rating of 5: 24 (48%)  
 Rating of N/A: 4 (8%)

- “(Corps employee) does an outstanding job, but her work load is too great, especially since the restructuring. She needs more help, immediately.”
- “The Corps representative personally visited our site to gain first-hand knowledge of our needs and plans. This extra effort was most helpful.”
- “It should not take two months to get a reply for a water or sewer pipeline job review where the route will be returned to pre-construction elevations and contours.”
- “Three months or longer is way too long to have to wait for replies from COE.”
- “(Corps employee) was a pleasure to work with. His professional, common sense approach was greatly appreciated during my wetland determination process. Thank you!”
- “Mobile District has been very responsive.”
- “(Corps employee) mentioned a Web site that would be updated to track when the Corps received a permit application, who the project manager will be, and the date it went on public notice. This would be very beneficial.”
- “(Corps employee) was very friendly and helpful. He was a pleasure to work with on my permit.”

### **Nashville**

Reported that it has no surveys.

N/A.

### **New England**

Reported that it has no surveys.

N/A.

### **New Orleans**

168 survey responses reported.

Rating of 1: 4 (2%)  
 Rating of 2: 3 (2%)  
 Rating of 3: 11 (7%)

Rating of 4: 64 (38%)  
 Rating of 5: 77 (46%)  
 Rating of N/A: 9 (5%)

- “20 months to obtain permit, too long!”
- “Retire several people in your engineering division”
- “3 just this project, otherwise, high satisfaction”
- “We attended a pre-application meeting to speed up the process. We needed quick approval and were told to expect a 90-120 day process. Submitted application 4/4/03. We were then told to wait for Water Quality Certification. Then the 90 day review started. Then we were asked to provide a ‘Needs and Alternatives’ analysis, delaying the process. We finally received a final draft permit on 11/4/03 (over 200 days). The pre-application meeting was useless. No one told us to request the Water Quality Certification or to do the ‘Needs and Alternatives’ analysis. Many of these steps could be done concurrently to save time. We lost a lot of time, and now all faced with starting our clearing and excavation during the wet winter months.”
- “During the preliminary stages of our project, we contacted the Corps of Engineers several times. Each time we were told that our project was not under Corps jurisdiction. We would not need a Corp of Engineers permit. Under a suggestion by a resident in the project area, we contacted the Corps during the final stages (bidding) of the project and at this point was told we needed a permit to contract. This held up project several months. Better info would help.”
- “Your engineering division needs new people capable of thinking on their own, have some common sense and don’t rely only on a ‘standard.’ Monkeys can rely only on ‘standards’!!”
- “Your engineering division needs people who can think on their own, not rely only on ‘standard,’ & will use a little common sense!!”
- “Whatever can be done to speed the process up would be helpful.”
- “(Corps employee) was courteous and professional during the permitting process.”
- “(Corps employee) was very pleasant and professional – the entire process.”
- “Took too long”
- “I believe there may be a need for additional secretarial help to process there types and permits.”
- “(Corps employee) is a highly professional representative for the Corps. Please hire more people like her. Explains her need for certain types of information, lets consultant know her preferred format for response, always responds in timely manner, extremely courteous and respectful.”
- “Works well. Sometimes it (the process) seems a little slow, but overall, very well done.”
- “Excellent job by (Corps employee) from initial pre-application consultation through to issuance of permit.”
- “(Corps employee) was very helpful.”
- “The only aspect that we were critical of, as I mentioned in the Customer Satisfaction Survey on [another permit application], is that it took a lot longer than we anticipated to get the permit through your office. Hopefully, now that the first ones have been done, future permit requests will mover through more quickly.”
- “We received good service, but permit took 9 months-hope next one is faster.”
- “The mitigation program is a huge mess. The Corps actively discourages applicants from on-site mitigation. The mitigation sector provides widely divergent information to applicants and is consistent only in their inconsistency. If the District was serious about preserving wetland functions, values, you would assume they would be aggressively working to promote as much mitigation as pass, ok. Rather, we are in a situation they constitutes a monopoly in some watersheds. Also, the time to obtain a J.D. is currently ridiculous; up to 4 months and beyond.”
- “I don’t think there should be any mitigation fee! Never have I seen an agency with an employee like (Corps employee). He went

above and beyond the call of duty to assist me. Without his expert assistance, I could not have provided your office with the necessary information. He was there all the way to assist me. My thanks goes to (Corps employee). I know he will be an asset to your agency.”

- “(Corps employee) was the most professional and understanding person I have even dealt with. He made what I heard would be a nightmare, not bad at all. God bless him.”
- “Very honest, nice, & informative about the project”
- “Very helpful”
- “Very helpful. This is my first time going through the permit process overall. It was happy with the process.”
- “The regulatory program that USACE has established seems to work very well. In addition, the interagency communication (i.e., DEQ, DWF, USFWS, etc.) works very well. (Corps employee) was an excellent individual to work with and handled himself very professionally, thus, representing the USACE and the regulatory program in a positive way.”
- “If all the permit writers were as professional, responsible and responsive as (Corps employee), you would have fewer complaints and irate applicants. He does exactly what he says he will do in a timely manner. He is clear about his objectives and does not vacillate, even when pressured. He is not afraid to be candid and direct.”
- “It took almost five months for the jurisdiction/wetland determination following the submittal of a detailed report. This seems excessive. The District believes that mitigation should be reduced for stream maintenance activities where the wetland disturbance is temporary. In this permit, 100% mitigation was required for the entire, overbank wetland area which will be disturbed.”
- “The majority of the time spent to get this permit was waiting for a wetland determination when we sent a wetland delineation in with the permit application.”
- “There appear to be no controls over the cost of wetland mitigation banks. Within one month, the price I was required to pay was double the dollar amount paid by my neighbor for twice the impact area. This seemed almost criminal.”
- “I am pleased with the quality of service you offer, with your continued striving for improvement, and with the professionalism and courtesy of your staff.”
- “Make this survey easier to read.”
- “(Corps employee) was helpful, the entire process was expeditiously handled.”
- “My objections have always been selfish. The ‘Corp’ has always replied in reason while meeting the constraints of the wetlands law. I have had a very pleasant relationship with (Corps employee) and (Corps employee).”
- “Prompt and professional”
- “After all the stories I have heard about the different Government offices, I am impressed with the New Orleans District Corps of Engineers. They performed and executed my permit in a timely and efficient manner. I am very impressed.”
- “(Corps employee) Project manager”
- “(Corps employee) was very helpful and friendly. He promptly returned every phone call and answered every question in plain English not government speak.”
- “My contact with (Corps employee) in the office was entirely positive. (Corps employee) was extremely helpful. My only suggestion is that the time for permit submission to approval by speeded up (if not limited by statute).”
- “They should put a time limit on DEQ’s response to public comments. Sept. 30, 2004, application sent to March 11, 2005: 5.5 months for a relatively simple development, which held up oil and gas production on a \$3.5 million project and cost us thousands in attorney’s fees. The state objections were largely generalized and not applicable to our site.”
- “Applicant and agent made every effort to clear up potential questions or problems during pre-application meeting and site visit. During public notice period we were repeatedly told that everything was in order. After public notice period was complete, we

were informed that USFWS and NOAA had commented a few weeks earlier and these issues needed to be resolved, which prolonged permit issuance. Once cleared VP, it took two weeks for permit to be signed.”

- “Application filed on 04/07/04, public notice on 5/28/04, draft permit on 07/09/04, permit on 08/04/04. [Project] requested a May; 2004 start date. [Project] on 05/24/04. [Project] had to spud the well or lose the lease.”
- “(Corps employee) was very helpful and responsive.”
- “I have tried calling 7 or 8 people at your office at one time, and nobody answers their phone. This is very frustrating.”
- “Stream line the permitting process”
- “We dealt with (Corps employee) on one of our permits. We had a very good response. He was very helpful. Thanks. Time seems to be our only concern. We would like the process to move faster.”
- “It would be helpful if the jurisdictional information was more clear cut and easily obtainable. On some projects where it is not clear, I will typically contact someone at New Orleans office and ask their opinion, sometimes it’s still not clear whether a permit is Req’d.”
- “(Corps employee) was very courteous and helpful with the project. Mitigation did not seem to be justified for this project.”
- “(Corps employee) did an outstanding job of working the permit through. The only problem with this permit was the fact it was not issued under a Nationwide General Permit. I’ve had several permits in the past in the same area and same size that took 30-45 days/permit and this permit took 90 plus days.”
- “(Corps employee) was very helpful.”
- “(Corps employee) was very professional in his dealings with us (COP) on obtaining our permit. It was highly appreciated that he returned phone calls in a timely manner and kept us up to date on the tracking and status of our permit application. I feel the whole process went well.”
- “We had no problem with the process. Thanks for all your help.”
- “The people of the Corp were always professional and courteous. I realize the Corp is understaffed, but the whole process seemed to take a long time (6 months to be exact).”
- “The Department of the Army permit correspondence can be more ‘user-friendly’ with respect to the referencing of projects. For example, when the [applicant] submits a 404 or Nationwide permit application for a specific project, the project name and contact person are provided (e.g., [particular position] or the individual project engineer) in the accompanying cover letter. However, follow-up correspondence from the Department of the Army typically does not reference this information. Rather, the work for which the permit is approved/addressed is usually only referenced by its newly assigned permit number which, until that time, the recipient has no knowledge of, and a vague description of the project vicinity. Considering that, in this instance, the recipient is a municipality with several outstanding permit applications for various projects located in relatively close proximity, the Department of the Army may consider amending its standard correspondence by referencing the project name and/or project engineer which have been assigned to the project by the municipality. Inclusion of this information would greatly aid the tracking of permits by the municipality.”
- “Oct. 1 → Feb. 12 4 months 11 days to receive permit. Too long!!”
- “(Corps employee) is an exceptional project manager. Other: Other projects sit on desks once assigned with no action unless contact is made by applicant. Is there in-house guidelines on response/turnaround time on a project?”
- “I sent in my permit request-July 2, 2003 and did not hear anything until I called March, 2004. The person in charge of issuing permit called on 04/01/2004. I received my permit on 08/26/2004. I thought it took much too long for a really small job.”
- “(Corps employee) is an outstanding Corps asset. I have been doing regulatory permitting for over 12 years and he is one of the

best. I have ever worked with. However, they are serious problems with the mitigation evaluation section. There is no consistency in evaluation of mitigation proposals; the delay is inconceivably long, there appears to be active disregard of the December 2002 Regional Guidance Letter for mitigation.”

- “This permit was applied for January 8, 2003. It was held up for over 6 months because of mitigation issues. This time could have been eliminated if the Corps and DNR had the same requirements regarding mitigating in a coastal zone.”
- “Print forms so they can be read-larger print.”
- “Say no sometimes.”
- “The people I dealt with were very helpful.”
- “We had a very good experience with USACE but had difficulty with other state and Federal agencies. Please make them more responsive.”
- “I have never experienced any difficulty in working with the Corps. Every agent I have spoken with has been helpful, prompt and informed.”
- “(Corps employee) is a true professional and a pleasure to deal with on a day to day basis. He is a true asset to the Corps!”
- “Seems to have improved recently. Case worker was extremely helpful.”
- “From the time we received a cease + desist order to the time we received one permit was over 5 months. The resolution of one problem was very costly \$5,250.00 to just want to cut the grass + very little fill. We also had to hire a consulting firm at the cost of \$1,500.00. Because you need a degree to understand the papers needed. The time frame it took interest has gone up + lumber has rippled. This whole process was very costly. If this is going to be enforced why are so many people getting away with it?”
- “A command the Corps in its wetlands process, because in understanding its process, it helps to replenish and provide timely resources for generation to some.”

### **New York**

Reported that it has no surveys.

N/A.

### **Norfolk**

Reported that it has no surveys.

N/A.

### **Omaha**

2 survey responses reported.

Rating of 1: 0 (0%)  
 Rating of 2: 0 (0%)  
 Rating of 3: 0 (0%)  
 Rating of 4: 0 (0%)  
 Rating of 5: 2 (100%)  
 Rating of N/A: 0 (0%)

- “The Omaha District is efficient in approving projects and issuing approvals.”

### **Philadelphia**

Reported that it has no surveys.

N/A.

### **Pittsburgh**

Reported that it has no surveys.

N/A.

### **Portland**

7 survey responses reported.

Rating of 1: 1 (14%)  
 Rating of 2: 2 (29%)  
 Rating of 3: 0 (0%)  
 Rating of 4: 0 (0%)  
 Rating of 5: 4 (57%)  
 Rating of N/A: 0 (0%)

- “Individuals in the permitting process should be better aware of the Corps own regulations. I had to point them out!”
- “There are no timelines for a standard individual permit.”
- “(Corps employee) has made the whole Mitigation Banking process easier.”
- “(Corps employee) was very helpful during the permitting process.”

### **Rock Island**

180 survey responses reported.

Rating of 1: 1 (1%)  
 Rating of 2: 1 (1%)  
 Rating of 3: 3 (2%)  
 Rating of 4: 60 (33%)  
 Rating of 5: 99 (55%)  
 Rating of N/A: 16 (9%)

- “It appears that the IEPA does not begin its’ review until after the Corps collects all of its’ material. We send the same material to the IEPA at the same time. Why can’t they start their review (and public notice) sooner?”
- “We were very pleased working with (Corps employee). He was very helpful.”
- “Very helpful.”
- “Give (Corps employee) a raise and more vacation.”
- “Avoid so many public notices. This lake/dam had 4. IDNR Nov 15, Corps Dec 18, Corps Feb 5, IEPA May 14. Why can’t some of these be combined, to save time?”
- “We appreciate your help in the past and look forward to working with COE personnel in the future. COE personnel have always been helpful and have taken care of permit applications in a very timely manner. Thanks!”
- “Responses to questions or concerns were answered promptly and professionally. (Corps employees) were extremely helpful in the permit process.”
- “Contact persons were very efficient and helpful.”
- “Excellent working relationship.”
- “When we are working with NRCS on a streambank project it seems like there are too many agencies and too many forms to fill out, couldn’t there be some cooperation and trust between agencies to get the work done in a more timely manner?”
- “It was a pleasure working with (Corps employee). He was very prompt at responding to our permit request via phone, letter and on-site review. He was very helpful and personable. The Corps is very fortunate to have (Corps employee) as an employee.”
- “We were very pleased with the help we received.”
- “Satisfied customer.”
- “Worked very well with us and answered any and all questions.”
- “The process is very thorough and time consuming, but the Corps personnel were very helpful and professional.”
- “They’re ok.”
- “Slow review and permit processing time.”
- “Illinois DNR appears to have missed C of E public notice and subsequent communications. I am relaying them material by mail now.”
- “(Corps employee) was patient and helpful through the entire

process. We (permit applicant) appreciate your cooperation in this permit process.”

- “Although this approval process took much longer than we anticipated, we greatly appreciate the personal nature by which (Corps employee) worked with us to move through the process.”
- “All seemed reasonable to me. – It’s the people that do not apply but take law into their own hands that disturb me.”
- “(Corps employee) was very helpful, however the other agencies slowed up the process. (Corps employee) did all he could to speed up the permit process.”
- “The original permit decision was for an Iowa regional permit. It was determined a month later an individual permit is actually required. The district made every effort to expedite the individual permit process. The permit approval just met the project letting schedule.”
- “I thought it was great that (Corps employee) followed up with questions prior to issuing permit and even to make sure I had received permit and to make sure I was signing it and sending it back.”
- “(Corps employee) met with us on site and any uncertainties were clarified. I appreciated his individual effort.”
- “It would be helpful to have regulatory staff visit proposed projects prior to actual application to determine best possible course of action.”
- “Considering our situation I thought the Corp representatives handled everything very well.”
- “The staff of the Regulatory Branch have always been very knowledgeable and helpful.”
- “The applicant should be better advised to how long the process will take in order to better plan projects.”
- “(Corps employee) was very helpful and I thank him for his time and patience.”
- “Excellent.”
- “We were treated professionally and fairly.”
- “It is always a pleasant experience to speak with and work with (Corps employee) whether it be on a specific project or regarding an issue in general. (Corps employee) is always prompt and courteous in all responses and very helpful in directing both us and our clients on the appropriate regulatory path.”
- “The whole process was done very professionally.”
- “Am totally satisfied with entire program in particular the friendly personnel.”
- “(Corps employee) was very helpful throughout the process.”
- “No suggestions, but having served in the Corps of Engineers for over 24 years (military) including three years as a District Engineer, I was very impressed with (Corps employee)’s professionalism.”
- “I would have liked to work more on a personal bases with this project for ideas on how to do this but know it is too small and your time and personnel are limited. Thank you.”
- “(Corps employee) was very polite and professional. Enjoyed doing business with him.”
- “(Corps employees) were very helpful in the application process. We thank them for their assistance.”
- “I received a letter from a (Corps employee) indicating that I did not do status reports. I do not know who she is or why I would give her status reports. What is the relationship to R.I. Corp of Engineers? Too many agencies involved – the public only wants one contact! I consider my contact (Corps employee).”
- “We appreciate the fast processing of this permit modification. Having this permit this fall will give us the ability to clean sand away from our wastewater effluent diffuser this fall white water levels are low. Thanks!”
- “Everything worked out well, thank you.”
- “It is a big help to have people like (Corps employee) to explain the complexities and options clearly and accurately. Qualified people administering the program make it workable.”
- “(Corps employee) did a good job, but the process takes too!! Long!! I was dealing with a life and safety issue of getting campers safely off campground, and thank god we had no floods this summer. I also do not think the arch. survey was necessary on this site.”

- “(Corps employee) was very helpful and knowledgeable.”
- “I think the amount of permit applications submitted is why the permitting process took so long. (Corps employee) was great to deal with and answered all the questions regarding the permit. I definitely would want to work w/ (Corps employee) again! The process took an additional 6-weeks compared to the duration in 2004.”
- “Excellent customer service. Keep up the good work!”
- “It would be very helpful to applicants if it was clearly slated in the application materials that the Iowa DNR should be contacted early in the process to review mitigation needs before a final selection has been made on a mitigation site. This would avoid committing to a mitigation site that could be unacceptable to the Iowa DNR.”
- “(Corps employees) were very helpful in permit process. I have question though, the amount of time that Corps employees had to spend on a .2 acre project. Seems to me that could better be used in other areas.”
- “Permit process was smooth and fair.”
- “Went very smoothly.”
- “In our case the Corps Representative played the part of the mediator between us and dealing with other agencies involved. Between the program and the representative. The process on our behalf went very smoothly and very professional with everyone involved.”
- “Very helpful.”
- “The regulatory office personnel has always been professional and helpful to DOT’s District 6 office. District 6 appreciates the relationship we have with the ACOE.”
- “The Corp has been very helpful.”
- “(Corps employee) was very helpful in obtaining my permit.”
- “(Corps employee) was helpful.”

### Sacramento

447 survey responses reported.

Rating of 1: 9 (2%)  
 Rating of 2: 11 (2%)  
 Rating of 3: 28 (6%)  
 Rating of 4: 113 (25%)  
 Rating of 5: 256 (57%)  
 Rating of N/A: 30 (7%)

- “(Corps employee) is a pleasure to work with. He is very professional, communicates clearly and concisely and makes every effort to respond in a timely fashion. He is highly knowledgeable and gives very helpful advice throughout the permitting process.”
- “I know these are places where pushing the river rocks along the bank with a caterpillar are just as effective as any other method. It is also better for the environment and is more cost effective.”
- “(Corps employee) at site visit was very informative and had solutions/suggestions to help us achieve what needed to be done.”
- “(Corps employee) was very prompt and helpful in processing the request.”
- “It would be helpful if the time to verify a delineation could be more consistent; sometimes a few weeks, other times it is months. Difficult to reach person in office—no admin staff to answer/take calls.”
- “As a CRMP organization, we are committed to watershed, stream, and riparian improvements/restorations. State and federal regulatory programs have been developed to control negative impact projects. A program to deal with positive impact projects is due and would greatly aid the COE regulatory goals.”
- “US Army Corps personnel were efficient and responsive. If there is any way you could prompt or push the US Fish and Wildlife harder on responding with “consultations on Biop” it would be appreciated.”
- “(Corps employee) did an outstanding job processing the permit authorization in a very short time period.”

- “Everyone I spoke with was extremely helpful and professional. The Web page is also very helpful.”
- “I consistently receive professional, knowledgeable, and competent help from (Corps employee) at the Sacramento office. She has been my main contact for a number of years.”
- “Good work!”
- “In the past the Corps has not been reasonable or quick in responding. This time it went well. (Corps employee) was very responsive, helpful and reasonable in the permit process.”
- “Both individuals were very courteous and professional, though I think they are overloaded with work such that they can’t make decisions in a timely and accurate manner. I respect the work they are doing, though I don’t think much thought or time was given to this project due to their overwhelming workload.”
- “Again, thank you. Very interesting process.”
- “The routine maintenance and enhancement of wetlands should be covered by a categorical exclusion, nationwide permit and BO for the entire preserve or refuge. Too much time for all involved to do this on a project by project basis.”
- “Please have additional staff when or if funding becomes available. We understand a lot of work comes through your office with little resources. Your existing staff does an amazing job with the time they have.”
- “Keep up the good work. Thank you.”
- “Staff seems knowledgeable and courteous just maybe overloaded. For large projects, developers would trade higher fees (use of ‘approved’ consultants perhaps) for speedier permits.”
- “Great job on timeliness.”
- “(Corps employee) needs assistance on workload. Workload appears to be too great for timely turnaround. Expertise and knowledge is good, but responses to status of permit/no permit letter were slow due to workload.”
- “(Corps employee) can be a hard person to get in touch with. But since I’ve been dealing with him over the past 3-4 years I have always received prompt, courteous service.”
- “Very helpful. Good comments in pre-application meeting.”
- “This process was relatively easy as far as the Corps and (applicant) was concerned—thanks to (Corps employee). We will have ongoing work on a regular basis (yearly); I wish I could get a blanket permit for the yearly clean-up we need to do to maintain the integrity of the bridge. Fish and Game is still holding up our application.”
- “Working with (Corps employee) has been a pleasure as well as an education. (Corps employee) has gone the extra mile to assist my needs. Many thanks!”
- “Thanks for the speedy response!”
- “Corps staff is very helpful, but I think workload is so large that permit work is impacted. Please get some resources to help your regulatory staff with their huge workload.”
- “(Corps employee) was very professional and very, very helpful.”
- “Service has been great but I have been in no hurry to complete.”
- “Keep up the good work!”
- “(Corps employee)’s heart was in the right place, but it seemed to take quite a long time to obtain the 404 permit, particularly after we had conceptual agreement on mitigation and the delineation quite early on.”
- “Owners’ in-person contact with office counter staff was reportedly not pleasant. My (pre-app) conversation with (Corps employee) and (post-app) conversations with (Corps employee) were helpful and informative.”
- “(Corps employee) has given me exceptional service in understanding and submitting ACOE permit applications. We truly appreciate the information she gave us to assist us in expediting the permit process and look forward to working with her in the future.”
- “Once applicant has authorized an agent, allow permit documents to be sent to agent directly. It could be a check box on the application form.”
- “It’s slow, cumbersome and staffed by people who are not motivated to produce a finished product. The only agency I would rate lower is US FWS! COE/US FWS staff need to forget personal biases and do their job.”
- “Better coordination between the state and federal permit process. My calls were rarely returned, but when they were I received helpful information on permit status.”
- “Wish other agencies, marine fisheries, RWQCB were as responsive.”
- “Our client had an emergency situation and (Corps employee) was able to issue a nationwide permit within a week. I greatly appreciated her quick response time and action.”
- “I submitted a project notification in June 2003 and did not get a response back until September 2003. Other Corps districts have sent me letters indicating that their workload is heavy and that would not be able to respond until a certain date. This courtesy is greatly appreciated when consultants deal with their clients.”
- “The Web site is very helpful and always seems to be up-to-date. Our Corps representative is very helpful and always tries to respond to our questions. He is very knowledgeable and has a wide range of experience that is helpful when trying to find solutions for a complex project.”
- “I am impressed with the professional, timely manner that the permit application was processed.”
- “Great job—everything was done when and as represented by (Corps employee).”
- “Everyone including secretaries, receptionist, and higher ups have been polite, professional and responsive to our needs—Thank you Corps and (Corps employee)! ”
- “Please process applications in a timely manner.”
- “(Corps employee) has been a great help to us regarding wetland and other water-related issues.”
- “Keep up the good work.”
- “Application was submitted December 6, 2004. Delineation drawings were received by Corps on December 27, 2004. Jurisdictional determination from Corps was issued March 9, 2005. NWP was issued on March 23, 2005 (almost four months after application was submitted).”
- “Interpretation of regulations is arbitrary. There is no consistency between project managers.”
- “It was a pleasure to work with (Corps employee). We work with a lot of regulators and she is in the top group regarding time to respond, clarity of what was required, and professional approach and interactions.”
- “My only comment is that this process took approximately three years to complete – I felt it could have happened much more efficiently and more quickly. I had three different Corps employees during the approval process.”
- “(Corps employee) was very professional – gave information that helped in avoiding many wetlands. She was very responsive and always gave information that was clear and important to our project!! I would work with her again.”
- “Response times appear to be getting longer.”
- “(Corps employees) are great to work with. The process seemed to take longer than we anticipated. But I understand that personnel changes were being made. It would benefit all if the process could be streamlined.”
- “Very poor communication. Very slow to return phone calls. Greater than 50 days to approve NWP – no additional information requested.”
- “Very unsatisfied with how a piece of land was taken care of. I was confused of what they were doing for approximately six months. Then was not instructed on how to secure a permit or even if I needed one. All they have done is delayed progress for me on approximately 1/2-acre of wet property.”
- “(Corps employee) and her staff are consistent with their help and responses to our regulatory requests (typically jurisdictional determinations). We do appreciate that. Thanks.”
- “In the aftermath of the [ ] fire with the watersheds ... directly west of [ ] Dam being a (class 1) high hazard burn area our project

application (request) and permit was handled with utmost expediency.”

- “It would have been helpful for the description of the project to include a map of the proposed project site or a copy of the application. We know the stabilization needs to be done, but how and where it is planned to take place is unclear without delving into our legal documents (deeds, etc.).”
- “(Corps employee) was great – give her a raise.”
- “(Corps employee) was wonderful to work with.”
- “I have always had an excellent working relationship with Corps staff in the state of Colorado.”
- (Corps employee) consistently does an outstanding job with her technical review and professionalism as a public official.”
- “Only comment I have is that this group of Corps reps I work with here in Grand Jet are great!”
- “Used to have contact person list on website which was very nice. Last time I couldn’t find it.”
- “Since we determined that the Army Corps of Engineers was the agency in charge, the information and guidance given was prompt, complete and straight forward. This has been a very positive experience.”
- “(Corps employee) is very professional, helpful, communicates clearly and is a pleasure to work with.”
- “Thank you very much for facilitating our replacement of our water line.”
- “(Corps employee) was as reasonable and helpful as I could have hoped for.”
- “I found (Corps employee) a very approachable, informative person. She reviewed the proposal thoroughly, asked pertinent questions and then answered my questions. I appreciated her enthusiasm for our concept – a Z sheeting water diversion structure to upgrade our irrigation. We feel it will have minimal impact yet increase efficiency.”
- “This project was on a very tight schedule to complete the work before spring runoff started. (Corps employee) was very helpful in helping/allowing the project to be completed in a short time frame.”
- “The review process for a river restoration project on Ohio Creek (Gunnison County) went very well. Somewhat concerned about time required by U.S. Fish and Wildlife service to provide comments on NWP. Corps personnel went to extra lengths to obtain USFWS comments – Very much appreciated!”
- “It was easier than expected.”
- “(Corps employee) works on [applicant] projects through WRDA. This relationship has been very positive. The ACOE must do everything possible to ensure WRDA is authorized.”
- “(Corps employee) is wonderful to work with; however, he is obviously overworked and does not have the opportunity to adequately review all projects submitted by the City. Please hire another person for the Redding office!”
- “You need more staff.”
- “Thanks for expediting our application.”
- “Permit apps need to be turned faster than nine months.”
- “Received no response to submitted materials for 4 ½ months; had to make 14 phone calls and resubmit to receive any response.”
- “(Corps employees) are very helpful and knowledgeable – however, they are both extremely difficult to reach. More staffing seems appropriate.”
- “(Corps employee) was the utmost professional. He was able to help us comply with NWP 27 in a most timely manner.”
- “Excellent responsiveness. Keep up the good work!”
- “(Corps employee) was very responsive and professional. I enjoyed working with him and hope to continue working with him in the future.”
- “It would be helpful if the process was quicker.”
- “(Corps employee) is always very professional and helpful. I wish other agencies were as responsive and easy to work with.”
- “(Corps employee) was always available to offer assistance and answer questions during the permit request procedure. He promptly returned all phone calls and was very informative.”

- “We were informed that the only delay in issuing the LOP was the issuance of a 401 certificate. However, the LOP wasn’t issued until a month and a half after the 401 certificate was issued, causing us to lose the opportunity to perform the activity when hydrologic conditions would have been ideal. The only reason given for the delay was that staff were ‘busy.’”
- “Applicant needs to receive confirmation that their application was received by USACE.”
- “As usual, the Corps needs more staff in the Regulatory Branch to improve service-time. Service overall was good and staff were courteous and helpful.”
- “Need more rapid review of submitted materials and quicker turn-around time for written responses to applicant. Need more rapid response to phone calls as well. Many of the special conditions in this and other permits are standard clauses that might be applicable to some of the businesses above, but not necessarily to public entities. This standard language seems to be for the benefit of ACOE staff in issuing a permit so as not to have to create customized conditions relevant to the subject action. Some of this language can have unacceptable legal implications. Our requests to remove or modify conditions, with explanations provided, were largely ignored.”
- “Is there any specific information that would help the Corp in determining that all clearance (NEPA and CEQA) have been met.”
- “(Corps employee) provided excellent service – timely and efficient – the way the NWP process should work.”
- “It took eight months and two letters to receive this extension. So, the answers to (some of the survey questions) apply more to the time frame from the second letter dated Nov. 23 and the extension (decision) which was received in mid-December. Otherwise, I’d give (those questions) a ranking of 2.”
- “Time is of essence. I sincerely hope that the Corps speed up processing of applications.”
- “Once (Corps employee) was assigned the case, the process move forward with sufficient speed. The ratings of “1” in (certain survey questions) would be 3 or 4 each. Main issue is the amount of time between contact with a formal letter and getting the case assigned to a representative.”
- “(Corps employees) were both very helpful and extremely nice.”
- “I found the Corps to be helpful and informative.”
- “(Corps employee) was very helpful and informative. My project was an emergency rock slope protection job, that both hydraulic engineers and structures professionals, here at (applicant), though was necessary to save the bridge abutment from failure. (Corps employee) was very concerned with the purpose and need of the project, proposed mitigation and minimizing environmental impacts, will protecting the integrity of the bridge abutment.”
- “(Corps employee) was really helpful to respond rapidly to correspondence (via email). We were pushing for a tight turn around and he was able to work with us to meet our deadline. He was also really happy to discuss our project over the phone.”
- “Once application has been received, please notify person or owner of land what is happening and keep us apprised of situation outcome – excellent.”
- “It appears that too many agencies are separately involved. It would help if the Corps would set up a focal point and all responses went through one informed coordinator – as it was we were left to contact five or six different agencies and deal with all of them. Without being informed we had a hard time satisfying their multiple requirements and even our engineer was pulling his hair out to meet all of the new and changing requirements. System is totally disorganized – this is not taxpayer friendly.”
- “I think that the Department of the Army created an unnecessary burden on its Regulatory staff by creating a lapse in NWP coverage – with all expiring at the same time, and then not re-issuing permits during the February-March gap. It was a very good idea, however, to give ‘grandfather’ status or grace period to permits for projects currently in construction.”
- “I was pleased (and surprised!) about how fast and streamlined

the permitting process was for our project. My only suggestion is that, if possible, the Army Corp, the water quality control board and fish and game work together to produce some sort of master permit form – seemed like there is a lot of duplication among the forms each agency uses. Otherwise, great job! Thank you.”

- “Normally very good about returning phone calls and is fairly easy to reach via phone. Pleasure to work with.”
- “I have worked with them all, (Corps employee) is one of the best! Also attached letter stating: ‘In addition to the enclosed Customer Service Survey, I would like to say a special thank you to (Corps employee) for his timely assistance and advice on both the delineation information that we provided and the issuance of the Nationwide 39 for this project. I have worked with the Sacramento District office for many years, first as Chief of Environmental Management for [former applicant], and then as a private consultant. My staff has always appreciated the professionalism of your team of specialists; however, I am convinced that (Corp employee)’s attention to detail and willingness to provide expeditious service has been particularly noteworthy. Sometimes we don’t take time to say thank you. I did not want to miss this opportunity to mention (Corp employee)’s positive attitude and spirit of helpfulness. On behalf of the entire wetland delineation staff of (company), please pass on our thanks for a job well done.’”
- “I dealt with two people regarding this permit/reverification. One person was very friendly, and returned my calls. The other person never called back, even though she said she would call back that day. This reverification took a little longer than I expected, but still not too bad. Overall I am satisfied.”
- “Give estimated time to resolve case and when not done so, make contact to explain delay and set new time line.”
- “(Corps employee) was very helpful and responsive. I have had difficulty reaching other Corps staff. More interns or more staff in general would be good. Several times regular staff has not responded to telephone calls and e-mail, possibly because they are not able to do so with their current workload, but it is quite a problem.”
- “Develop a specific ‘response time’ for the various requests and permit applications that requires written documentation of the corps action on a request or application put before the agency. A ‘response time’ that allows only a couple of weeks to pass, not several weeks or months. The Corps of Engineers must develop a high level of respect for private enterprise and that ‘time is money’ after all—the American economy is what pays the salaries at the Corps!”
- “As usual the delays occur with USFWS, not the Corps. The entire Corps regulatory staff in Sacramento is great to work with. Thanks.”
- “The nationwide general permit was adopted for the (particular) project. No other permit type was offered. Why? Where do we really stand if nationwide permit #27 has been denied by state of Cal. What agency denied #27? Our project is a funded grant by DWR. The entire idea of “dredged and discharge” doesn’t fit this project.”
- “Dealing with the Army Corps was very easy and (Corps employee) was helpful and courteous throughout the project. Difficulties came in getting concurrence from other agencies in regards to section 7 consultation.”
- “The advice and other courtesies extended to (permit applicant) during the permit transfer process was very helpful and professional.”
- “Process takes too long to perform routine levee maintenance due to unresponsive NMFS and USFWS. The response time to receive biological opinions regarding waterside maintenance burdens on the ridiculous. The last two requests submitted to the Corps for confirmation that work is covered under NW3 has resulted in an average delay of nine months to get authorization to perform levee repair.”
- “Obtaining the permits and permission to go ahead with a bank stabilization project is a convoluted paper trail between government agencies that needs to be simplified for the homeowner with

a simple erosion project. There should be one govt organization that handles all the paperwork for permits to the various agencies. Government agencies should consider combining their permit requirements to a single application that meets the needs of all concerned.”

- “(Corps employee) has continuously provided me with excellent service for the last 1-2 years. Thank you!”
- “I think that (Corps employee) helped us as best he could, but given his workload, he could not respond in a timely manner. It took a month after he received the last document needed for permit approval to get us the permit. We submitted our permit application at the end of August, and received the permit at the end of November.”
- “Excellent service is consistently provided.”
- “Overall the regulatory program and process functioned well. The most frustrating part was the multi agency coordination, which was ambiguous at best. It would be helpful to have more upfront info about the process and better agency coordination. It is difficult to move through the system and the truth is, it shouldn’t be. Good work does not get done because of the delays.”
- “There needs to be more information on the process in the beginning and the order that everything that needs to be done in an outline page given to the layman permitter showing them what needs to be done and in what order evolved be helpful, at the beginning of the project.”
- “‘Staff-up’ to handle more permit applications in a timely manner. Utilize staff that are ‘tuned-in’ to the development approval processes of local governments!!”
- “Would like to see more efficient processing of paperwork. We understand that the ACOE is busy with many different projects but expect that the less complicated projects that just require send concurrence letters be pushed along more quickly.”
- “Thank you!”
- “After two years of waiting for our 404 permit, we thought asking for a modification/amendment was going to be disastrous, but (Corps employee) was able to guide us through the process, making it relatively seamless as well as painless. It was outstanding to have some one in the area with a common sense of approach to field modifications!”
- “Hire more personnel to keep up with all the demands and violations. Stop being just a ‘permitting agency’ and be a regulatory agency – don’t just issue permits to everyone – Say NO sometimes (which the Corps rarely does) and enforce violations.”
- “Very helpful, made sure we had needed information in our notification to speed/smooth process along. Made suggestions of ways to improve project.”
- “(Corps employee) was very knowledgeable and helpful.”
- “Have backup staff available during vacations or trainings.”
- “The staff in this office are very professional and competent. I enjoy working with them.”
- “The improvements over the past few years have been fantastic. We still need to improve overall communication, but it seems to be getting better all the time.”
- “Everything went well – little delay – and good response after my information was submitted.”
- “Thanks.”
- “It was refreshing for my client to have such a quick review. Helps engineers to accept/comply with permit process.”
- “Your representative was very forthright and accommodating. Thank you.”
- “Especially helpful.”
- “Provide more clear and concise information on the process. Provide feedback in a more timely manner. Understand the local communities and issues at hand better.”
- “I had heard nightmares about how long the process would take. I was pleasantly surprised as how fast and smooth the process was. Thanks.”
- “Everyone I spoke with was extremely helpful. The information they gave was excellent.”
- “Office is improving on response time. Representative made ju-

isdictional determination based on field observations and data rather than personal feelings about the project site. Welcome change in COE representatives.”

- “I needed a natl wetlands inventory map – (Corps employee) only had one, she let me borrow it to copy – I appreciate the service.”
- “(Corps employee) does a wonderful job for the COE. She is thorough, professional, and efficient. We enjoy working with her.”
- “Be project specific on permit conditions. Avoid boiler plate conditions if they don’t apply.”
- “Although the delineations of my land involved with wetlands was determined to be irrigation, industrial and non jurisdictional, your agent has still made them jurisdictional even though she recognizes that they are caused by irrigation water and would clay up if this water is removed. Also the irrigation canal which is open now will soon be put into pipeline which will somehow dry up my area. You have confiscated my land and I protest. I will be seeking assistance from a higher authority, and damages incurred.”
- “I am relatively new at dealing with Corps regulatory issues. (Corps employee), new to the Durango area, has been extremely patient, kind, and professional, not to mention helpful. She has taken what appears to be a well-reasoned, common sense approach to the projects we’ve undertaken to develop.”
- “Excellent service.”
- “Thank you for always being prompt.”
- “Our new permit conditions seem to side more with an adjacent landowner vs. the operators and USACE establishing their own guidelines based on specific site conditions.”
- “Protection for riparian communities in Colorado would be nice.”
- “(Corps employee) recently conducted a wetlands training course to 30 [] County employees. His presentation covered topics appropriate for road and bridge, building, assessor and planning staff. The presentation was concise, well-thought out and presented in a ‘learning’ manner that all participants enjoyed. (Corps employee)’s openness to accept questions during the presentation and with the case study were well received. Thank you! Also attached to survey was letter that stated ‘[] County would like to take this opportunity to express our appreciation to the U.S. Army Corps of Engineers, and to compliment your Summit County, Colorado, Frisco Office staff. We have had tremendous support from your staff as both a regulatory agency, and as a permit applicant. The one-person ‘do-it-all’ Frisco Office is managed by (Corps employee). Over the last two years, he has been an invaluable resource to the [] County staff in interpreting the regulation as the development continues to increase in [] County. He has provided technical expertise to Road and Bridge and the Planning and Zoning staff in the assessment of ongoing development. [] County has a diverse ecosystem that ranges from the [described areas]. We value his experience and expertise understands the variety of issues we face in the development around these areas. (Corps employee) recently conducted a six-hour training course, providing instruction to over 30 [] County staff from the Assessor, Building, Road and Bridge, Natural Resources and Planning and Zoning departments. The highly informative course was the first of a two-part course. (Corps employee) provided information on the role of the U.S. Army Corps of Engineers, the intricacies of the permitting process, and technical information related to soils, hydrology and vegetative parameters associated with wetlands. We sincerely appreciate the high-level of technical expertise provided, through (Corps employee), as a representative of the U.S. Army Corps of Engineers. This available consultation has enabled our staff to manage regulatory issues associated with wetlands permitting in this area of rapid development with respect to current the laws. We have attached the requested Customer Service Survey to this letter, providing specific comment on the U.S. Army Corps of Engineers services, at the request of (Corps employee).”
- “I completely enjoy working with (Corps employee); he is a very good resource.”
- “(Corps employee) was very helpful.”

- “Always helpful and prompt.”
- “(Corps employee) was very helpful and extremely prompt.”
- “(Corps employee) was great to deal with on this project. Thank you.”
- “(Corps employee) has been extremely helpful and responsive to all of our permit and general needs. His professionalism, knowledge and promptness have made working with the Corps a true pleasure.”
- “(Corps employee) was excellent. He did not tell me what I wanted to hear, but he was polite, considerate and very knowledgeable and he could convey the information to me. Excellent employee.”
- “This form should include the appropriate when to send it in to.”
- “Quit nit-picking the small (really small) stuff and bust people’s chops for violations or failing to follow thru w/mitigation. Require bonding for all mitigation activities (that will make them do it!)”
- “Great people and service, no improvement needed.”
- “We would not have known to apply for this permit except for an article in local paper (not enclosed) about a violation. More publication about this act would help enforcement. (Corps employee) met w/us onsite to explain requirements and was very helpful.”
- “Everyone was very helpful and the permitting went smooth.”
- “(Corps employee) was extremely helpful and very professionally.”
- “(Corps employee) was very helpful and received a prompt response to my application.”
- “Web page I know at one time there was a list of office contacts for particular county locations (for projects). This was very nice but now it doesn’t seem to be there, hum. This application and request went very well and I appreciate (Corps employee)’s help and e-mailing of information.”

### **San Francisco**

Reported that it has no surveys.

N/A.

### **Savannah**

363 survey responses reported.

Rating of 1: 7 (1%)  
 Rating of 2: 17 (4%)  
 Rating of 3: 26 (7%)  
 Rating of 4: 137 (37%)  
 Rating of 5: 156 (42%)  
 Rating of N/A: 20 (5%)

- “Being an ex. army officer it’s always a pleasure.”
- “Very Good.”
- “We work in numerous Districts. Savannah is by far the most professional and efficient.”
- “Project managers reviewed & processed permit well within an acceptable time frame. Project managers answered phone or returned calls ASAP. Savannah District should be used as a model for operation of any state or federal regulatory program.”
- “Good service, informative – All seemed to go smoothly.”
- “(Corps employee) does an excellent job for the COE. He is very professional in the way he handles himself, and his job.”
- “Great turn around time! Thank you!”
- “Yes. I was treated very well. Everyone was professional, courteous, informative. I really appreciated the helpfulness and response time I received.”
- “(Corps employee) provided very prompt service.”
- “Have more people like (Corps employee). He was efficient, thorough, pleasant and a pleasure to have serve a member of the general public-What quick service!”
- “(Corps employee) did an excellent helping us understand & navigate all applicable rules & regulations. We grateful for his help. If the rest of your people are this helpful, I would say your program is in very good shape. Thanks once again.”

- "I thought (Corps employee) was very helpful & gave me personal attention and was very encouraging in my efforts to work up the permit. I was also impressed by (Corps employee) and his personal attention to my project."
- "Very informed, very professional, very punctual, and an excellent biologist."
- "Create time tables for review! (not needed in the Savannah office, very quick to reply) Jacksonville is taking 12-18+ months! Small guys cannot carry their projects due to this long period."
- "Outstanding permitting. Less time required than ever before."
- "Very professional and responsive. He went well beyond effort required to serve us and the effort is very appreciated."
- "I think it would be helpful if the local issuing authority understood what they must require to issue a permit. They seem to put too much of the approval process back on the USACOE."
- "Very good service. Special thanks to (Corps employee)."
- "Very good service. Special thanks to (Corps employee)."
- "Recommend you regulate the non-point source discharges."
- "Working with and communication with the Corps was excellent. Working with GA. DNR coastal resources division difficult with frustrating communications."
- "None."
- "(Corps employee) has been very pleasant to work with. He handles a tremendous workload, but remains cordial and timely in his response."
- "Very please with the service and prompt response to address our issues."
- "Anyone who files a compliant should have to identify themselves."
- "None."
- "You have a good program but seem to be over worked."
- "Needs more help to cover this area."
- "Thank you for the help!"
- "Things seem to move faster through the Albany office."
- "Lourdes County is very grateful for (Corps employee) in the Albany office, without him so close, it would be hard to get things done in a timely fashion."
- "I was pleased with the office's suggestions & action. He was very prompt."
- "We have always found the Albany office, specifically (Corps employee) to be knowledgeable, prompt and fair. If all of the USACOE districts were as good, our lives would be a lot easier! Keep up the good work."
- "(Corps employee) is very professional and knowledgeable of the Corps permitting program. He is prompt in his reviews, field inspections, and correspondence. He returns phone calls in a timely fashion and provides prompt responses to inquiries."
- "(Corps employee) is very professional, knowledgeable, efficient and prompt. (Corps employee) dealt with my issues (on 3-4 occasions) and each time was thorough and reasonable. (Corps employee) is a pleasure to work with and is very knowledgeable about the issues."
- "Since the Albany field office opened, our experiences with the corps and regulatory program have greatly improved. Our dealings with (Corps employee) have been straight forward and very professional. His local presence has definitely contributed to a much better public understanding of the regulatory program and has created a sound working relationship with the corps and consultants/developers."
- "We have worked closely with (Corps employee) in the Albany office on several projects and have been very pleased with his efforts in relation to our projects. We look forward to a continued relationship with them. If you have any questions please do not hesitate to call."
- "(Corps employee) was very professional and very helpful."
- "Nice group to work with."
- "Reference [application number]. See attachment."
- "No-Savannah office is excellent to work with."
- "The Savannah District operates in a professional and organized manner. Staff are very courteous and a pleasure to work with."
- "The Corps was very helpful in the permit application process. However we have not received the permit not because of the Corps but because of local political influence. The permit is now on hold pending modification to appease the local population politics."
- "This was my first encounter dealing with the Corps Wetland/Stream bank mitigation. All contact was through our consultant, [name, location]. Based on the prompt & reasoned response to our permit application I would rate the Corps as outstanding! My thanks to those involved."
- "Although you may not agree with everything the Corps says at least unlike some agencies it does not change its mind in middle of project."
- "Savannah District has been extremely responsive-the Jacksonville District could learn from Savannah."
- "Keep plenty of office & field staff in Albany."
- "(Corps employee) was very helpful."
- "Good Work."
- "Dam application was submitted some 5 months prior by Atkinson County NRCS agent. It was not sent certified mail. When NRCS agent called about information & status, the application could not be found and Corps agent had retired. I mailed certified mail and received excellent service."
- "Entire staff in Morron GA is always very professional. Savannah has been the same. Thank You!"
- "(Corps employee) seemed very busy but made time to help me with this permit. He had a lot of good information, very professional. Thanks."
- "Yes, The office was very prompt, courteous, informative & helpful."
- "The officer was very good."
- "None, I got along fine with everyone. Just do the job you were hired to do!"
- "(Corps employee) took the time to explain what was required for a wetland delineation submittal and how it differed from the District which I am used to dealing with. (Corps employee) was very responsive and reasonable to deal with over the phone, and clear in explaining what further information he needed to make a determination. My overall experience with this District was pleasant. I am used to dealing with a District representative in another state who will not return phone calls, respond to wetland determination requests in a timely manner. Thank you for issuing this survey."
- "The Savannah office has many fine and very capable employees. Personnel handling larger and more complex projects are especially capable. Excellent working relationship with (Corps employee) suggest developing RGP's for minor activities."
- "(Corps employee) enters into his duties in a most energetic & professional manner. He's good at suggesting changes that will assist you with your project, & come within regulations."
- "Mitigation Bank development requires coordination between various Agencies – one interagency experience is ranked as follows A+=Excellent or F=Very poor: COE-A+; FWA-B; EPD-B+; NMFS-B-; EPA-F."
- "I found everyone (including receptionist) to be very pleasant and helpful. The professionals were responsive in a timely manner. I requested an inspection, after construction, to ensure compliance. They responded promptly and were very helpful through the entire project."
- "No, they have not completed sand pump yet. I am just helping them get started."
- "None."
- "Both parties noted above were very professional & helpful through this process."
- "(Corps employee) provided excellent guidance and responded to our requests in a timely and professional manner. In all, his guidance has ensured that our project proceed in a timely manner, within budget and ensuring regulatory compliance."
- "All experiences with corps personnel have been favorable!"
- "(Corps employee) is an excellent provider of information. He

returns calls promptly. He is knowledgeable, courteous and an integral part of working through the permit process.”

- “USACE staff was very helpful and provided guidance toward proper procedures to be followed in submitting the application.”
- “I find that different Corps Districts have different interpretations/concepts/definitions of ‘Waters of the U.S.’ It would be beneficial to consultants, delineators, developers & Corps Project Managers to be ‘singing off the same sheet of music!’ There is information & definition of Waters of the U.S. published in the CFR that could be used as a start to expand a ‘guidance document,’ which could be distributed to all concerned.”
- “No.”
- “None.”
- “Response was prompt but due to recent Supreme Court decisions (US v. Rapanos and US v. Corabell) a final determination could not be made.”
- “Did a great job! He is an asset to the corps! My problem was with the cultural assessment review. It took 8 months to get this review completed. The total NWP permit process time was 1 year for approval. A time restriction needs to be placed on the archaeologist and SHPO so that projects do not get delayed beyond reason. I know everyone is busy, but 8 mths is totally uncalled for.”
- “The process went well.”
- “Overall the permit system worked. Quicker response time would be appreciated.”
- “Need to improve processing of paperwork.”
- “To date my experiences with the corps & the Savannah office in particular have been positive. I have found the corps representatives to be responsive, helpful, and professional.”
- “Keep us informed – delays are OK (usually!) if we can predict and plan for them. USACE is good at chain of command – if we are not getting a response then there is always another person to contact – that helps.”
- “Who to contact (p.m. names) has been difficult to find. Seems that staff names are hidden unless you are one of the frequent consultants.”
- “References to the stringent conditions written in a NWP.”
- “It should be clear & consistent advice to be given by various PM’s within an office.”
- “We received permit much sooner than expected.”
- “Focus on issues that are important to resolve. Drop detailed Farm Pond ‘permit’ as those are exempt from permit process.”
- “Could use more training. He seems a bit unsure of himself.”
- “The process for making land available for use as mitigation credits should be revised in an attempt to make it more clear.”
- “(Corps employee) does an outstanding job! I believe he needs assistance.”
- “(Corps employee) was very professional, knowledgeable, and helpful. He gave regulatory information, assisted in taking measurements and made suggestions about my dock placement in light of the regulations. He was wonderful! Please inform me as to what August 2002 action this notice refers to. I got my Dock permit in August 2004. What do I have to do when whatever in Aug. 2005 expires? Thank you.”
- “Easy to work with & responsive!”
- “(1) Better understanding of new stream definitions so they can teach the general public. (2) Better education for those trying to develop a Wetland Mitigation Bank, can’t assume that the permittee has done this before.”
- “The nationwide permit took an excessive amount of time to approve b/c we had to apply 3 different times under different permit numbers. I believe the process would’ve been more timely, if the corps regulators would have agreed on the appropriate NW no. and communicated that to me the first time. Otherwise - the staff at the Morrow office has always been very courteous, friendly, & responsive.”
- “New info and forms should be more readily available on the web. Info is present but sometimes difficult to obtain.”
- “The Savannah District is much better than other districts in response time to letters and especially to phone calls. Kudos!! Al-

ways responsive to questions before and during the application process.”

- “Very satisfied with prof. interactions with Sav. Dist esp. with (Corps employee) also (Corps employee).”
- “I thought that (Corps employees) were very professional and fair to me with my dock expansion request in spite of my neighbors strong opposition. The approval process was a little slow probably because the Corps won’t provide an adequate staff.”
- “The permitting process was handled through our engineers. I thought it was slow.”
- “Jurisdictional calls need to be more consistent from site to site. Calls on borrow pits need to be more consistent.”
- “This particular application was processed very quickly and we appreciate it.”
- “(Corps employee did a great job! I feel that you could do better with more personnel to relieve case overload on current staff. But I understand budget restraints.”
- “A prompt action on the receipt of request should be done to inform the applicant that the request has been received and a Corps rep. has been assigned your case. A response in two weeks instead of 4 weeks will be greatly appreciated.”
- “Spend more time on enforcement and compliance.”
- “Sometimes people do not return my calls. The Corps needs to develop a better compliance/enforcement program. I see people getting away with all kinds of stuff!”
- “Thank you for making the process more transparent & inviting us to give our input!”
- “Please re-emphasize the importance of returning phone calls & email.”
- “more people; better trained employees; some issues handled very well – response time sometimes a problem.”
- “Timely responsiveness in the North Area Office, Savannah District is problematic. An evaluation of this problem is recommended, followed by corrective action.”
- “Regulatory Program focused too heavy on ‘we are in charge’ procedures. Fails to use common sense and too often (punishes) catches the very people trying to do it right.”
- “Hire more staff in order to decrease the review time. The Bank’s interest meter is always running!!”
- “(1) I believe one pitfall is that when a letter is issued for permit (etc.) even though we did all of the upfront and throughout the process coordination, we don’t get copied on the approval letter. We have ask the client for a copy for the files. This has happened 3-4 times lately. (2) We have also gotten wrong answers a few times & had to press the issues with backup from the Fed. Register; (3) Some of the reasoning for their interpretation wasn’t consistent either but we did come to some understanding and as long as we know what they want we can provide it.”
- “The only issue we saw in our experience is that the staff has too much work load. They are constantly having to prioritize and you never know where your application falls in the list.”
- “We need enforcement to be a priority in the SW corner of Ga. Applicants who follow the process are ‘penalized’ with time & cost where others proceed without ACOE involvement.”
- “The turn around time for simple jurisdictional determinations should not take so long. When a consultant has proven to be accurate in the past, I think a desk-top determination should suffice.”
- “Section 106 review is sometimes conducted in a very unprofessional manner.”
- “I feel that the Corps staff works very hard but is understaffed to handle all aspects of the program.”
- “North area section, with a few exceptions (Corps employee); employees are essentially non-responsive to phone calls or inquiries. Need more employees in North Area section. North Area section has a severe lack of scientific knowledge concerning streams & wetlands. Need more field verifications of WL & streams even for PCN’s.”
- “Rotating staff – problem; inconsistent project mgrs; failure to meet deadlines that were established by USACE project mgrs. Failure to return phone calls.”

- “Low water levels are concerns to us all. We are always happy to see full pool. But when we applied for our permit water levels were low and we had the opportunity to excavate silt material.”
- “The individual who handled our case file had more going on than he could handle. I would suggest hiring additional staff.”
- “North Area Section has many, many problems that should be resolved including excessive timeframes, inconsistency, unresponsiveness and general lack of knowledge. Southern Section (Savannah) generally much better.”
- “I believe that some staff are incapable of being productive and/or making competent decisions. Other staff do an excellent job. In my opinion North Area Section is tremendously understaffed to perform their required duties.”
- “Do not return calls. Inconsistent interpretations (especially regarding storm water detention facilities). NWP applications often go past 45 days. Cannot get a JD verification without a permit application. No response to permit extension request.”
- “COE staff needs to understand COE rules.”
- “Took forever to receive call backs and even longer to receive the permit. I should have remembered and utilized the 45 day response time but due to the fact I am used to Savannah being extremely, I don’t think about it.”
- “I had already received a permit through DNR & then I got a letter from Corp of Engineers saying my permit from them was not valid. I was in the process of selling property & had to make repeated calls to get any action & they were not real nice about it at all. It took a long time to get it all worked out – I assume it did – I had already moved & three realtors were on it!”
- “Most staff rarely return phone calls/emails in a timely manner, if at all. Get rid of USACE archeologist. Redundant with Ga. Historic Preservation Division. Most other USACE districts have no archeologist. Morrow, Ga office, in most cases, appears adversarial and obstructionist in the permitting process, and more interested in protecting their rear-ends than in helping applicants. It is just as easy, or easier, to be nice, professional, helpful, and friendly, as it is to be adversarial. Corps comments in IP’s often reflect that they have not read the application. As a consultant who spends a large amount of time on preparing a thorough, detailed, complete application, it is very frustrating for a project manager to make comments or ask questions that are clearly addressed in the permit application document.”
- “Fed Ex’d survey plats to the attorney for Corps of Engineers in order to file a restrictive covenant on 120 acres. All the documents were originals and all were lost. We had to take the time and effort to fax and mail a second batch.”
- “I basically know nothing more about if the property was wetlands after I talked to (Corps employee) than I did before I talked to him. If he had just explained to me on the phone when I first talked to him on Aug. 21, that I would have to hire an environmental engineer to determine that I had wetlands, it would have saved me 2 months of phone calls and letters.”
- “Regulatory program was never explained to me by your regulatory specialist, (Corps employee) who did work out of the Morrow Georgia office.”
- “Transfer jurisdiction over wetlands out of the Army to a better managed and customer-friendly organization.”
- “I was denied a permit to dig a 1/2 acre pond on my property and never informed of any tax relief. Adjacent to my ‘wetlands’, a house and roads have been constructed. The soil and plant life looks the same, there is also standing water. Why was that permitted?”
- “Permitting takes too long - Corps doesn’t have enough review personnel. I think delay built into system to discourage development - not because it really takes that long to evaluate.”
- “(1) Improve communications; (2) Streamline application process; (3) simplify permit process.”
- “It is unconceivable that it was one and 1/2 (1 1/2) years for the state to issue a permit for a neighborhood floating dock and over a year for approval by the Corp of Engineers. I submitted all the re-

quired measurements and all other details when requested - ultimately I considered it harassment – I shared my frustrations and approval was finally given.”

- “Our individual 404 permit for a reservoir took almost 4 years for approval, and that was with congressional help. (Corps employee) was in charge of the process on our project for much of that period and his lack of organization and lack of follow-up were frequently a cause of frustration and delay. In general it seemed to me that the Corps personnel were out-gunned, from the standpoint of regulatory knowledge and zeal, by their counterparts at EPA and USFWS. The EPA and USFWS personnel that I dealt with are philosophically opposed to any new water reservoirs and they basically pushed the Corps aside and ruled the permitting process on our project. Had it not been for intervention by our Congressman, I doubt we would have gotten the EPA and USFWS to end their filibuster. The Corps could improve the 404 permitting process by hiring and promoting only qualified and trained personnel, and by removing the easy ways to bypass regulatory time limits for completion of permit decisions.”
- “Many Questions Can & Should Be Addressed to: (Corps employees).”
- “This request for authorization was handled quickly.”
- “The GA EPD UST Program has a ‘duty officer of the Day’ who responsively returns phone calls to provide general info for question from the public. Such a service @ the COE would be very helpful.”
- “Need written evidence on isolated wetlands. Greater consistency needed on sites requiring field visits. I know it is not an exact science and field conditions can vary however calls should be made regardless of who is submitting projects and who is the project manager. For the sake of fairness. Thank you for this session today and feedback.”
- “I did not apply for the permit myself. The dock builder applied for me.”
- “All USCOE contact was through Georgia DNR.”
- “The program should be adequately staffed to timely review and respond to all applications. Should be staffed to complete reviews and respond within 30 days. Congress should authorize staffing for all mandated programs.”
- “Please change the contact info in your system from (to whom this survey was sent) to me.”
- “I feel that your office/staff did a respectable job, considering the scope of duties & other responsibilities.”
- “Very efficient.”
- “I am fully retired. Please drop me from your mailing list. Thank you.”
- “(Corps employee) was our 3rd project manager during the authorization/permit process for this bank. I believe without her managing/facilitating this project - it may not have happened. It was a high profile mitigation bank with multi-agency and organization coordination. We appreciated her positive attitude and management style in coordinating with us and other agencies and to meet everyone’s deadlines.”
- “[Consultant] did the work and made contract with you for the owners. See Letter to me from the Corps dated 5/10/04 and project [number]. Since I didn’t deal with you directly, I hesitate to answer your questions. Overall, I’d give you an A+. The only problem was with this form and the approved and expiration dates, along with the OMB shown on the other page. I thought this applied to our ... and called (Corps employee) who looked into it & called me back & promptly.”

#### Seattle

6 survey responses reported.

Rating of 1: 2 (33%)  
 Rating of 2: 0 (0%)  
 Rating of 3: 1 (17%)

Rating of 4: 0 (0%)  
 Rating of 5: 3 (50%)  
 Rating of N/A: 0 (0%)

- “The regulatory program is making decisions based on non-existent or uncompleted studies.”
- “Non-responsive to[]application submitted on 05/25/05.”
- “(Corps employee) is very competent, but slow in processing documentation and returning phone calls or email.”
- “Seemed to be a mountain of paper to wade through but I understand.”

#### **St. Louis**

14 survey responses reported.

Rating of 1: 0 (0%)  
 Rating of 2: 0 (0%)  
 Rating of 3: 0 (0%)  
 Rating of 4: 2 (14%)  
 Rating of 5: 10 (71%)  
 Rating of N/A: 2 (14%)

- “Earlier notification of required archeological survey.”
- “Keep doing what you are doing. I have always found (Corps employees) to be very fair and forthright in addressing DA permit requirements on difficult improvement projects.”
- “Developers need quick turnaround time—2 months max.”
- “We had a very positive experience with the Corps. The MO Dept of Natural Resources held all of us up for months: they “lost” our application! With (Corps employee’s) assistance, we were able to remedy the process.”
- “Both (Corps employees) were very pleasant and professional with their assistance and information to aid in this permit process. (Corps employee) worked personally with me, providing information to help complete this application. (Corps employee) was either available when I called or promptly returned by calls when I had any questions or needed help. It has been a pleasure to deal with everyone in your St. Louis District of the Regulatory Branch. Keep up the good work.”
- “Everyone was most helpful and polite.”
- “Let the Corps do their job and limit the other agencies’ control over river issues. The Corps has done a great job the last 50 years. Let them continue.”
- “(Corps employees) were very helpful, fair and professional. They are a credit to your staff and their profession.”

#### **St. Paul**

Reported that it has no surveys.  
 N/A.

#### **Tulsa**

Reported that it has no surveys.

N/A.

#### **Vicksburg**

2 survey responses reported.

Rating of 1: 0 (0%)  
 Rating of 2: 0 (0%)  
 Rating of 3: 0 (0%)  
 Rating of 4: 1 (50%)  
 Rating of 5: 1 (50%)  
 Rating of N/A: 0 (0%)

No comments.

#### **Walla Walla**

12 survey responses reported.

Rating of 1: 0 (0%)  
 Rating of 2: 0 (0%)  
 Rating of 3: 0 (0%)  
 Rating of 4: 3 (25%)  
 Rating of 5: 9 (75%)  
 Rating of N/A: 0 (0%)

- “I was glad that (Corps employee) took the time to meet with [applicant] to do a site visit.”
- “I have had a great working relationship with the Corp.”
- “I was sure surprised with all the help I got from (Corps employee).”
- “(Corps employee) is a valuable asset to the Corps.”
- “I was impressed and very pleased with how quickly (Corps employee) handled the work.”
- (Corps employee) is great to work with. I wish that all agencies were as helpful.”

#### **Wilmington**

489 survey responses reported.

Rating of 1: 4 (1%)  
 Rating of 2: 5 (1%)  
 Rating of 3: 17 (3%)  
 Rating of 4: 131 (27%)  
 Rating of 5: 326 (67%)  
 Rating of N/A: 6 (1%)

- “Excellent – very professional.”
- “Recommend changes to wetland 0.1 acre requirement especially for pipeline projects. Requirement governs limits regardless of project (i.e. 0.1 acre requirement whether project is 100,000 feet or 5,000 feet).”
- “Should be regulated by federal government without state involvement.”
- “Exceptionally responsible, reasonable and professional response.”
- “Very professional and timely response.”
- “Would like to talk with someone.”
- “Both (Corps employees) were extremely helpful, and expeditious in their written and telephone responses to my needs and requests. The responses I have received from the USACE have been satisfactory or better.”
- “[Consultant] worked with the Corps to obtain necessary permits on our behalf. I had no direct contact with anyone from your agency.”
- “(Corps employee) was very prompt on all questions and very helpful. It has been a pleasure working with him.”
- “Need a condensed, concise policy letter explaining mitigation requirements, acreage thresholds, isolated wetlands, etc. Update the Wilmington District Web site. The Charleston District has an outstanding Web site—user friendly with good information.”
- “Everything is fine.”
- “Professional and timely responses were received.”
- “ACOE is lacking the necessary staff in most offices to do the amount of work being requested by applicants and consultants.”
- “Keep up the good work! Responsive, professional, helpful under pressure.”
- “The program is needed, and the Raleigh District is fair and professional.”
- “I have been very satisfied working with (Corps employee). Communication is the key. We continuously discuss projects to ensure that schedules and commitments are followed through. (Corps employee)’s knowledge of the regulations leaves little for

interpretation. My maintenance crews have commented positively of (Corps employee) but less positively of the regulations.”

- “Question III.5. was given a 3 overall mainly due to past problems with responsiveness in the Wilmington Office. Raleigh, Asheville, and Washington have always been fairly responsive. However, I want to note that staff changes/reassignments in Wilmington have resulted in much better response time in the last 6-8 months. I hope that will continue.”
- “My wife and I found the Corps familiar with the subject property in telephone conversations, and I found email correspondence very productive in the permitting process. Thanks, for a smooth job.”
- “Too anti-development in locations where problems seem minimal and regulations seem overly burdensome.”
- “Need a Programmatic General permit that will cover most pope replacement work performed by NCDOT on secondary construction (grading, draining, improvements and paving) projects.”
- “Overall, and with very few exceptions, I have found the Wilmington Reg. Office to be as knowledgeable, consistent, and professional as any regulatory agency I’ve dealt with. Thanks very much!”
- “A wetland determination was not done on the complete tract on land. There is 35.71 acres on that tract of land. I don’t feel that all of the land is wetland. My grandparents did farm on that land years ago.”
- “TVA & Corps of Engineers work well together.”
- “Well satisfied process was expedient – well managed.”
- “The process was handled with excellent cooperation and efficiency as far as I was concerned.”
- “We appreciate the professionalism demonstrated by (Corps employee) and his promptness.”
- “(Corps employee) responded to all correspondence in a highly proficient and timely manner.”
- “Keep up the good works.”
- “(Corps employee) has been more than helpful in my efforts to build. He has acted promptly and professionally in dealing with the wetlands issue. I do wish other governing bodies involved could be as accommodating as (Corps employee).”
- “I have dealt with (Corps employee) on several projects. He is organized, very knowledgeable, and informative about project work. I enjoy working with (Corps employee) because he explains the COE view of impacts and explains permit requirements.”
- “(Corps employee) was very nice and very helpful with my project.”
- “Generally our relationship and responses have been very good – over the most recent few years. (Corps employee) is very good to work with. Our most often concern/complaint is the amount of the (delay) to be able to get him to as site – but we also understand that he covers a large area and is only one person. More like him would be great.”
- “Too many regulation on about everything. My freedom to do with my property is no more allowed, so I have to accept and do as I learn what regulations are. I was informed in a very nice way.”
- “(Corps employee) has stepped into the Wilmington office and ensured a smooth transition in personnel. His willingness to answer questions and coordinate efforts with DCM makes the difficult regulatory task bearable. (Corps employee) maintains a door of open communication that is to be commended.”
- “I need more land to pump hog waste on because of too much copper and zinc. Because of redoing a lagoon it took off 12 acres of land. I need to clear 20 acres of land to put me back where I need to be to grow the same amount of hogs. I need all the help I can get from you.”
- “Very cooperative and helpful with application process.”
- “More personnel, in position like (Corps employee)’s would expedite the procedure! (Corps employee) was wonderful, helpful, good at explaining and clarifying the process and thorough. He’s worth waiting for. But if there are three times as many of him our only complaint is the length of time the process took, because of the workload on limited personnel members.”

- “Very thorough and knowledgeable.”
- “Information needs to complete our application are either available on the web and where questions/concerns occur. District personnel have responded in a timely and professional manner.”
- “All personnel were professional.”
- “Better line of communication with quicker responses without having to use private enterprises to consult.”
- “This was sent to lot owner – but the contractor who did our shoreline work is: [contractor].”
- “(Corps employee) – You did an outstanding job with this situation. Thank you.”
- “Regulatory Program is completely justified. It serves the purpose to protect wetlands and all the benefits of wetlands. Wetlands must be protected.”
- “I would request that the firm submitting the application for the applicant receive a copy of the correspondence/permit for the project. I would like to note that (Corps employee) is very efficient and processes permits in a timely manner.”
- “(Corps employee) has always provided prompt and courteous service to personnel in [applicant] Division. He is an excellent public servant.”
- “Yes – We need regular, quarterly meetings with the regulatory agencies (Corps, DWQ, & DCM) to discuss policy/process improvements. The resource agencies (WRC, FWS, etc.) need to come to only a few of these meetings.”
- “The process was smooth and (Corps employee) was very responsive. Thank You!”
- “(Corps employee), I want to thank you for your sending (another Corps employee) to the property. He was very professional, did an excellent job, and was very helpful. I consider him an excellent young man and I hope the Corps will assign him to Carteret County. We need a man of his integrity.”
- “(Corps employee) was most helpful while we went through the process of wetland determination and filling out the appropriate permit. We greatly appreciate her time and knowledge in regards to our situation.”
- “I feel the Corps do an outstanding job. I have worked with the Wilmington Office in the past on a personal level – very professional – Thanks.”
- “Wetlands need to be protected. They serve many beneficial purposes.”
- “The process worked as designed.”
- “Keep up the good work. (Corps employee) has always been timely, professional and definitive with guidance regarding permitting issues/questions.”
- “(Corps employee) was an invaluable asset. He assisted with the process from start to finish. He intervened on our behalf while dealing with a difficult engineering firm. Excellent job.”
- “Work on taking jurisdiction over isolated wetlands and include stream and wetland buffers/transition zones as impacts – like NJ’s program.”
- “Repost email addresses on Web site to expedite communications.”
- “(Corps employee) did an excellent and very professional job.”
- “Website is greatly improved in recent years. (Corps employees) are both excellent to work with, very helpful and responsive.”
- “(Corps employee) needs more help! It takes a considerable amount of time to get him out in the field for a JD.”
- “I wanted to clear for pasture land about 10 acres of cut over woods land. I called soil and water in Onslow Co., to meet me to show them what I’d like to do – no one called. I received a letter telling me what I could clear. I’ve called back three times and can’t get anyone to talk to me. If you’ll call and leave me a number on my message line, I’ll call you back. Please Call.”
- “Please stop taking our land.”
- “The area marked “wet” was so small and should have been exempt due to how little (about 30x20 or smaller?). The actual impact of this area is so insignificant that getting a permit will be certain and so why could (Corps employee) not be given authority on the spot to “ok” filling this tiny area?”

- “If you would highlight questions to be answered for individual project, it would be easier on the applicant! Trying to figure out what was being asked was not always easy for a lay person. P.S. Love the results!!”
- “Too much discretion given to individuals – verbally told one thing and documented something else. Process too long and redundant. Received permit after excessive jumping through hoops and not given enough time to get state and local permits. Forced to start over to what appears to be worse than the first time. System totally unfair in my mind! I have never been through any process like this and am totally disillusioned. I, to my knowledge, have done everything by the book and get shot down over and over. Contrary to advice given by many others I thought that playing by the rules was the proper and right thing to do. To my knowledge no one has ever said the project is not permissible. Just seems that I am being taught a lesson by doing things the right way. The wetlands on my project are not of a significant nature. Was informed by the local Corp field rep that buying into the mitigation project is not possible. I have been informed by others that it is. I have contracted with [contractor]...”
- “Figure out a way to reduce interactions and site visits.”
- “Incredibly slow process.”
- “Can I build a riprap wall or retaining wall on the shoreline high water mark?”
- “All of my dealings with (Corps employee) have been very prompt, responsive and professional. He is an asset to your organization.”
- “Very good service.”
- “(Corps employee) has always been professional and very fair with us. I believe that he is an asset to the COE and we are happy to have him as our rep.”
- “To whether or not 401 certification and a CAMA CD are required for each of the Nationwide/General Permits.”
- “Why not require all lot owners to riprap the shore? With all the boating this shoreline is gradually eroding into the lake along with trees, etc! At least require new construction on upgrades?”
- “I deal with the Corps on a day to day basis. Electronic PCN Submission would save time and materials.”
- “All of the folks in your Asheville Office are remarkable and I cannot commend them highly enough for their service – unless you had numbers above 5.”
- “I thought both (Corps employee) were very polite. It took longer to get info than I thought, however. I know they are very busy.”
- “(Corps employee) was very helpful and quick to respond to situation.”
- “(Corps employee) provide to us the information requested in a timely manner.”
- “(Corps employee) was very professional and helpful.”
- “You need more help!”
- “(Corps employee) was most pleasant and helpful! Amount of time to receive a response was hampered by needing input from another agency, I’m sure. Alotta cooks, alotta broth!”
- “Need more Regulatory Officials – takes 1-2 months to schedule site visits and meetings because current officials are too busy.”
- “They need to speed up to a slow walk.”
- “Some difficulty contacting and meeting with personnel due to scheduling.”
- “Sharp employee. Local and state officials have little or no information on my topic – permission/requirements on pond construction. Educate them, please.”
- “Extremely helpful.”
- “Consider additional staff to improve 6-8 week waiting period for site visits.”
- “(Corps employee) was able to go out to our site and delineate the wetlands in a very timely manner. Thanks.”
- “Most of them on one project or another. If you agree verbally to something then stick with that decision.”
- “Very helpful in telling us what to do and in what order.”
- “Excellent responses and help.”
- “As always, I appreciate the staff’s assistance and willingness to discuss the project and alternatives.”
- “(Corps employee) is an approachable person. She enforces your policies consistently. She’s a nice lady. Clone her. P.S. – She makes every effort to be available for consultation.”
- “It was a pleasure dealing with (Corps employee) of you office. He was courteous, competent and extremely knowledgeable. He represented the Corps of Engineers in a truly professional manner.”
- “Regulatory staff are understaffed. The time it takes to schedule, view, and return JD notifications is very long. Paperwork from the Corps has been difficult to get.”
- “W/except. of bklog (minr delays to sch. site vts, get writ. Corres, etc), I cont. to apprec the cnsstnt & predictable hndlng pmt apps from ofc to ofc (much more cnsstnt than Norfolk). Imprvmnt wld be reduce the shftng of respons. in Ral Ofc.”
- “The process was efficient and timely (Corps employee) was helpful, informative, and courteous a special thanks for his assistance in this matter.”
- “(Corps employee) is consistently fair and thorough when evaluating our [] permit requests.”
- “(Corps employee) is very helpful and a pleasure to work with.”
- “Keep up the good work!”
- “Provide information in a timely manner. Corp visited the site on 3/31/05 but did not provide notification of jurisdiction determination (no wetland) until 5/3/05! This has a lot to do with why people do what they want and don’t mess with you.”
- “I have found that working through my Division 6 Environmental Engineer, (Corps employee), that issues are resolved in advance or very quickly.”
- “I feel the COE was very helpful and I appreciate everyone involved working towards the same goal.”
- “I had a man made pond which I wanted to fill. I called your ofc & was told by the person in charge that he was too busy to see the property & I could go to a private ofc or wait 9 mos. The office recommended charges \$3500. I thought that was excessive.”
- “I much prefer working with USAD-Wilmington than NCDENR.”
- “(Corps employee) was great to work with, sounds like she could use an assistant. She is very busy.”
- “JD Review time is OK as long as we can schedule site visits before the work is completed. Corps staff is one of the most professional regulatory agency we work with.”
- “Excellent response/contact-always helpful with ‘how’ to go through process. Too restrictive here in piedmont; small, isolated wetlands frequently a result of ‘low’ spot on an old farm road and serve no useful purpose.”
- “The regulations are tough on the mining industry. However, the Corps staff personnel have been very helpful in dealing with our issues.”
- “(Corps employee) was exceptionally cordial, professional and quick with answers. I have worked with many agencies over the years and she is as competent as anyone I have worked with.”
- “We have worked with (Corps employee) several times on various projects. He is very professional and is an excellent public servant and good regulator.”
- “(Corps employee) was very helpful thanks.”
- “(Corps employee) as a pleasure to work with. She took the time to explain what she was looking for.”
- “(Corps employee) is great to work with and is very knowledgeable. Please keep her in the Asheville office.”
- “I feel the program is well run, responses are prompt and detailed, and the contacts in the office are knowledgeable and helpful.”
- “Develop a contact page on the website that is same for all districts by department.”
- “Used permits 4-u to complete paperwork.”
- “(Corps employee) is fair and reasonable to work/deal with.”
- “(Corps employee) has been in the past and continues to be re-

sponsive to our needs as a consultant. He is very professional, well versed in his area of expertise and a pleasure to work with.”

- “Where is the enforcement program? It seems that there is very little Corps/Federal enforcement in western North Carolina (Charlotte and westward) of unauthorized activities. It is hard as a consultant to tell developers what they are and are not allowed to do when the guy down the road is completely ignoring the 404-401 program. Why hasn’t North Carolina been able to announce a \$550000 fine like the recently announced Corps violation against the Mungo Co. in Columbia SC?”
- “The actual inspection and delineation of the wetlands on the property were first rate and the inspector was knowledgeable, friendly, and helpful. We had about a 6 week waiting time though for an inspection that took 30 minutes. Perhaps that was what the work load demanded but 3 to 4 weeks would have been much more helpful.”
- “Keep (Corps employee) – He is a great employee.”
- “(Corps employee) was very professional and informative. He answered all my questions. He explain what he was doing and why. If I have any other dealing with the Corps, I am sure that I will be treated with respect and courtesy. Judging by (Corps employee) representation of USACE.”
- “It is very difficult to understand why a mosquito breeding stagnant mud hole cannot be filled in with soil and grass making it clean and beautiful.”
- “The only reason agent slow to respond is due to overloaded. Agent very pleased with this office. Thank you.”
- “This property was said to be Wet Land which was caused by the Hurricane three years ago. There were lots of wash out all over the state of NC. I am only applying for a permit to replace the sand that washed out from the Hurricane. Every one makes repairs from Hurricane damage why can’t I with sand. This property has been in the [ ] Family for over 100 years and the taxes have always been paid. There are new homes on each side same distance from water and the same type of soil.”
- “Everyone in this office has been very professional and courtesy to our needs. We enjoy working with this office and staff.”
- “Had a very favorable experience with (Corps employee). He handled this case very promptly and timely and made it very clear what he needed. He returned all calls quickly. I appreciate his help with our matter. Also worked with (Corps employee) and had a great experience with her as well.”
- “We had made an appt. with (Corps employee) and he was due to come to my lots in a 3-wk period. He left. (Another Corps employee) was hired and then wasn’t able to respond for approx. 4 weeks due to timing. Once (Corps employee) was able to come all fell into place in a timely manner.”
- “(Corps employee) was highly professional. We were impressed with his knowledge, willingness to explain determination criteria, and quick response to phone calls and completion of report. A credit to your organization.”
- “Excellent to work with; honestly believe he helped us through this as fast as possible. Proves you can be a nice guy and an effective regulator at the same time. Still just have a tough time swallowing extent to which the wet waters of US jurisdiction is being claimed by Corps.”
- “Both were top notch!”
- “(Corps employee) always takes a fair and even minded regulatory approach. We are highly satisfied with his service and feel that he is an asset to the COE and the State of North Carolina.”
- “The Corps should continue efforts to develop a certified wetland delineator program. Valuable time could be saved by allowing Corps reps. to make/sign JDs from an office review or a cert delineators submittal rather than requiring a site review every time.”
- “My original request was misplaced possibly by the post office, but once (Corps employee) received the documents, she worked my request into her schedule quickly and kept me informed at each step of the process.”

- “But spoke to Asheville, NC Office, (Corps employee), she was great. Pleasant and productive.”
- “Very pleased with the information and the guidance on the project and permit.”
- “(Corps employee) is level headed, approachable and fair person. She’s very attentive.”
- “Wetland regs are very tough on money mining ops in eastern NC. Stone reserves. are almost depleted since pit expansion is difficult when surrounded by wetlands. There is no easy answer. Mining is not perm. Old pits become nice lakes for water supplier or well or creating new wetlands.”
- “I believe the field offices are understaffed based on my past exp. & the current amount of devel. 15 yrs and USACE response was quicker in the Asheville Office. Also who covers employees called up for hurricane duty?”
- “Raleigh Regulatory field office seems to have staff shortage that has resulted in excessive response times in recent past.”
- “We appreciate the valuable insight offered by (Corps employee).”
- “(Corps employee) was very professional and gave out great information.”
- “Continue to hire personnel with the same demeanor as (Corps employee).”
- “I think the Corps had to spend a lot of time to approve this one residential home. If this much time is needed for each request then the Corps is under staffed big time.”
- “This was a smooth process. Thank you.”
- “I just wanted to note how appreciative I am of the efforts of the USACE. (Corps employee) was the contact person for this project but had been assigned to emergency duty as a result of Hurricane Katrina. I was concerned that the permit might get hung up but that was not the case at all. (Corps employee) processed the permit on (Corps employee)’s behalf and there were no glitches at all. I appreciate that you all pull together and work collectively even during difficult times [i.e. Katrina]. Thank you.”
- “Our Site at [location] was delineated by [contractor] on 5/26/05. No wetlands found on site. We were notified 7/15/05 by [town] that we must have a Jurisdictional Determination Letter before our building permit could be released. Notified [contractor] according to [contractor] site visits would not be a problem delineation and photos were sent to the Corps by our professional environmental consultant [name]. (Corps employee) has responded to our calls where others have not been as responsive. The Corps did not complete a site visit until 9/21/05 with JD dated 9/25/05. This process took 4 mo. from the initial delineation which is an extremely lengthy turnaround. Other JD’s have been taking less time. We were told that the Corps gives site visits to Env. Consultants as a priority over without over-burdening the Corps. This agency seems under-staffed if this is typical duration for site visits.”
- “Quickest permit turn around yet. Very timely.”
- “It might be helpful to offer some kind of program to help applicants become more educated as to which course to take towards project approvals. I’m referring mainly to mitigation options but also to options on avoiding impacting as well. Maybe seminars for surveyors engineers landscape architects soil scientists. I got my best advice from the Corps. I think I have received poor advice from private consultants.”
- “(Corps employee) of the Raleigh Office has been a great resource and is an asset to your organization. There was a 6-8 week delay in his site visits but I understand from him that the delays are from his office being under-staffed. We got out permits promptly as we have in the past whenever we deal with (Corps employee). He understands the regulations thoroughly. The voice mailboxes of most of the Regulations in Raleigh stay full continuously making it near impossible to leave someone a message.”
- “We have worked with (Corps employee) several times on various projects. He is very professional & is an excellent public servant & good regulator.”
- “Why do some people have to get permits and other don’t is this fair?”

- “(Corps employee) has been great to work with. Very informative.”
- “Wilmington District Corps of Engineers points-of-contact provided us outstanding responsiveness partnership and technical assistance. They performed as true professional.”
- “Everything went well except the time it took to visit the site and make a determination. 90 + days of waiting is definitely not acceptable.”
- “The chief of the Raleigh Regulatory Office should be able to sign minor modifications without having to send to Wilmington.”
- “Both (Corps employees) were great! Helpful! Courteous! Knowledgeable!
- “(Corps employee) has been very responsive and reasonable to deal with on those projects we have requested permits for. The same cannot be said for the representative which was in that position prior to his arrival. Thank you for the improvement.”
- “Very helpful.”
- “(Corps employee) was helpful in providing all info I needed and expedited processing of my permit. He also returned my calls in a reasonable time and was courteous.”
- “The willingness of Corps Regulatory officials to meet with the project design team regularly during the design development process was invaluable. As a result of Corps recommendations impacts were minimized and incorporated into the design early in the process.”
- “We experienced no difficulties with your agency. We did experience delays for NCDENR/Mitchell County appreciates your help doing the permitting process to repair flood damage. Also (Corps employee) was very helpful during the time I worked in McDowell County.”
- “Be correct in your determinations. Know your rules prior to telling your customers.”