



LETTERS OF PERMISSION

Call with USACE Regulatory staff, January 26, 2026 @ 3:00PM

Attendees:

- Linda Knoeck, USACE Senior Project Manager, Jacksonville District, Palm Beach Gardens office
- Joe Chaison, JID Executive Director
- Ken Craig, Taylor Engineering Senior Vice President
- Noah Adams, Taylor Engineering Senior Scientist

Requirements to Qualify for LOP	Risk Outlook			
	Probable	Possible	Challenging	Not Probable
Less than 50,000 cy	X			
Placement above MHW		X		
Public Notice	X			
ESA, EFH, cultural resource coordination/consultation		X		
State FDEP Permit In-hand			X	
Independent Utility			X	
Activity considered minor			X	
Minimal individual and cumulative environmental impacts			X	
Does not warrant extensive environmental documentation			X	
Does not alter sediment transport patterns				X
Lack of opposition		X		
EA or EIS required?			X	
Avoid wetland impacts	X			
Avoid SAV impacts	X			
Avoid hardbottom impacts		X		

Probable = easily addressed
 Possible = likely achievable with additional work
 Challenging = not impossible but requires strong arguments in favor and/or significant time
 Not Probable = will require concessions by USACE to achieve

Key Takeaways

- Letters of Permission are type/subset of Individual Permits, and are Activity based. This work would be subject to Section 10 of the Rivers and Harbors Act, and potentially Section 404 of the Clean Water Act.
- LOP's are excluded from NEPA requirements (only when the activity will have negligible environmental effects and there is a lack of opposition).
- For our work to qualify for an LOP, it would have to be less than 50,000 cy and we would not be able to place the material below MHW.

- The level of potential impacts and public interest could also bump us out of the LOP. This would be determined by the Corps' District Engineer
- LOPs still must be noticed, and still require ESA, EFH, Cultural, etc. coordination.
- Some LOPs take years to be issued
- We will still need to get State FDEP Authorizations / Permits and consultations, and we will need to have the State permits in-hand before the Corps will issue.
- LOPs are 5-year authorizations
- Corps (not us) determine whether the application qualifies for LOP or Standard Individual permit.
- A navigation channel would be challenging to add to our sand trap permit as a Modification, due to the Independent Utility of the two activities.

Letter of Permission Use Justification

Jupiter Inlet Dredging

Legal Requirements for Federal Authorization Under a Letter of Permission (LOP)

The U.S. Army Corps of Engineers (USACE) may authorize activities under a Letter of Permission (LOP) pursuant to 33 Code of Federal Regulations (C.F.R.) § 325.2(e). An LOP is a subset of an Individual Permit and is activity-based in nature. USACE issues an LOP through an abbreviated review process when

- 1) the proposed activity is minor,
- 2) would result in no more than minimal individual and cumulative environmental impacts,
- 3) and does not warrant full public notice or extensive environmental documentation.

The District Engineer retains sole discretion to determine whether a proposed activity qualifies for LOP processing.

For inlet dredging subject to Section 10 of the Rivers and Harbors Act (33 C.F.R. Part 322), USACE evaluates whether the activity alters the course, condition, or capacity of navigable waters. While certain dredging activities may be processed under Section 10 alone, any discharge of dredged material into waters of the United States may also trigger Section 404 of the Clean Water Act (33 C.F.R. Part 323) and compliance with the Section 404(b)(1) Guidelines (40 C.F.R. Part 230).

USACE may rely on categorical exclusions under the National Environmental Policy Act (NEPA) where the activity will have negligible environmental effects and there is a lack of opposition. However, if preparation of an Environmental Assessment (EA) or Environmental Impact Statement (EIS) becomes necessary, the project no longer qualifies for LOP processing and must proceed as a Standard Individual Permit under 33 C.F.R. §§ 325.1–325.4.

Based on Jacksonville District practice, dredging eligible for LOP processing generally must not exceed 50,000 cubic yards and dredged material may not be placed below Mean High Water (MHW). In-water placement or beach nourishment placement below MHW would disqualify a project from LOP eligibility.

LOPs remain subject to public interest review under 33 C.F.R. Part 320 and require coordination under the Endangered Species Act (ESA), Essential Fish Habitat (EFH) provisions, and Section 106 of the National Historic Preservation Act (NHPA).

LOPs are typically issued for a term of five years. Some LOPs may require extended review and can take multiple years to issue depending on coordination requirements.

Federal authorization cannot be issued without prior state concurrence. Under 33 C.F.R. § 325.2(b)(1)(ii), USACE must obtain a Section 401 Water Quality Certification (WQC) from the Florida Department of Environmental Protection (FDEP). Additionally, consistency with the Florida Coastal Management Program must be confirmed under the Coastal Zone Management Act (16 U.S.C. § 1456; 15 C.F.R. Part 930). USACE requires state permits to be issued prior to Corps issuance of an LOP.

Projects Eligible for Authorization Under an LOP

Projects eligible for LOP authorization typically include maintenance dredging within an existing authorized footprint that does not deepen or widen the channel beyond approved dimensions and involves upland disposal of material. Minor new dredging under 50,000 cubic yards that does not impact wetlands, submerged aquatic vegetation, or hardbottom resources and does not alter sediment transport patterns may also qualify.

Additional eligible activities include minor modifications to existing permits that do not exceed approximately ten percent of the authorized footprint, small-scale shoreline stabilization, minor structural repairs, utility crossings with minimal impacts, and ecological restoration projects that provide net environmental benefit.

Projects Not Eligible for Authorization Under an LOP

Projects that exceed minimal impact thresholds or require detailed alternatives analysis are not eligible for LOP authorization.

New navigation channels, channel realignments, projects with independent utility from previously authorized activities, and activities that create new dredging footprints in navigable waters require evaluation under the Standard Individual Permit process.

A navigation channel cannot typically be added as a modification to an existing sand trap authorization where the two activities possess independent utility. The Corps evaluates independent utility in determining whether a modification is appropriate or whether a separate permit is required.

Projects that require formal ESA consultation, EFH consultation, Section 106 coordination, substantial public interest review, or significant state-level review are also not appropriate for LOP processing. The District Engineer retains discretion to elevate any application to a Standard Individual Permit if the project presents greater than minimal impacts or anticipated opposition.