Approval Process
(120 days)

ACRONYMS:
- U.S. Army Corps of Engineers (COE)
- U.S. Fish and Wildlife Service (FWS)
- National Marine Fisheries Service
- (NMFS) Regional Administrator (RA)
- Federal Register (FR)

Governor/Tribe submits assumption request package

30 DAYS EPA reviews package

NOTIFY STATE/TRIBE

Package complete?

NO

YES

NOTIFY STATE/TRIBE

Start 120 day clock for approval process

120 day clock starts when package received

EPA review

EPA Consults with tribes as appropriate (EO 13175)

10 DAYS Package sent to COE, FWS and NMFS

90 DAYS COE, FWS, NMFS shall provide comments to EPA

EPA responds directly to comments

EPA publishes notice of application published in federal newspaper and newspapers
- Comment period at least 45 DAYS
- Public hearing held 30+ days after federal register notice

State/Tribe and EPA may extend the review period

EPA responds directly to comments

Public comments submitted:
- In writing
- FR notice
- At public hearings

(EPA response in final FR)

EPA Decision

RA decision with Concurrence of AA's of OGC, OW & OECA

DENIED

EPA NOTIFIES STATE/TRIBE

APPROVED

EPA NOTIFIES STATE/TRIBE

RA issues public notice of program approved in FR. State/Tribe program now in effect

COE continues to administer 404 program in non-assumed waters

State/Tribe administers 404 program in assumed waters