



Which federal reviews run before ground breaks in Puerto Rico?

Three federal reviews: water, species, history. Triggers, clocks, and the paper each one leaves. Verified 6 September 2026.

W WATER — the Corps of Engineers permit

- ☐ Except for the discharges § 323.4 exempts, dredged or fill material going into waters of the United States requires a Department of the Army permit. 33 CFR 323.3(a)
- ☐ Certain discharges are already permitted by regulation under part 330 — the nationwide permits. Others may be authorized by district or division engineers on a regional basis. 33 CFR 323.3(a)
- ☐ An individual permit issues after notice and opportunity for public hearings. Dated public file. 33 U.S.C. 1344(a)
- ☐ A general permit runs five years at most, and can be revoked or modified inside that window on a determination of adverse environmental impact, after opportunity for public hearing. 33 U.S.C. 1344(e)(2)

N NATIONWIDE PERMITS — the set in force

- ☐ 57 nationwide permits took effect 15 March 2026 and expire 15 March 2031. Anything citing the 2021 set is stale. FR doc 2026-00121
- ☐ They authorize on a nationwide basis “unless specifically limited.” Read the regional conditions in force for that district with the national text. 33 CFR 330.2(b); 33 CFR 330.4(e)
- ☐ Where preconstruction notification applies: the permittee may not proceed before the 45-day period expires unless the district engineer says otherwise, and may presume the project qualifies if no notice comes inside it. 33 CFR 330.1(e)(1)
- ☐ Write two dates on the job calendar: the date the district office received the notification, and the 45th calendar day. 33 CFR 330.1(e)(1)

S SPECIES — Section 7

- ☐ The duty is the federal agency's, for any action it authorizes, funds, or carries out. 16 U.S.C. 1536(a)(2)
- ☐ The agency must review its actions at the earliest possible time. Threshold: may affect listed species or critical habitat. 50 CFR 402.14(a)
- ☐ Once a may-affect determination is made, formal consultation is required, except as paragraph (b) allows. 50 CFR 402.14(a)
- ☐ The informal route closes on the written concurrence of the Director. Ask for it by date. 50 CFR 402.14(b)(1)
- ☐ Two roads to that concurrence: biological assessment under § 402.12, or informal consultation under § 402.13. 50 CFR 402.14(b)(1)



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continued

- ☐ The informal route has a clock: on a written request for concurrence, 60 days for the Service to concur or not concur, capped at 120 days total from receipt. The assessment route: 180 days to complete it, then 30 days for the Director's answer. 50 CFR 402.13(c)(2); 50 CFR 402.12(i), (j)

H HISTORY — Section 106

- ☐ The agency head must take the effect on historic properties into account before federal funds are approved or any license issues. 54 U.S.C. 306108
- ☐ The agency head must afford the Advisory Council a reasonable opportunity to comment. 54 U.S.C. 306108; 36 CFR 800.1(a)
- ☐ The process must be COMPLETE prior to the funds or the license. Complete, and prior to. 36 CFR 800.1(c)
- ☐ Identification is a reasonable and good faith effort. The rule's examples run from background research and consultation through oral history interviews to two kinds of on-the-ground investigation. 36 CFR 800.4(b)(1)
- ☐ Adverse effect includes INDIRECT alteration of setting and feeling. Work that stops at the edge can still reach the resource. 36 CFR 800.5(a)(1)

T THE RECORD — what to walk away with

- ☐ Every review produces a dated document. Get the date, not the summary. 36 CFR 800.1(c); 50 CFR 402.14(b)(1)
- ☐ The species concurrence date is the day the site was described. Date the visual record against it. reading — 50 CFR 402.14(b)(1)
- ☐ Setting is a question about surroundings, so capture the ground around the resource, not only the resource. reading — 36 CFR 800.5(a)(1)
- ☐ Capture the dated georeferenced visual record before the first machine moves. That deadline passes quietly. reading — 36 CFR 800.4(b)(1)
- ☐ Same frames, same schedule, additive file: a correction goes on top and both layers stay. reading — 36 CFR 800.4(b)(1)

Planning aid, not legal advice and not an authorization. The regulations and the permits cited here are the authority; this card points at them. Read against the sources on 6 September 2026. Confirm anything that decides a flight against the source itself before you fly.

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