USGC Section 9 Permit Process

**PROJECT SCREENING**

- Evaluate need for Section 9 Permit. Use USCG Jurisdiction Checklist
- Coordinate with USCG, SCDOT Environmental Management Office (EMO) and FHWA

- **Is the project over water?**
  - Yes
  - No

- **Does the project only involve work over an obviously non-navigable waterway?**
  - Yes
  - No

- **Does SCDOT and/or USCG otherwise determine Section 9 Permit is clearly not needed?**
  - No Permit Needed
  - No further Section 9 involvement needed. Summarize in Environmental Document.

- **Does SCDOT believe that a Section 9 Permit Exemption as per 23 USC 144(h) applies?**
  - Permit Needed
  - 144(h) Exemption Needed
  - No Permit Recommended

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**PRELIMINARY DESIGN**

- Proceed with Preliminary Design Phases. SCDOT conducts environmental & engineering studies and prepares draft environmental document
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- **Does the project involve only bridge rehabilitation?**
  - NO
  - YES

- If anticipated construction navigation restrictions apply, SCDOT consults with USCG on Permit conditions or authorizations
- Summarize in Environmental Document. Include USCG involvement or conditions, if any. Continue with normal design process.
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Does the project involve demolition of a historic bridge?

YES

Consult with USCG on determination of environmental document process, i.e., CE, EA, or EIS and lead agency status.

NO

Initiate Section 106 procedures for involvement with historic bridge

SCDOT consults with USCG on permit conditions or authorizations as needed

Summarize in Environmental Document. Include USCG involvement, conditions, etc., as needed

FEDERAL REVIEW AND APPROVAL

SCDOT submits request for 144(h) Exemption along with appropriate environmental support documentation to FHWA for review and determination

Does FHWA concur with SCDOT’s request for 144(h) Exemption?

YES

Section 9 Permit Needed

NO

FHWA submits 144(h) Exemption to USCG for 30 day review

Does USCG disagree with or otherwise respond to FHWA notification?

NO

YES

FHWA consults with USCG on projects involving EIS or EA’s as needed regarding NEPA classification, PI, Cooperating Agency status, etc.

FHWA applies 144(h) criteria & determine Exemption applies

Does FHWA concur with determination that a Section 9 Permit is needed?

YES

NO

SCDOT submits CE, EA, EIS that includes Section 9 permit summary data to FHWA

Does FHWA concur with SCDOT’s request for 144(h) Exemption?
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NOTES:
1. FHWA and USCG have agreed the USCG will accept the FHWA NEPA classification and Section 4(f) determinations as the acceptable level of documentation for historic bridges when applicable.
2. The FHWA and USCG have agreed the FHWA will determine the applicability of 23 USC 144(h) using the procedures of 23 CFR 650.805.
3. The FHWA and USCG will promote the use of joint public notices/hearings whenever possible and will identify additional streamlining process improvements, especially for early coordination.
5. Section 9 permit approval is contingent on receipt of a Section 401 Water Quality Certification from SCDHEC.
6. Section 9 process includes required USCG coordination and consultation.
7. USCG no longer is involved with Section 4(f) requirements.
8. Cross-links between Section 9 and the Section 106 process are highlighted by colored text.