REGULATORY SPECIALIST

Environmental Protection Specialist, GS-028-11

MAJOR DUTIES

Utilizes a general knowledge of natural, physical, and social sciences theories, practices, and methodologies, as they relate to the natural and human environment, to serve as a regulatory specialist with technical expertise to: (1) Evaluate Department of the Army (DA) permit application, compliance, and/or enforcement cases for activities in waters of the United States and/or navigable waters of the United States within the regulatory authority of the Clean Water Act, the Rivers and Harbors Act of 1899, and the Marine Protection, Research, and Sanctuaries Act; (2) Assist in the development of general permits (GP); (3) Assist in the development of procedures to implement directives from higher authority; and (4) Serve as a District representative on groups and task forces with missions of interest to the District and/or the regulatory program, and to complete assignments related to special regulatory initiatives directed toward effective, efficient, and consistent application of the regulatory program. The regulatory specialist facilitates the accomplishment of items (1) to (4) above, by coordinating the activities of subject matter specialists within or outside the District to produce a timely and quality product which meets the overall objectives of the regulatory program. The regulatory program is directed at ensuring that the physical, biological and chemical integrity of the nation's water resources are improved and enhanced and that regulated activities in these waters are in the best interest of the people, considering environmental, social, and economic concerns. At times, the regulatory specialist may be required to advise lower grade employees on the procedural aspects of the regulatory program, resolve differences (administrative and technical) among views and positions of other Federal and state agencies and private interests for finalizing certain regulatory actions, and represent the Corps as an expert witness in court cases on permit decisions and/or enforcement actions in which he/she was involved.

1. PERMIT PROCESSES: Personally conducts the evaluation of applications for permits, and the modification of permits, for activities or work in waters of the United States. Evaluations may require most or all of the following:

(a) providing advice to potential applicants/permittees concerning regulatory requirements, including jurisdiction, processing and evaluation, and the likelihood of project approval. This may include regularly participating in interagency meetings such as with a State Highway Agency or other applicants with long-range planning needs;

(b) determining appropriate type of authorization for proposed projects, evaluating permit applications/proposed modifications and supplemental materials for completeness and requesting additional information as necessary for type of authorization required;

(c) preparation of detailed site evaluations to establish base environmental conditions including delineation of wetlands, characterization of the biological, physical, cultural and social phenomena present at the project site and a determination of the relative quality of waters of the United States;

(d) coordination of proposed projects/modifications with the applicant/permittee, their agent, consultants, and/or attorneys, the general public, elected officials such as Federal and State Congressional representatives, and other governmental agencies, as appropriate. This may include preparing public notices and/or making preparations for public hearings;

(e) analysis of the full range of public interest review (PIR) factors outlined in 33 CFR 320.4 and any other factors which are revealed and bear on the decision to issue, modify or deny permits and recommendations as to whether public hearings should be conducted for the purpose of acquiring information to be considered in evaluating proposed actions;

(f) preparation or management of accurate and detailed documentation, e.g., environmental assessments (EAs) or Environmental Impact Statements (EISs), PIR and Section 404(b)(1) Guidelines analysis, correspondence and other types of documents as required;

(g) identification of alternatives which satisfy project goals and may have a lesser adverse impact on PIR factors in accordance with the requirements of the National Environmental Policy Act (NEPA), the Section 404(b)(1) Guidelines, and other related laws and regulations. This includes coordinating with the appropriate agencies under the Endangered Species Act and the National Historic Preservation Act which is essential to insure the proposal will not result in an unnecessary impact to a protected resource;

(h) recommendation of issuance or denial of permits/ modifications, or conditions for issuance, and documentation of the weighing and balancing thought processes in a Statement of Findings (SOF) leading to the recommended decision; and

(i) review of site specific restoration/mitigation proposals using technical experience and judgement to determine the feasibility of proposals;

2. <u>ENFORCEMENT PROCESSES</u>: Personally monitors compliance with permits and conducts the investigation of unauthorized work, developing and recommending resolution of enforcement actions. Investigations may involve:

(a) monitoring implementation of permit special conditions, such as reporting requirements or compensatory mitigation, providing consultation and approvals as appropriate, evaluating proposed or required changes, and modifying permits when necessary to reflect revised conditions/requirements;

(b) monitoring and evaluating, or directing the monitoring and evaluation of, compliance with site specific permit conditions, including developing plans to assess impacts of authorized activities, reviewing analysis and recommending whether the monitored on-going activities should continue or be modified, suspended, or terminated;

(c) preparing jurisdictional determinations, including wetlands delineations, to determine extent of unauthorized activities;

(d) performing background research to determine if activity was permitted, reviewing aerial photos and other evidence to gain insight to area impacted;

(e) developing and directing restoration plans and determining when plans have been completed;

(f) evaluating after-the-fact permit applications;

(g) coordinating legal issues and prepares environmental assessments and factual photographic litigation materials and recommendations for legal action by the U.S. Attorney/U.S. Department of Justice;

3. PROGRAMMATIC INITIATIVES AND REQUIREMENTS: Assists with the development and implementation of programmatic initiatives and requirements. Such initiatives and requirements may involve:

(a) developing or re-evaluating GPs and making recommendations on the issuance or re-issuance of GPs, SPGPs, or the incorporation of regional conditions on nationwide permits.

(b) participating in special programmatic initiatives which may result from interagency coordination efforts, special task groups, directives from higher authority, or District management.

(c) representing the District and/or Regulatory Branch on interagency and other task forces to evaluate and develop solutions to problems concerning non-Corps interests which are related to the Corps regulatory program; presenting status reports, making recommendations and implementing appropriate action when necessary.

(d) assisting Office of Counsel in preparation of litigation reports. Coordinates legal issues with appropriate local, state and Federal agencies, and assists Corps Office of Counsel and the Assistant U.S. District Attorney when requested. Serves, as required, as the technical representative and/or witness during court cases on, or contesting, Department of the Army permit, compliance, or enforcement action(s).

(e) advising lower grade employees on procedural aspects of the regulatory program, including but not limited to the preparation of public notices, letters, EAs, and correspondence, and reviewing and coordinating work prepared in either draft or final form by lower grade employees, for technical accuracy and adherence to policy. Advises lower grade employees on field investigations and other fact finding activities. Provides advice and oversees lower grade employees on technical aspects of investigating unauthorized work, aerial imagery interpretation, legal procedures, and documentation.

Performs other duties as assigned.

FACTORS

FACTOR 1. KNOWLEDGE REQUIRED BY THE POSITION

Knowledge of and experience with a broad range of environmental principles, regulations, policies, procedures, laws, and techniques sufficient to insure that regulatory work is in compliance with applicable legal standards and other requirements and that such work is implemented in an environmentally sustainable manner. Regulatory work requires skills sufficient to identify, interpret, and evaluate a variety of regulatory factors and related natural, cultural and social conditions and to prepare or evaluate the adequacy of environmental documentation or similar analyses, such as those conducted under the National Environmental Policy Act, Section 404(b)(1) Guidelines, Endangered Species Act, and National Historic Preservation Act.

Familiarity with related biological, physical, cultural and social sciences (such as geography, ecology, botany, limnology, soil science, hydrology, chemistry, archaeology, and economics) and knowledge of applicable elements of engineering and skill sufficient to identify, interpret, and determine the significance of the interrelationships existing among various natural and human phenomena and the processes of change which result from the impact of planned construction activities. The ability to adapt practices from such sciences and engineering where relevant guidance is lacking in the environmental specialty area.

Knowledge of basic management techniques and skill sufficient to ensure an integrative approach toward interpreting and determining significance of relationships, evaluate and recommend alternatives, conduct studies, determine potential impacts, anticipate and resolve problems.

Knowledge of vegetation, soils, and hydrology sufficient to verify the accuracy of wetland delineations.

Knowledge of and skill in written and oral communication and mediation techniques sufficient to clearly explain and describe environmental issues, problems, and solutions to diverse audiences.

FACTOR 2. SUPERVISORY CONTROLS

The Section Chief makes assignments in the form of discussions of overall objectives, priorities, and deadlines. The incumbent is expected to plan and carry out the assignments independently in accordance with proven techniques, methods, practices and previous experience. On assignments that involve, or may potentially involve, controversial use of approaches or modification of standard procedures, the incumbent typically will discuss the issues and possible approaches with the supervisor before carrying out the assignment. Completed work is reviewed for adequacy, technical soundness and accomplishment of specified objectives.

FACTOR 3. GUIDELINES

The primary, published guidelines for administration of the Corps Regulatory Program are provided in regulations (33 CFR 320 - 330 and 40 CFR 230), with statutory authorities also being referenced for guidance. Interpretative guidance is available in regulatory guidance letters, manuals, memoranda of agreements, precedent cases, court decisions and other miscellaneous correspondence and documents, such as agency policy statements, teleconferences and standard technical publications. Guidelines for the administration of all Federal programs are also applicable and are found in a variety of statutes, regulations, executive orders and other miscellaneous documents.

Established precedents and guidelines provide a general framework for the program but require professional judgement with respect to routine cases and typically do not provide adequate guidance for dealing with complex and unusual problems. Guidance found in interpretive guidelines and precedent cases are normally case specific. The incumbent is required to independently interpret agency guides in advising permit applicants and state, local and other Federal officials on regulatory program matters. The incumbent independently selects, adapts and applies standard practices to new situations and uses ingenuity in adapting guidelines and relating precedents to solve a variety of environmental problems. Guidelines are not always completely applicable and the relationships of past practices to the problems at hand are not always clear.

FACTOR 4. COMPLEXITY

Assignments include a variety of tasks related to the administration of the Corps Regulatory Program within a geographic area which includes dense populations, valuable natural resources, and highly profitable land uses, all of which may be affected by regulated activities. Assignments include the evaluation of applications for permits or permit modifications, resolution of enforcement cases (permit non-compliance and unauthorized activities) and participation in, or development of work products in response to, programmatic initiatives and requirements. Field work, often in remote or limited access locations, and travel for meetings in other offices is typically required.

Regulated activities involve fill and/or construction activities in waters of the United States, including wetlands. Individual proposals are submitted by a diverse group of applicants, permittees and violators and include a full range of standard residential, commercial, industrial and recreational developments. Some complex features are present because of the varied characteristics of the work requiring the selection, adaptation and application of varied guidelines; the presence of delicate conditions such as environmentally conflicting views; meeting rigid schedules to complete permit evaluations with concomitant resolution of all key issues; and coordination of proposed permits with state, local and other Federal government representatives and other interested groups. The incumbent manages the evaluation of such proposals which is accomplished through a team effort including input from other specialists within the Branch, scientists and engineers from other Federal, State and/or local agencies and the applicants, permittees or violators and/or their legal counsel and consultants. The evaluation requires consideration of the probable impacts of the proposal, including cumulative impacts, and its intended use on the public interest. The basic facts, circumstances, and information varies from project to project. The evaluation involves a balancing process which identifies and considers factors which are relevant to a particular situation. Such factors may include conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and the needs and welfare of the people. Project alternatives and approaches or methods for the mitigation of unavoidable adverse impacts are also formulated and considered in the evaluation process. The incumbent must make judgements concerning the adequacy, accuracy, and consistency of technical data and other input. The incumbent is responsible for advising the applicant, permittee or violator concerning alternative courses of action and making recommendations with respect to the District's final action on a proposal.

Programmatic work may involve participation in the development of joint application procedures, standard operating procedures, review and input on national policy distributed by Corps Headquarters and miscellaneous task forces to address issues related to the administration of the Corps Regulatory Program. The development of GPs, also requires evaluations as described for permit application/modification and enforcement cases.

The work is analytical, interpretive, judgmental, evaluative and creative. Guidelines for this work are incomplete and do not readily yield identical results. Differences in judgements, recommendations, interpretations or decisions can have consequences or impact on the work of co-workers and the public. The work is also made more complex by constantly changing deadlines which result from frequent, abrupt, and unexpected changes in work assignments, goals and deadlines which require the incumbent to constantly adjust operations under the pressure of continuously changing and unpredictable conditions. For example, a routine application or enforcement case may come to the attention of Congressmen, Corps Headquarters or the Office of the Assistant Secretary of the Army. Such attention results in the incumbent being requested to provide information, respond to inquiries, conduct briefings, attend meetings with high level officials, and/or expedite an application or enforcement action. Such requests normally require a short response time, making it difficult to plan for and meet established work objectives. In addition, work processes and procedures are continuously changing, increasing in complexity and placing greater demands on time and expertise. These changes tend to be additive in nature and are due to such factors as the impact of the political climate, court decisions, public interest, changes in ancillary programs, and developing technology and/or scientific information, all of which may create a need for additional guidance and/or training.

FACTOR 5. SCOPE AND EFFECT

The purpose of the work is to make decisions on applications for permits and permit modifications, resolve enforcement cases and manage Corps Regulatory Program requirements in a manner which insures that the nations water resources are safeguarded and used in the best interest of the people, that environmental, social and economic concerns are considered, and that authorized activities are not contrary to the public interest. Results of the work affect construction and/or production processes, influence the economic and technical ability of project proponents, and affect the nature, life, and populace of communities receiving benefits from the water resources which are impacted by the proposals.

Any individual, company, corporation or government body planning fill and/or construction activities in waters of the United States, including wetlands, must obtain a permit from the Corps. Industries which are significantly effected by the Corps Regulatory Program include building/development (commercial, industrial and residential), mining, recreational boating, commercial navigation, forestry, and agriculture. Compliance with the requirements of the Corps Regulatory Program are also integrated into major Federal programs such as those administered by U. S. Department of Agriculture, Soil Conservation Service, Federal Highway Administration, U. S. Fish and Wildlife Service, Federal Energy Regulatory Commission, the U. S. Forestry Service and the Department of Defense. State and local public works, resource management and land use planning activities must also integrate Corps Regulatory Program requirements.

Due to its broad scope, complexity and impact the Corps Regulatory Program receives high public visibility and scrutiny which is not limited to individual actions which are controversial or complex. Occasional inquiries from Federal and State congressional representatives and local, regional and national media are received or a project becomes the target of the efforts of special interest groups to stop or delay unwanted projects by any means available. Administration of the Corps Regulatory Program is actively monitored by environmental groups, such as the National Audubon Society, the Sierra Club, the Issac Walton League, the National Wildlife Federation and Ducks Unlimited, as well as industry representatives and other special interest groups and organizations.

FACTOR 6. PERSONAL CONTACTS

Incumbent meets regularly with permit applicants and violators, often accompanied by their legal and scientific representatives and consultants; staff of the Environmental Protection Agency, the U. S. Fish and Wildlife Service, the National Marine Fisheries Service and other Federal agencies having a statutory interest in the program, as well as staff from State and local government department, including water and land use planning authorities. Occasionally contacts involve influential individuals, representatives from special interest groups, and journalists.

Within the District there are staff meetings and briefings and occasional contacts with the District Commander and key staff, including legal counsel. There are occasional contacts through telephone conferences, task forces and meetings with the regulatory program staff in (name) Division, Corps Headquarters and the Office of the Assistant Secretary of the Army for Civil Works.

FACTOR 7. PURPOSE OF CONTACTS

The primary purpose of contacts outside the District is to persuade and influence individuals and groups to accept the local, regional and national goals and objectives of the Corps Regulatory Program. This includes informing and persuading the regulated public of the need for compliance with regulatory program and

statutory requirements. With respect to individual permit and enforcement actions, the purpose of contacts is to motivate, justify, persuade and/or defend recommendations, actions and decisions to those affected by such. Contacts with other Corps offices and other Federal, state or local agencies are for the purposes of providing information and persuading others to accept opinions on particular issues and/or permit applications and enforcement cases.

FACTOR 8. PHYSICAL DEMANDS

The work requires regular and recurring physical exertion related to field work such as: hiking long distances through rough county, repeated digging of soil pits, frequent stooping to sample vegetation, climbing steep inclines, and jumping over obstructions. Incumbent must possess the required physical abilities which have allowed him/her to obtain a valid and current motor vehicle operators license.

FACTOR 9. WORK ENVIRONMENT

The work involves regular and recurrent exposure to rough terrain, adverse weather conditions or situations in which one is exposed to heavy earth moving equipment or unimproved roads that must be traversed. Such work environments may also involve exposure to unfavorable conditions such as dangerous chemicals, noise, fumes, and contaminated water and require use of protective equipment such as hard hats, protective shoes, etc.

EVALUATION STATEMENT

JOB NUMBER: (Assigned by District)

TITLE, SERIES & GRADE: Environmental Protection Specialist, GS-028-11.

LOCATION: (Name) District, Regulatory Branch

REFERENCES: Grade Evaluation Guide for Compliance Work, Jan 91; GS-028 Ser Def, USOPM Hndbk of Occ Ser

1. BACKGROUND. In December 1981, six model job descriptions were developed and issued to USACE FOA to help clarify the managerial needs of the Corps Regulatory Program and to assure proper job evaluation. The model position descriptions illustrated typical duties and responsibilities assigned to Regulatory positions. Since 1981, two additional initiatives were undertaken to improve the execution of the Regulatory program through position management, position classification, and organization design. The 1983 initiative emphasized: the use of model job descriptions; implementation of a project manager system; responsibility for environmental assessments and management of impact statements for permit actions; increased freedom of action and elimination of organizational layering; and increased regulatory capability at division offices. This initiative also emphasized the one state, one district concept for handling regulatory responsibilities. In 1987, additional position classification guidance was issued to assist in determining the grade level of work assigned to positions in Regulatory. Typical assignments and level of complexity were described by grade level.

As part of a current initiative, known as the Regulatory Resources Management Initiative, new draft model job descriptions were developed and distributed to the field for review and comment in July 1992. These job descriptions continued to emphasize the project manager concept, recognized responsibility for programmatic

initiatives, and updated the job descriptions to reflect changes in legislation and the overall environment in which the Corps Regulatory Program is conducted. This job description is one of 24 which are finalized as standard job descriptions.

2. ORGANIZATION AND PROGRAM DESCRIPTION. Statutory authorities for issuing Department of the Army permits are provided in the Rivers and Harbors Act of 1899, the Clean Water Act of 1977 and the Marine Protection, Research and Sanctuaries Act. The policy, guidance and procedures for administration and enforcement of the Corps Regulatory Program are complex, being provided in regulations (33 CFR 320 - 330 and 40 CFR 230), formal regulatory guidance letters, manuals, memoranda, court decisions and other miscellaneous correspondence and documents. In addition, the Corps Regulatory Program and the projects administered under this program, must be in compliance with a variety of statutes, regulations, and executive orders which govern all Federal activities; principal among these are the National Environmental Policy Act, the Endangered Species Act, the National Historic Preservation Act and relevant state and local laws and regulations.

Any individual, company, corporation or government body planning fill and/or construction activities in waters of the United States, including wetlands, must obtain a permit from the Corps. Industries which are significantly affected by the Corps Regulatory Program include building/development (commercial, industrial and residential), mining, recreational boating, commercial navigation, forestry, and agriculture. Compliance with the requirements of the Corps Regulatory Program are also integrated into major Federal programs such as those administered by U. S. Department of Agriculture, Soil Conservation Service, Federal Highway Administration, U. S. Fish and Wildlife Service, Federal Energy Regulatory Commission, the U. S. Forest Service and the Department of Defense. State and local public works, resource management and land use planning activities must also integrate Corps Regulatory Program requirements.

Due to its broad scope and complexity the Corps Regulatory Program receives high public visibility and scrutiny which is not limited to individual actions which are controversial or complex. Affected, cumulative construction costs can reach several billion dollars per year. Inquiries from Federal and State congressional representatives and local, regional and national media are daily occurrences. In addition, District offices are frequently the target of the efforts of special interest groups to stop or delay unwanted projects by any means available. Administration of the Corps Regulatory Program is actively monitored by environmental groups, such as the National Audubon Society, the Sierra Club, the Issac Walton League, the National Wildlife Federation and Ducks Unlimited, as well as industry representatives, such as the Building Industry Association, and other special interest groups and organizations.

The position is located in an organization which includes two or more sections. The work program, organization and staff in each section is organized on a geographic basis. Each section is assigned the full range of permit and enforcement activities over a broad geographic area. Each section is also assigned work on programmatic initiatives which may encompass either the assigned geographic area or the entire area serviced by the branch. The position is physically located at the district office or at a field office location central to the geographical area serviced.

3. TITLE AND SERIES DETERMINATION. The duties and responsibilities of this position involve work in the administration of the Corps of Engineers Regulatory program with primary emphasis on project management involving the review, analysis and evaluation of proposed projects in order to approve or deny applications for and modifications to regulatory permits; monitoring compliance with approved permits; and enforcing the provisions of the regulatory program. It may also be involved in regulatory programmatic initiatives such as developing and managing GPs; managing

regulatory contracts for work excess to the hired labor capabilities of the Branch; developing local operating guides to implement higher authority directives and policies; developing comprehensive regulatory training programs; serving as expert witnesses concerning legal aspects of regulatory permits; and advising Federal, state, and local governmental organizations as well as corporations, plants, businesses, landowners, and the general public on the provisions, policies, and requirements of the Corps Regulatory Program. In general, actions taken are concerned with preventing alteration or obstruction of navigable waters of the U. S. as well as to maintain or improve water quality and similar environmentally valuable wetland resources.

The duties and responsibilities of this position require broad knowledge of environmental protection principles, regulations, policies, procedures, laws and techniques sufficient to insure that regulatory work is in compliance with applicable standards and other requirements and that such work is implemented in an environmentally sustainable manner. Much of the work involves careful coordination between and among federal and non-federal organizations. Assignments require a thorough knowledge of administrative functions, policies and processes of regulatory agencies at national, State and local levels and an understanding of various audiences such as the State, public interest groups and the general public affected by agency decisions. Additionally, the assignments require the application of substantial analytical ability, judgement and the ability to effectively serve as a regulatory program advisor on regulatory environmental, policy and program matters as well as meet and deal with specialists, attorneys, managers, and other professionals both within and outside the district concerning interdisciplinary work matters. These duties, responsibilities, and knowledges are characteristic of the Environmental Protection Specialist series, GS-028. In accordance with the guidance provided on titling, the appropriate title for this position is Regulatory Project Manager, GS-028.

4. GRADE LEVEL DETERMINATION: No grading criteria is published for positions assigned to the GS-028 series. The Grade Evaluation Guide for Compliance work has been used for comparative analysis due to the similarity in the nature of the work and knowledge, skills and abilities required.

a. POSITION SUMMARY.

These positions, as the paramount job qualification, require the application of a knowledge of the principles, practices, methods and techniques related to administration of the Corps Regulatory Program to:

(1) Evaluate Department of the Army permit application and proposed modifications to approved permits; ensure the compliance with provisions of approved permits for activities in the waters of the U.S. and/or navigable waters of the U.S.; and enforce the regulatory program requirements where violations are found.

(2) Develop and/or manage GPs.

(3) Develop procedures to implement directives from higher authority.

(4) Serve as a District representative on groups and task forces with missions of interest to the District and/or the regulatory program and to complete assignments related to special regulatory initiatives directed toward effective, efficient and consistent application of the regulatory program.

b. FACTOR 1 - KNOWLEDGE REQUIRED BY THE POSITION - FL 1-7, 1,250 pts.

Generally, assignments in this job involve work related to the permit and enforcement processes, and involvement in programmatic initiatives, associated with the Corps Regulatory Program. With respect to permit and enforcement processes the work involves ensuring that all applications for permits or permit modifications are processed and evaluated, and all violations or non-compliance issues are resolved, within the parameters of public law and Corps policies, as well as with adequate coordination with other agencies. To accomplish this, the incumbent is required to prepare or review implications environmental assessments and/or impact statements or comprehensive project development or planning reports to evaluate environmental consequences of proposed projects. This also requires the analysis of aquatic resource conditions, the consideration of a wide variety of public interest factors and the formulation of recommendations with respect to project modification, permit issuance (appropriately conditioned) or denial or resolution of violations or non-compliance. Such assignments relate to activities such as damming, road building, mining, pipeline construction, residential and commercial development, marina construction or other activities that impact on aquatic resources or habitats. With respect to programmatic initiatives the incumbent is expected to be actively involved in efforts directed toward the effective and efficient management of the regulatory program. This can involve such activities as the identification of problems and the formulation or review of recommendations pertaining to procedures, policy issues, plans, methodologies, and practices affecting aquatic resources or habitats or program administration. Specific assignments may require participation or a leadership role in the development of GPs or comprehensive management plans to effectively regulate activities which impact aquatic resources or habitat for a major geographic area having a variety of habitat conditions. This requires the ability to develop, coordinate or review plans that may encompass any and all land use activities or regulatory programs that affect aquatic resources and habitats.

At FL 1-6, the incumbent must possess a knowledge of established administrative principals and methods which enable the independent performance of recurring assignments of moderate difficulty (i.e., do not require significant deviation from established methods and precedents). The work of this job and the corresponding knowledge required substantially exceeds FL 1-6 requirements. This job is fully consistent with FL 1-7 in that it requires knowledge of a wide range of concepts, principals and practices, and a working knowledge of the conditions and interrelationships of aquatic and terrestrial biota and ecological systems, in order to evaluate projects which effect aquatic resources or habitats. The job also requires the knowledge and skill to analyze data, assess the environmental impacts and prepare reports and recommendations on the modification or change in the use of aquatic resources or other important resources and public interest factors which result from proposed projects. The job also requires knowledge and skill in administrative and staff level work to provide advisory, review and training services to others engaged in the administration of federally regulated resources. FL 1-8 requires a mastery of an administrative field in order to apply experimental theories and new developments to problems not susceptible to treatment by accepted methods or to make decisions or recommendations significantly changing, interpreting, or developing important public policies or programs. The incumbent may make recommendations or be involved in the development of activities which result in changes or interpretations of regulatory policy or procedures; however, this work does not meet the intent of FL 1-8. This knowledge requirement is appropriately evaluated at FL 1-7.

c. FACTOR 2 - SUPERVISORY CONTROLS- FL 2-3, 275 pts.

At FL 2-3 assignments are specified by the supervisor in terms of objectives, priorities and deadlines. The employee is expected to plan and carry out the assignment independently, in accordance with proven techniques, methods, practices, and previous experience. Assignments which involve controversial use of approaches or modification of standard procedures, are discussed with the supervisor. At the next higher level (FL 2-4), the supervisor establishes the overall goals and resources available and the employee and the supervisor in consultation develop the general objectives, deadlines, projects and work to be done. Also at this level, the employee is expected to coordinate the work with others in the same or other resource areas and resolve most of the problems that arise.

Assignments for this position exhibit several aspects which are characteristic of FL 2-4: independently planning and carrying out assignments and coordinating the work assignments. However, the way in which the assignments are accomplished falls short of the full requirements of FL 2-4 in that the supervisor outlines the approach to be taken and defines the objectives of the assignment, priority, and deadlines. It also falls short in that the specialist is not responsible for interpreting policy on his/her own initiative and this is reinforced by the fact that the specialist refers problems involving deviations from established policy to the supervisor or higher grade staff member.

Work review in this job is not as close as that reflected for FL 2-3 in that completed work of this job is not reviewed for technical soundness or appropriateness; however, like FL 2-3 it is reviewed for conformance to policy. The nature and extent of the work review in this job is not as "general" in nature as that reflected and intended at FL 2-4 where work is reviewed from an overall standpoint of feasibility, compatibility with other work or effectiveness in meeting requirements or expected results.

In conclusion, the supervisory controls of this job exceed, in some aspects, that reflected for FL 2-3 but fail to fully equal all of the significant FL 2-4 requirements. Therefore, Factor 2 for this job is soundly evaluated to FL 2-3.

d. FACTOR 3 - GUIDELINES - FL 3-3, 275 pts.

Regulatory specialists are responsible for managing the processing and evaluation of individual regulatory actions which are characterized by a combination of case specific features and public interest considerations. Steps for the processing of individual permit applications, permit compliance or enforcement actions are usually applicable. Instructions for the evaluation of individual actions provide policy considerations and planning constraints with a range and combination of possible alternatives for adaptation to situations characterized by varying case specific circumstances. Alternatives/instructions within these guidelines, particularly with respect to the refinement of difficult, complex and/or controversial issues, are continuously being revised or refined at a national level depending on changes in legislation, national policy, court decisions, elevation of field level decisions and questions/issues related to program/policy implementation in the field. Guidelines for joint procedures with other Federal, state or local agency are typically also subject to the same degree of refinement/change.

In addition, the regulatory specialist is responsible for participating in programmatic initiatives aimed to improve the efficiency and effectiveness of the regulatory program. This work can involve assisting in the identification of problems related to local policy and/or operating procedures, joint programs with other Federal, state or local agencies, higher authority directives or resource management. Other work may involve the management of contracts, development of

regulatory mechanisms, such as GPs, which are applicable to special geographic areas or specific activities and permit monitoring. Guidelines for such work are limited or non-existent. Seasoned judgement and initiative must be applied in contributing toward problem identification and the development of procedures or policy for use by the organization.

The specificity and application of the guidelines used in this job exceed the criteria described for FL 3-2. At FL 3-3, guidelines include standard instructions, agency policy and regulations, precedents and standard practices which may not be completely applicable to the work situation. These guidelines are fully comparable to FL 3-3 in that the regulatory specialist is required to exercise judgement in interpreting and adapting guidelines to work assignments. The guidelines of this job and the judgement required in using them are not characteristic of FL 3-4 at which level in that the established guidelines provide a general framework for a broad range of individual actions and programmatic initiatives. The project manager is required to use initiative and judgement in developing solutions and recommendations involving various problems connected with individual actions and actions directed toward the efficient and effective administration of the regulatory program. This compares favorably to FL 3-4, at which level the project manager is required to use initiative and judgement to research and develop appropriate criteria to be applied in case specific circumstances, as well as to develop solutions to problems where precedents are not applicable. Such guideline characteristics are not found in subject job. In summary, the nature of the guidelines and judgement required for this position meet that reflected for FL 3-3, but fall short of FL 3-4. Therefore, the guidelines of this job are evaluated as FL 3-3.

e. FACTOR 4 - COMPLEXITY - FL 4-4, 225 pts.

The incumbent is responsible for the evaluation of individual cases, including the administrative processing and technical evaluation of activities, associated with the permit and enforcement processes of the Corps Regulatory Program. In addition, the incumbent is responsible for the participation in initiatives associated with the effective and efficient administration of the program. Assignments require indepth analysis and evaluation of alternatives/options related to a variety of project/program features. This work is typically characterized by a combination of several of the following features:

(1) Involves serious environmental/political/economic consequences

(2) Involves review by Federal resource agencies which may result in appeals to higher level authority

(3) Requires consultation with subject matter expert concerning particular project feature

(4) Involves combination of regulated and non-regulated activities

(5) Involves weighing and balancing of conflicting public interest factors related to: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, property ownership and in general, the needs and welfare of the people.

(6) Involves evaluation of alternatives in order to identify practicable alternatives and identify the least environmentally damaging alternative

(7) Involves conflicting views from adjacent property owners/special interest groups/politicians

(8) Involves public involvement hearing

(9) Requires flexibility and judgement in order to identify problems and development solutions/recommendations

At FL 4-3 work is characterized by different and unrelated administrative processes and technical methods resulting in decisions which are based on case specific circumstances. The evaluation required includes consideration of conditions and elements that must be identified and analyzed to discern interrelationships. However, these characteristics are exceeded in this job with respect to breadth, variety of circumstances and the amount and availability of data. These work characteristics contain complexities characteristic of FL 4-4 in that the work typically includes varied duties requiring many different and unrelated processes and methods, the assessment of unusual circumstances, variations in approach and incomplete or conflicting data, and decisions concerning such things as the interpreting of considerable data, planning of the work or refining methods and techniques to be used. These characteristics fail to meet those reflected at FL 4-5 with respect to the range of activities involved, the depth of analysis required, and the inclusion of major areas of uncertainty due to continuing program changes, unknown phenomena or conflicting requirements. Therefore, this job is appropriately evaluated at FL 4-4.

f. FACTOR 5 - SCOPE AND EFFECT - FL 5-4, 225 pts.

The purpose of the work is to make decisions on applications for permits and permit modifications, resolve enforcement cases and manage Corps Regulatory Program requirements in a manner which insures that the nations water resources are safeguarded and used in the best interest of the people, that environmental, social and economic concerns are considered, and that authorized activities are not contrary to the public interest. Results of the work affect construction and/or production processes, influence the economic and technical ability of project proponents, and affect the nature, life, and populace of communities receiving benefits from the water resources which are impacted by the proposal.

Any individual, company, corporation or government body planning fill and/or construction activities in waters of the United States, including wetlands, must obtain a permit from the Corps. Industries which are significantly effected by the Corps Regulatory Program include building/development (commercial, industrial and residential), mining, recreational boating, commercial navigation, forestry, and agriculture. Compliance with the requirements of the Corps Regulatory Program are also integrated into major Federal programs such as those administered by U. S. Department of Agriculture, Soil Conservation Service, Federal Highway Administration, U. S. Fish and Wildlife Service, Federal Energy Regulatory Commission, the U. S. Forestry Service and the Department of Defense. State and local public works, resource management and land use planning activities must also integrate Corps Regulatory Program requirements.

Due to its broad scope, complexity and impact the Corps Regulatory Program receives high public visibility and scrutiny which is not limited to individual actions which are controversial or complex. Inquiries from Federal and State congressional representatives and local, regional and national media are daily occurrences. In addition, District offices are frequently the target of the efforts of special interest groups to stop or delay unwanted projects by any means available. Administration of the Corps Regulatory Program is actively monitored by

environmental groups, such as the National Audubon Society, the Sierra Club, the Issac Walton League, the National Wildlife Federation and Ducks Unlimited, as well as industry representatives and other special interest groups and organizations.

g. FACTOR 6 - PERSONAL CONTACTS and FACTOR 7 - PURPOSE OF CONTACTS - FL 6-3 and FL 7-c, 180 pts.

The personal contacts of this job parallel those described at FL 6-3 at which includes a variety of officials, and managers, professionals, or executives of other agencies and outside organizations. Typical contacts of subject job comparable to FL 6-3 are contacts with other subject matter and interdisciplinary specialists and lawyers from the private sector representing various entities such as civic groups, local and state officials, state and Federal agencies, other District offices and higher levels within the Corps of Engineers. The contacts of this position are not of the high level national or international types described for FL 6-4.

Purpose of contacts for subject job is to explain the nature of the agency's regulatory program and the relationship of the specific action to agency requirements, to coordinate technical and environmental issues with lawyers and other involved specialists, to persuade and influence others to accept the requirements of the Regulatory Program and to resolve conflicting views and to develop and present factual data to support recommendations and decisions. As typical of this level, the contacts of this job are frequently with persons or groups who are skeptical or uncooperative, hold different opinions, and/or are strongly opposed to the provisions of the regulatory program. This involves a purpose of contacts which is fully comparable to FL 7-C which includes contacts to influence or persuade others to adopt technical points and methods about which there are conflicts.

h. FACTOR 8 - PHYSICAL DEMANDS - FL 8-2, 20 pts.

The work requires regular and recurring physical exertion related to field work such as: hiking long distances through rough country, repeated digging of soil pits, frequent stooping to sample vegetation, climbing steep inclines, and jumping over obstructions.

The physical demands of this position match, exactly, those described at FL 8-2, which requires some physical exertion such as long periods of standing, walking over rough, muddy, uneven, swampy, or mountainous terrain, recurring periods of bending, stooping, stretching, reaching, or similar activities.

i. FACTOR 9 - WORK ENVIRONMENT - FL 9-2, 20 pts.

The work involves regular and recurring exposure to rough terrain, adverse weather conditions or situations in which one is exposed to heavy earth moving equipment or unimproved roads that must be traversed. Such work environments require use of protective equipment such as hard hats, protective shoes, etc.

The work environment characteristics of this job are fully equal to that reflected for FL 9-2. The assignments of this job do not require regular and recurring exposure to potentially dangerous or hazardous situations described for FL 9-3.

j. POINT SUMMARY. The point total resulting from the above evaluations is 2,470 points which falls in the GS-11 level (2,355-2,750) point range of the FES Grade Conversion Table.

5. FINAL TITLE, SERIES AND GRADE: This position is properly evaluated at the GS-11 grade level and is classified as Environmental Protection Specialist, GS-028.

ENVIRONMENTAL PROTECTION SPECIALIST

Evaluation Factor	Factor Level	Points
1. Knowledge Required	1-7	1250
2. Supervisory Controls	2-3	275
3. Guidelines	3-3	275
4. Complexity	4-4	225
5. Scope and Effect	5-4	225
6. Personal Contacts and 7. Purpose of Contacts	6-3 7c	180
8. Physical Demands	8-2	20
9. Work Environment	9-2	20
Total Points	-	2470
Grade Conversion	-	GS-11