REGULATORY PROJECT MANAGER

Environmental Protection Specialist, GS-028-12

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 project manager with technical expertise to: (1) Evaluate all levels and types of Department of the Army (DA) enforcement cases (including those complex and/or controversial in nature) 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) Develop and manage general permits (GPs); (3) Develop procedures to implement directives from higher authority; and (4) Serve as the 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 project manager facilitates the accomplishment of items (1) through (4) above, by coordinating the activities of subject matter specialists within or outside the District and evaluating the validity of others expressed views to produce a timely and quality product and by forging new and better techniques to meet the overall objectives of the regulatory program and related laws. 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 not contrary to the public interest, considering environmental, social, and economic concerns. At times, the project manager may be required to advise lower grade employees on the procedural aspects of the regulatory program, resolve differences (administrative and scientific) among views and positions of other Federal and state agencies and private interests for finalizing certain regulatory actions, manage contracts for work which is in excess of that which could be completed with in-house labor or represent the Corps as an expert witness in court cases on permit decisions and/or enforcement actions in which he/she was involved.

1. ENFORCEMENT PROCESSES. Facilitates the management of the section enforcement workload by personally conducting or managing the investigation of unauthorized work and developing and determining the resolution of enforcement actions. Typical projects lack direct and documented avenues for resolution, requiring creative application of scientific principles and interpretation of regulatory procedures. Investigations of this complexity may involve:

(a) design of site specific restoration/mitigation projects using technical experience and judgement; the determination of technical feasibility of projects; the direction and overseeing of on-site construction;

(b) analysis of complex impacts on fish and wildlife, natural resource conservation, pollution control, flood control, aesthetics, ecology, and the general public interest associated with the structures, materials, and work activities;

(c) preparation of accurate and detailed environmental assessments, factual photographic litigation materials, and recommendations for legal action by the U. S. Attorney/U. S. Department of Justice;

(d) preparation of jurisdictional determinations in complex situations where these limits are unclear and/or controversial.

(e) evaluation of after-the-fact permit applications. This may, in addition to the items above, involve providing advice to violators concerning regulatory requirements, including jurisdiction, processing and evaluation, and the likelihood of project approval; extensive coordination with the violator, other agencies and the public; analysis of the full range of public interest review (PIR) factors outlined in 33 CFR 320.4; recommendations as to whether public hearings should be conducted; coordinating with agencies responsible for protected resources; identification of a full range of alternatives; recommendation of issuance or denial of after-the-fact permits, or conditions for issuance, and documentation of the detailed weighing and balancing thought processes in a Statement of Findings (SOF) leading to the recommended decision; monitoring implementation of after-the-fact permit special conditions and facilitating necessary modifications to the after-the-fact permits.

2. PROGRAMMATIC INITIATIVES AND REQUIREMENTS. Assists in the management of the District regulatory program through the development, administration, and implementation of programmatic initiatives and requirements such as local enforcement operating procedures, new GPs or revisions to existing GPs, public information programs, training programs and litigation reports and requirements. Such initiatives and requirements may involve:

(a) managing GPs, which includes the development of new GPs, state program GPs (SPGP), and regional conditions for nationwide permits (NWP); the re-evaluation of existing GPs, SPGPs, and regional conditions for NWPs, and monitoring the GPs for success as an administrative method as well as an environmentally sensitive method of authorizing numerous routine, non-controversial projects. These evaluations, re-evaluations, and monitoring programs require ingenuity and initiative to formulate methods to measure the individual and cumulative impacts (cumulative impact analysis is an undeveloped technology) of numerous small projects on the interactive processes of ecosystems; to weigh and balance the predicted benefits of categories of activities against foreseeable adverse impacts to ecosystems or PIR factors; and to make recommendations on the issuance or re-issuance of GPs and SPGPs, or the incorporation of regional conditions on NWPs.

(b) managing special programmatic initiatives which may result from interagency coordination efforts, special task groups, directives from higher authority, the District Engineer, the Division Chief or the Branch Chief. This can involve assignments to prepare briefings, interpret Regulatory Guidance Letters (RGLs), draft policy memos for District-wide use, design methods of gathering certain information, manage portions of the district's automated data management system (e.g.; the Regulatory Analysis and Management System), and develop procedures to implement programmatic initiatives and/or incorporate policies into the management of the District's regulatory program.

(c) participating on, or serving as leader for, interagency task forces formed as programmatic initiatives, providing timely input, fully coordinating issues with others, as appropriate.

(d) serving as project manager for contracts to accomplish work beyond the capability/availability of current hired labor force. This involves preparing scopes of work and government estimates; assuring that appropriate and timely contract award occurs, which may include convening pre-selection and selection boards; and monitoring the contractor's progress, taking administrative action as necessary, to assure contract schedules are met and that the work procured satisfies the terms of the contract.

(e) representing the District and/or Regulatory Branch on interagency and other task forces such as (list examples of task forces), to evaluate and develop solutions to complex problems concerning non-Corps interests which are related to the Corps regulatory program by thoroughly assessing factors related to the problem and developing viable alternative solutions in a joint manner with the concerned interests; presenting status reports and making recommendations for further guidance; recommending a solution and implementing appropriate action when necessary.

(f) 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 enforcement action(s). Testimony must be of a highly professional and technically acceptable character in order to support the government's position on the case as, depending on social, environmental or economic impacts, plaintiffs are frequently represented by regionally or nationally recognized attorneys with expertise in environmental law.

(g) advising 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. Advises lower grade employees on procedural aspects of the regulatory program, including but not limited to the preparation of after-the-fact public notices, letters, EAs, and correspondence, and reviews and coordinates work prepared in either draft or final form by lower grade employees, for technical accuracy and adherence to policy.

Performs other duties as assigned.

FACTORS

FACTOR 1. KNOWLEDGE REQUIRED BY THE POSITION

Knowledge of 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 complex 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 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.

Knowledge of project 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 as well as to result in work products which are well reasoned, factually accurate, thorough in analysis and valid with respect to interpretations.

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 effectively describe, explain, influence and negotiate concerning environmental issues, problems, and solutions to diverse audiences, including, but not limited to, co-workers, the general public, special and private interest groups, applicants and violators, local, state, and Federal government representatives, political appointees and the media.

Knowledge and skill to serve as the District's technical representative or government's expert witness during court cases contesting the issuance or denial of a Department of the Army permit.

FACTOR 2. SUPERVISORY CONTROLS

The Section Chief makes assignments in terms of broad objectives, together with areas of special interest and urgent concern. The incumbent carries out work independently, exercising initiative and providing leadership in planning, coordinating and accomplishing complex work assignments or studies. The incumbent interprets policy and regulations in consonance with established objectives, maintains sensitivity to current trends, national study results, and proposed substantive program changes in the course of exercising technical responsibilities, resolves most conflicts that arise and coordinates work with others as required. Problems of unusual significance, however, are normally referred for the supervisor's views for development of a joint course of action. Work is normally accepted as technically accurate and generally constitutes the basis for final approval or indorsement by the supervisor. Work is reviewed and evaluated in terms of achievement of program objectives, effect of advice, and conformance to policy.

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 exercise flexibility in interpretation and judgement in order to obtain effective results and the reasonable application of regulatory authorities. Judgement and ingenuity is also required to develop solutions or recommendations involving varying problems connected with complex, controversial, and/or environmentally sensitive proposals and in evaluating the relative merits, impacts, costs, and practicability of alternative project sites and designs and/or mitigation measures or plans. The incumbent uses considerable initiative, and experienced judgement gained through work related problem solving operations, in researching and developing approaches to specific proposals, programmatic requirements or problems.

FACTOR 4. COMPLEXITY

Assignments include a variety of tasks related to the administration of the Corps Regulatory Program. The incumbent performs substantive review and analysis of violations, policies, or measures affecting an extensive 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 resolution of enforcement cases (including after-the-fact permit applications and restoration activities) and development of projects, procedures guidance or other 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 violators and range from simple pier construction or a small fill as a single and complete project to large, complex commercial and residential developments or public works projects which include regulated activities as component parts.

The incumbent serves in a leadership/management role for 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 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 substantially 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 violator concerning alternative courses of action and making decisions or recommendations with respect to the District's final action on a case.

Programmatic work may involve 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. This work involves extensive coordination and integration of different, and sometimes conflicting, requirements and priorities. The development of general permits, also requires evaluations as described for after-the-fact permit applications. Highly developed leadership, negotiation, conflict resolution, and project/program management skills are required.

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 incumbent is expected to resolve problems, sometimes under contentious circumstances, and maintain compatibility of interpretation, judgement, logic and policy application. 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 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 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 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.

FACTOR 6. PERSONAL CONTACTS

Incumbent meets regularly with a wide variety of groups and individuals concerning project related issues. These contacts involve 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. Occasional contact involve influential individuals or organized groups including staff members of congressional and legislative offices; elected officials; key staff and scientific representatives of public interest and conservation groups having a definite interest in the outcome of particular cases under review; and journalists from (name of major newspaper), as well as with other local newspaper, radio and television 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 enforcement actions, the purpose of contacts is to motivate, justify, persuade and/or defend recommendations, actions and decisions to those affected by such. These encounters are made more complex by the broad economic impacts of the projects, lack of cooperation between agencies and groups, and well organized and funded opposition to the objectives of the regulatory program as well as the specific case under discussion. Recommendations may involve avoidance, reduction and/or mitigation of impacts on waters and wetlands which may involve large costs and potential project delays to the violators and other interested parties. The contacts are frequently skeptical, uncooperative, or in direct conflict and opposition to the proposed solutions. Highly developed communication, negotiation, conflict resolution and leadership skills are required to influence or persuade violators, as well as their legal counsel and technical/scientific consultants to effect desired actions and avoid litigation or escalation of the issues.

Contacts with other Corps offices and other Federal, state or local agencies are for the purposes of providing information, committing the District to a particular course of action, or establishing, or negotiating changes in, program objectives and/or procedures which will result in more efficient and effective administration of the Corps Regulatory Program. Contacts are also intended to persuade others to accept opinions on particular issues and/or permit applications and enforcement cases to avoid escalation of the issues. Contacts also often are for the purpose of gaining acceptance of methodology which is new or unfamiliar. There are often conflicting programs and interest between the various agencies and individuals, made more complex by participation of individuals or groups who hold opposing scientific views on applicability to the program or a particular case.

FACTOR 8. PHYSICAL DEMANDS

Field visits require regular and recurring physical exertion such as: hiking long distances through rough country, repeated digging of soil pits, frequent bending or stooping to sample vegetation, climbing steep inclines, and jumping over obstructions. The 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

Work is performed both in an office and field setting. Field visits involve regular and recurrent exposure to 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-028-12

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 functional basis, which may be further subdivided on a geographic basis. Each section is assigned the full range of permit and compliance activities over a broad geographic area. Each section is also assigned work on programmatic initiatives which may encompass either the assigned functional area or the entire geographic 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. <u>TITLE AND SERIES DETERMINATION.</u> The duties and responsibilities of this position involve administrative work in the Corps of Engineers Regulatory program with primary emphasis on project management involving enforcement of 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.

This position, as the paramount job qualification, requires the application of a knowledge of the principles, practices, methods and techniques related to administration of the Corps of Engineers Regulatory Program in order to:

(1) Enforce the regulatory program requirements where violations are found in the waters of the U.S. and/or navigable waters of the U.S.

(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, 1250 pts.

Generally, assignments in this job involve work related to enforcement processes and and involvement in programmatic initiatives, associated with the Corps Regulatory Program. With respect to enforcement processes the work involves ensuring that all all violations 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 available environmental assessments and/or impact statements or comprehensive project development or planning reports to evaluate environmental consequences of 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 resolution of violations. 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 2-4, 450 pts.

The supervisory controls exercised over this job are comparable to those described at FL 2-4. Specifically, the supervisor assigns the work in terms of overall goals, resources and objectives and the employees carry out the work independently, resolving most conflicts that arise. Work is evaluated for general adequacy in meeting program or project objectives, expected results, and compatibility with other work. This exceeds FL 2-3 where the specialist receives more instruction when assignments are made, more assistance from the supervisor in unusual situations involving controversial matters or the modification of standard practices, and where the project manager carries out the sequence of the work in accordance with existing guidelines and proven techniques, methods and practices. Additionally, at FL 2-3, the work is evaluated for adequacy, technical soundness, and accomplishment of specific objectives. FL 2-5 supervisory controls are not characteristic of this position since at this level, the biologist receives only <u>administrative supervision</u>, all aspects of the work are performed free of technical supervision and the results of the work are considered technically authoritative. While this job functions with a great deal of independence, the supervisor is available and is consulted concerning problems of an unusually significant nature. The supervision provided to this position is more restrictive than that intended at FL 2-5.

d. FACTOR 3 - GUIDELINES - FL 3-4, 450 pts.

Project managers are responsible for managing the processing and evaluation of individual regulatory actions which are characterized by a broad range and combination of case specific features and public interest considerations. Steps for the processing of individual after-the-fact permit applications, after-the-fact permit compliance or enforcement actions are generally applicable but include a variety of alternatives that typically are not directly applicable to any given case. Instructions for the evaluation of individual actions provide general policy

considerations and planning constraints with a broad range and combination of possible alternatives for adaptation to situations characterized by widely varying case specific circumstances. Alternatives/instructions within these guidelines 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 project manager is substantively responsible for participating in the identification, development and/or implementation of programmatic initiatives aimed to improve the efficiency and effectiveness of the regulatory program. This work can involve local policy and/or operating procedures, joint programs with other Federal, state or local agencies, implementation of higher authority directives, contracts, regulatory mechanisms applicable to special geographic areas or specific activities, program monitoring, team building and resource management. Guidelines for such work are limited or non-existent. Considerable seasoned judgement, initiative and a high degree of interpretation must be applied in problem identification and resolution and the development of procedures or policy for use by the organization.

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. The guidelines of this job are fully comparable to FL 3-4 in that the established guidelines provide a general framework for a broad range of individual actions and programmatic initiatives. The regulatory specialist at FL 3-3 is required to exercise judgement in determining appropriate alternatives to use, in applying standard practices to new situations and in relating new work situations to precedent ones. The specificity, application and judgement required in this job exceeds the criteria described for FL 3-3. 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. The guidelines of this job and the judgement required in using them are not characteristic of FL 3-5 at which level a project manager works under broad and general policy statements, legislation and laws and is responsible for developing or influencing policy, plans, standards, and methods. Such guideline characteristics are not found in subject job. In summary, the nature of the guidelines and judgement required for this position exceeds that reflected for FL 3-3, but fall short of FL 3-5. Therefore, the guidelines of this job are evaluated as FL 3-4.

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

The incumbent is responsible for management 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, or management of, initiatives associated with the effective and efficient administration of the program. Assignments require fact finding, information development and integrated analysis of broad project/program features. This work is typically characterized by a combination of many of the following features:

(1) Involves substantial environmental/political/economic consequences

(2) Involves program policy matters of significant importance

(3) Requires extensive coordination with Federal, State and/or local agencies

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

(5) Involves conflicting views with applicant/permittee/violator, their agents, consultants or attorneys, concerning interpretation of technical or administrative determinations; e.g., delineation of wetlands, determination of jurisdiction, route of authorization, etc.

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

(7) Involves in depth weighing and balancing of a combination of several important and 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.

(8) Involves in depth analysis of alternatives in order to identify practicable alternatives and identify the least environmentally damaging alternative

(9) Involves high visibility from adjacent property owners/special interest groups/politicians

(10) Involves absence of precedent cases

(11) Involves extensive time commitment and/or expenditure of large sums of money

(12) Involves extensive public involvement

(13) Requires innovative approach in order to identify problems, determine source of conflict and/or development of solutions and recommendations

(14) Involves leadership role on team charged with issue resolution/project management

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 clearly exceeded in this job with respect to breadth, variety of circumstances and the amount and availability of data. Work characteristic of this job 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, incomplete or conflicting data and decisions which involve the interpretation of considerable data, planning of work or refining methods and techniques to be used. Some assignments may exceed the requirements of FL 4-4 with respect to the inclusion of areas of uncertainty due to continuing program changes, unknown phenomena or conflicting requirements. Other work, particularly related to programmatic initiatives, may also require the incumbent to be especially versatile and innovative in order to originate new procedures, establish criteria, develop new

information or anticipate future problems or trends. However, these characteristics fail to fully meet the requirements reflected at FL 4-5 with respect to the broad range of activities involved, the substantial depth of analysis required or the nature of the problems to be solved. Therefore, this job is appropriately evaluated at FL 4-4.

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

The incumbent is responsible for case specific and program activities which directly effect the nation's water resources. This work typically involves a variety of environmental and economic concerns which result in substantial public and private interest and high visibility with respect to both individual cases and overall program administration. Case specific work involves proposed projects which may serve to protect or enhance water resources, trade-off impacts for the protection or betterment of other public interests or cause significant harm to the aquatic environment. The incumbent must identify critical factors relating to these projects, evaluate and/or formulate project alternatives and identify/develop solutions which minimize harm. Work products must be thorough in analysis, well reasoned and timely in order to minimize effects on the social, physical and economic well being of individuals as well as industries which may be local, regional or national in scope. In addition, the regulatory project manager is responsible for assisting with programmatic initiatives which accomplish these goals and further the local, regional and national goals of the regulatory program. Both case specific and programmatic work may also effect the operation of other Federal, state or local agencies, such as with requirements for extensive coordination and consultation or the development and implementation of joint procedures.

At FL 5-3, the work involves the processing and evaluation of a variety of typical situations and problems in accordance with established procedures and standard practices. This work affects the overall operation of the regulatory program, as well as the well being of a number and variety of private individuals and businesses. However, the scope and effect of work for this position exceed the requirements of level 5-3 in terms of purpose, breadth, depth, and effect of assignments and meets that reflected at FL 5-4. A substantive requirement of the work involves investigating and analyzing a variety of combinations of conditions related to the formulation of projects which affect waters of the United States, project proponents and the well being of unspecified individuals and businesses. In addition, this work involves advisory planning or review services on specific problems, programs or functions. Participation in programmatic initiatives which assess the effectiveness of the regulatory program, formulate solutions to problems or provide answers to questions is also required in this job. Both the case specific actions and the programmatic initiatives have implications for external business concerns and/or the operation of other Federal, state or local agencies. In some instances the work may also involve resolving critical problems or isolating/defining unknown conditions which has regional economic impact outside the communities served or which may affect major aspects of the regulatory program. However, this work does not meet the full intent of the scope and effect characteristic of FL 5-5. Therefore, this position is appropriately evaluated at FL 5-4.

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 civil 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 evaluation is 2,820 points which falls in the GS-12 (2,755-3,150) point range of the FES Grade Conversion Table.

5. Title, Series and Grade: This position is properly evaluated at the GS-12 grade level and is classified Environmental Protection Specialist, GS-028.

ENVIRONMENTAL PROTECTION SPECIALIST

Evaluation Factor	Factor Level	Points
1. Knowledge Required	1-7	1250
2. Supervisory Controls	2-4	450
3. Guidelines	3-4	450
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	-	2820
Grade Conversion	-	GS-12