



REGULATORY

US ARMY CORPS OF ENGINEERS ★ MISSISSIPPI VALLEY DIVISION ★ BUILDING STRONG®

INTRODUCTION

The mission of the Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible, and balanced permit decisions.

A Department of the Army permit from the Corps of Engineers is required for construction activities and placement of dredged or fill material into the Nation's waters, including wetlands. The goal of the Corps permit program is to protect the Nation's aquatic resources and to prevent obstruction to navigation.

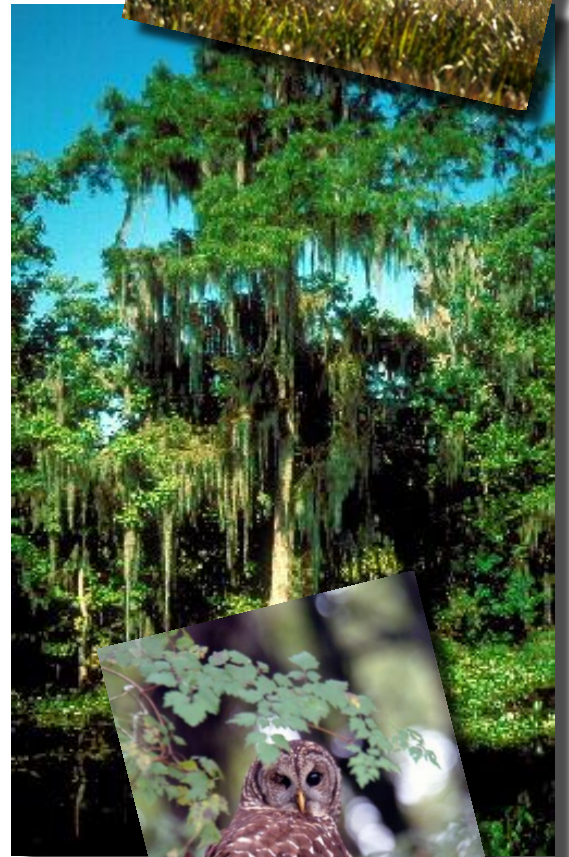
The Corps balances the reasonably foreseeable benefits and detriments of proposed projects and makes permit decisions that recognize the essential values of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens to use their land.

During the permit process, the Corps considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting the authorized impacts to the waters of the United States.

The adverse impacts to the aquatic environment are offset by mitigation requirements, which may include restoring, enhancing, creating, and preserving aquatic functions. The Corps strives to make its permit decisions in a timely manner that minimizes impacts to the public.

AUTHORITY

- Section 10 Rivers and Harbors Act: Regulates all work in navigable waters.
- Section 404 Clean Water Act: Regulates discharges of dredged or fill material into all waters.
- Section 103 Marine, Protection, Research, and Sanctuaries Act: Regulates ocean dumping of dredged material.



DEFINITIONS

- **Navigable waters** = waters presently used, historically used, or susceptible to use for the transport of interstate or foreign commerce and those waters subject to the ebb and flow of the tide.
- **Waters of the United States** = include all traditionally navigable waters and other interstate and intrastate waters, including wetlands, lakes, rivers, streams, certain impoundments, and the territorial seas.
- **Wetlands** = areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
- **Discharge of fill material** = the term discharge of fill material means the placement of any material into waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land or of changing the bottom elevation of any portion of a water of the United States. Examples of such fill material include, but are not limited to: rock, sand, soil, clay, construction debris, overburden from mining, etc.
- **Discharge of Dredged Material** = the term discharge of dredged material means the placement of material that is dredged or excavated from waters of the United States back into a water of the United States.



DO I NEED A PERMIT?

Many people own land with regulated “waters” on the property, which includes rivers, streams, lakes and wetlands. These statutes apply to private and public property, and are intended to protect commerce on navigable waters and protect the aquatic environment.

If you propose work involving construction or discharges of dredged or fill material into waters, contact the Corps regulatory office in your area. Contact information for the Corps districts operating in your state is available at:

<http://www.usace.army.mil/cw/cecwo/reg/district.htm>

EXAMPLES OF ACTIVITIES REQUIRING PERMITS

- **SECTION 10 - Any work or construction in navigable waters**
 - ▶ Construction of mooring facilities
 - ▶ Commercial sand and gravel dredging
 - ▶ Maintenance dredging of channel and dock facilities
 - ▶ Construction of docks or loading facilities
 - ▶ Construction of boat ramps
 - ▶ Installation of utility line crossings



- **SECTION 404 - Construction activities in regulated waters**
 - ▶ Filling for construction of homes, commercial buildings, and parking lots
 - ▶ Permanent or temporary roads, driveways, and approach fills for bridges; other construction, maintenance, improvements or reconstruction
 - ▶ Levee construction associated with flood protection
 - ▶ Boat ramp construction



- **Other Activities in regulated waters**
 - ▶ Stream/lake bank stabilization
 - ▶ Land clearing of wetlands with heavy equipment
 - ▶ Land leveling or filling of wetlands
 - ▶ Wetland and wildlife enhancement activities
 - ▶ Side-casting material excavated from channel construction
 - ▶ Backfilling
 - ▶ Utility line activities



TYPES OF STANDARD PERMITS

- **Standard individual permits**
 - ▶ Public notice on specific project
 - ▶ Opportunity for public hearing
 - ▶ Activities with more than minimal impact



Letters of permission

- ▶ Minor activities
- ▶ Coordinates with agencies / neighbors
- ▶ No public notice on each project

TYPES OF GENERAL PERMITS

- **Regional general permits**
 - ▶ Established by each Corps district
 - ▶ Allow only minimal impacts
 - ▶ Minimal effects test is met, after mitigation
- **Nationwide general permits**
 - ▶ Issued by Corps headquarters, used by districts to permit minimal impacts
 - ▶ More than 75% of most districts' workload
 - ▶ Programmatic general permits
 - ▶ Founded on local, state or other federal regulatory program



FOR MORE INFORMATION

- **Corps Headquarters:** http://www.usace.army.mil/CECW/Pages/cecwo_reg.aspx
- **St. Paul District:** <http://www.mvp.usace.army.mil/Missions/Regulatory.aspx>
- **Rock Island District:** <http://www.mvr.usace.army.mil/Missions/Regulatory.aspx>
- **St. Louis District:** <http://www.mvs.usace.army.mil/Missions/Regulatory.aspx>
- **Memphis District:** <http://www.mvm.usace.army.mil/About/Offices/Regulatory.aspx>
- **Vicksburg District:** <http://www.mvk.usace.army.mil/Missions/Regulatory.aspx>
- **New Orleans District:** <http://www.mvn.usace.army.mil/Missions/Regulatory.aspx>

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