

Army Corps of Engineers Outline of Permits and What is a Wetland

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Definition of Section 10 of the Rivers and Harbors Act of 1899

Any activity in, under, or over navigable water. .

- Boat Docks
- Observation Decks .
- Dredging
- Utility Crossings

Definition of Section 404 of the Clean Water Act

Any discharge of dredged or fill material into a water of the United States. .

- Road Crossings
- Utility Crossings
- Relocation of a Stream.
- Bank stabilization

Individual Permit vs. Regional vs. Nationwide Permit Individual Permit

- More than minimal impacts.
- Public Notice required
- Usually issued 90 - 120 days after receipt of a complete application.
- Usually expire after 3 - 5 years

Regional Permit

- General permit developed for a specific region/activity.
- Issued for 5-year period
- Must apply and receive written verification of authorization
- Usually verified 10 - 20 days after receipt of a complete application

Nationwide Permit

- General permit authorizing work nationwide
- May have regional conditions, check with the appropriate Corps of Engineers District. Usually issued for 5 years
- Some require written verification of authorization
- Verifications good for 2 years, unless otherwise noted.
- Proposed rule change to allow verification period to coincide with expiration of nationwide permit.
- Usually verified 10 - 20 days after receipt of a complete application. Current Nationwide Permits expire March 15, 2007.
- Project verified under current rules need to be under contract by March 15, 2007
- In most cases, impacts are limited to 0.5 acres.
- In most cases, mitigation is required for impacts greater than 0.10 acre.

Permitting Process

Complete Joint Application Packet and submit to the indicated agencies

What makes a complete application?

- Good project description including what is to be done and how.
- Good location map (topographic map, city map, county map, etc.)
- Identification of any 'water of the United States
- Identify knowledgeable point of contact and provide good contact information.

What is a water of the United States?

- Stream.
- Creek.
- River
- Pond?
- Wetland?

- Website: <http://soils.usda.gov> and select Web Soil Survey
- If a hydric soil is present, need to consider having wetland delineation conducted by an environmental consultant.
- NWI map is a reference tool; but not a delineation tool. .

Hydrophytic vegetation

- Hydrophytic vegetation prefers saturated or shallow inundation conditions. Vegetation lists exist which indicate classification of plants. .

Hydrology

- Site is saturated or inundated at least 15 days of the growing season.