

THE CORPS REGULATORY PROGRAM

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Discussion Topics



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- Program Overview
- Corps Jurisdiction
- Permitting



PROGRAM REGULATIONS



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Section 10 of the RHA of 1899 (33 USC 403):

Prohibits the unauthorized obstruction or alteration of any “navigable water of the United States.”

Section 404 of the Clean Water Act (33 USC 1344):

Prohibits the discharge of dredged or fill material into all “waters of the United States, including wetlands” without obtaining a permit from the Corps of Engineers.



Waters of the United States

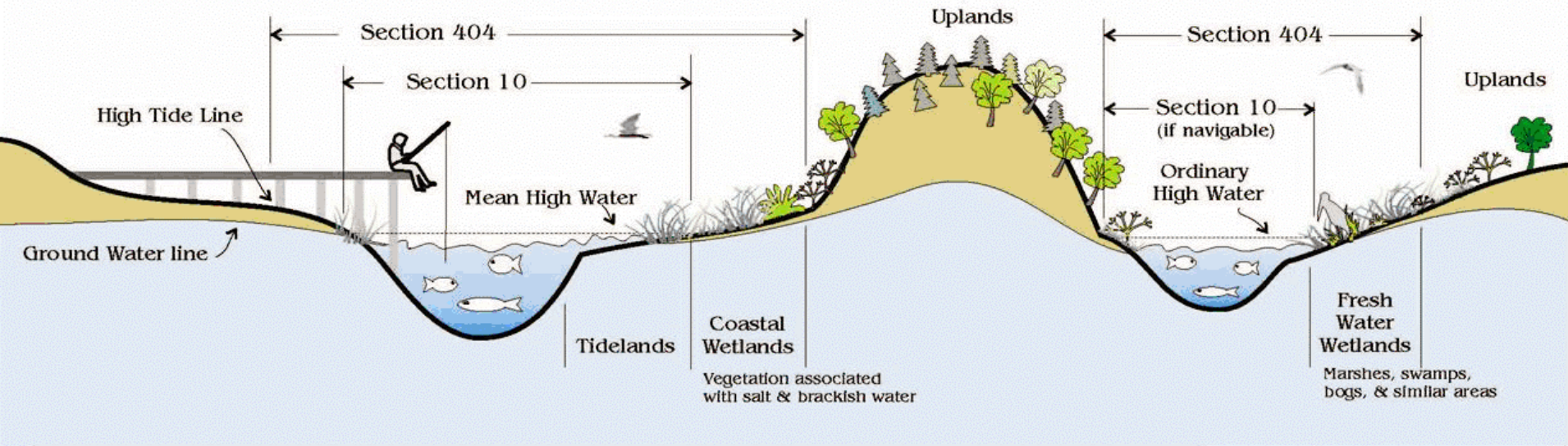


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CORPS OF ENGINEERS REGULATORY JURISDICTION

Tidal Waters

Fresh Waters



Section 103 Ocean Disposal of Dredged Material

Ocean discharges of
dredged material

Section 404 Discharge of Dredged or Fill Material (all waters of the U.S.)

All filling activities, utility lines, outfall structures,
road crossings, beach nourishment, riprap,
jetties, some excavation activities, etc.

Section 10 All Structures and Work (navigable waters)

Dredging, marinas, piers, wharves,
floats, intake / outtake pipes,
pillings, bulkheads, ramps, fills,
overhead transmission lines, etc.

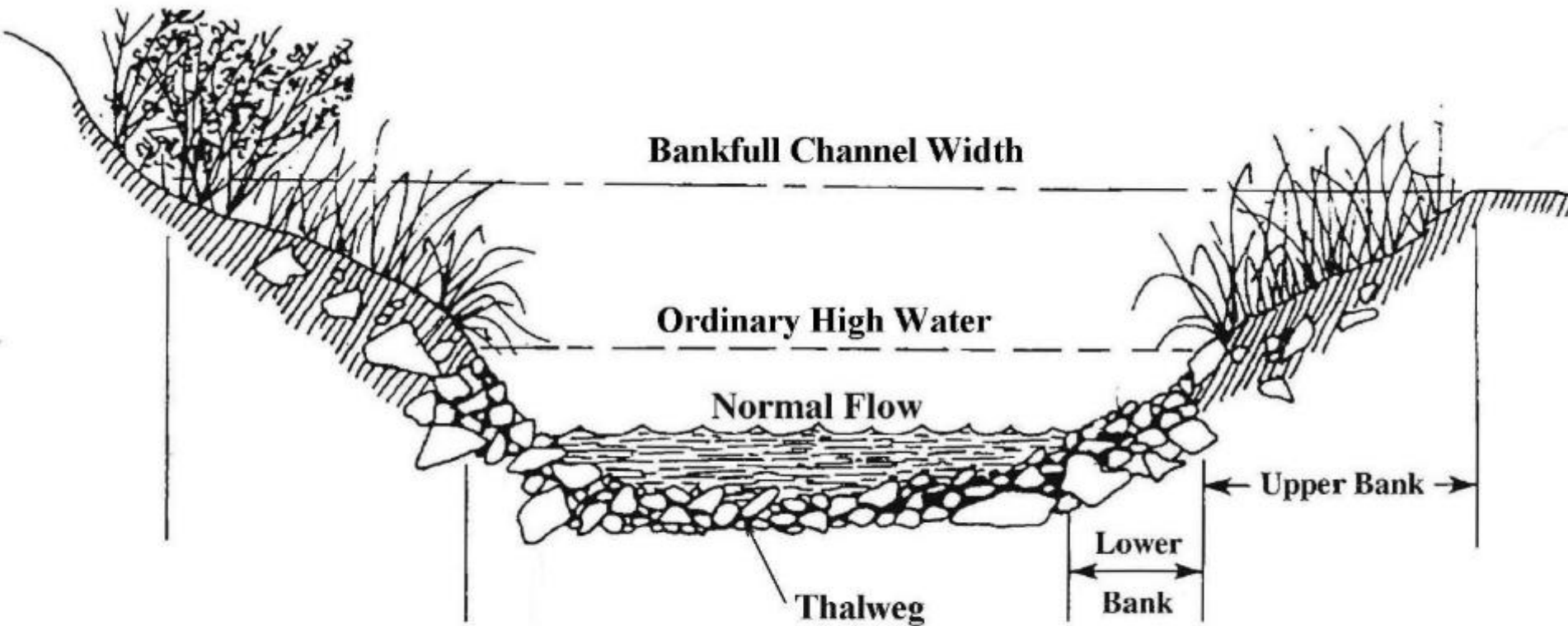
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Typical Stream Cross-Section



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What are Wetlands?



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Wetland Definition - 33 CFR 328.3(c)(4)



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Those areas inundated or saturated by surface or ground water at a frequency and duration to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands generally include marshes, swamps, bogs, and similar areas.



Wetlands – Three Parameter Method



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- 1) Hydrology
- 2) Hydrophytic Vegetation
- 3) Hydric Soils



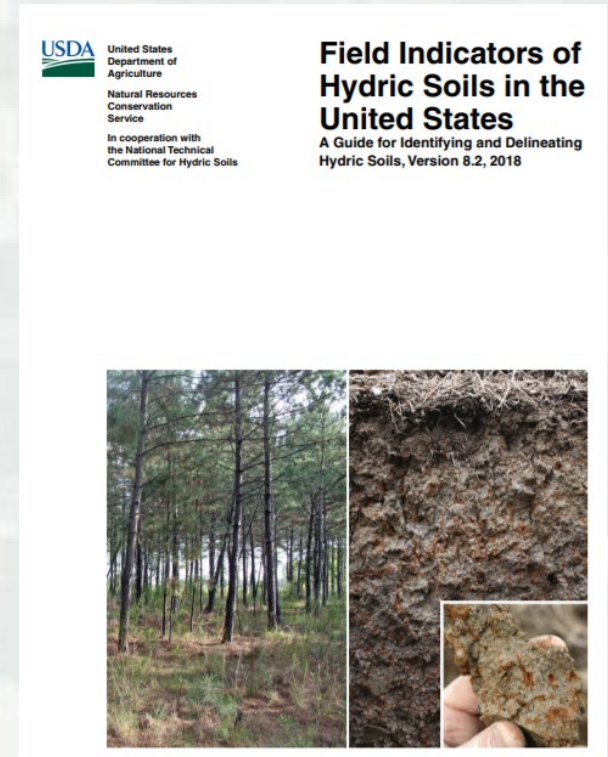
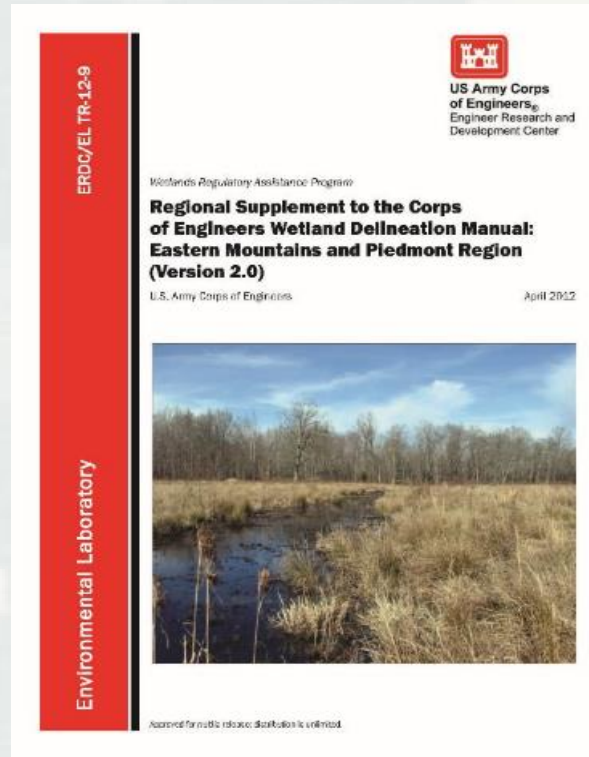
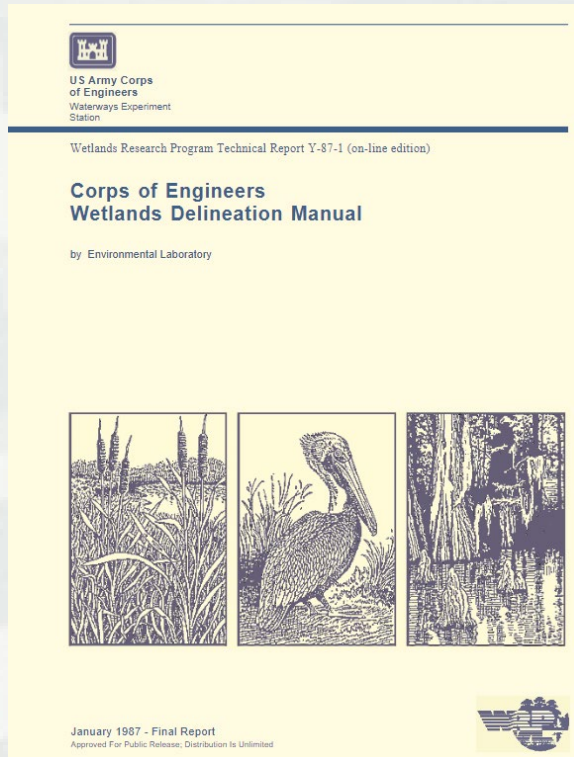
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1987 Wetlands Delineation Manual, Regional Supplement & Hydric Soils



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Wetlands Delineation Manual and Regional Supplements:

https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/

Field Indicators of Hydric Soils:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs142p2_053171.pdf

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What requires a Section 404 Permit?*



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- Culverts
- Slab-on-grade foundations
- Most road construction
- Dam construction and Impoundment
- Levee and dike construction
- Mechanized land clearing
- Grading and landscaping
- Certain pile-supported structures

*In other words, most projects involving the placement of fill, structures or dredged material into waters.



Permitting



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- General Permit: can authorize small projects, usually less than 0.5 acre of fill in wetlands and 300 linear feet in streams
- Individual Permit: the project is reviewed under the National Environmental Policy Act (NEPA) for impacts to aquatic resources, endangered species, cultural resources, and other factors.



Permitting



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- General Permit: can authorize small projects, usually less than 0.5 acre of fill in wetlands and 300 linear feet in streams
 - Based on activity type: Residential Development, Transportation projects, Maintenance of existing infrastructure, etc.
 - Expedited process if the project meets terms and conditions of the general permit
 - Nationwide Permits, Regional General Permits, Programmatic General Permits
 - <https://www.sas.usace.army.mil/Missions/Regulatory/Permitting/General-Permits/>



Permitting



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■ Individual Permit

- Letter of Permission: abbreviated process for minor projects with no significant environmental impacts, and no substantive opposition. (E.g.: private single family dock)
- Standard Permit: projects that could have more than a minimal impact on the environment.
 - Requires individual evaluation under the National Environmental Policy Act (NEPA) including public comment period, alternatives analysis, and coordination with other resource agencies.
- <https://www.sas.usace.army.mil/Missions/Regulatory/Permitting/Individual-Permits/>



Public Involvement



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- Twin Pines Minerals, LLC proposed mine is being evaluated as a Standard Permit.
- Public Notice issued on 13 March 2020
- Public Meeting announced and comment was extended until May 28, 2020.
- Written comments can be emailed to CESAS-SpecialProjects@usace.army.mil – include the project number in the subject line or body of the email: SAS-2018-00554, Twin Pines.



Public Involvement



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- Virtual Public Meeting
 - ▶ This is our first virtual public meeting and if you have suggestions or feedback on this forum please let us know
 - ▶ Type questions for presenters in the chat box
 - ▶ Questions will answered in the order they are asked
 - ▶ Unanswered questions will be noted addressed in our administrative record prior to any permit decision by the Corps.