

# U.S. Army Corps of Engineers Regulatory Program Overview

Prepared for the  
Living Shorelines Workshop

June 13, 2008  
Gulf Coast Community College, Panama City, FL

## Authorities

- ◆ **Section 9, Rivers and Harbors Act**  
-Dams, Dikes, Bridges, and Causeways
- ◆ **Section 10, Rivers and Harbors Act**  
-Structures In or Over Navigable Waters
- ◆ **Section 103, Marine Protection Research and Sanctuaries Act**  
-Ocean Dumping
- ◆ **Section 404, Clean Water Act**  
-Dredge and Fill

## Public Interest

- ◆ 33CFR 320.4: “The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the **public interest**. ”
- ◆ In evaluating whether a particular discharge activity should be permitted, the district engineer shall apply the **Section 404(b)(1) Guidelines** (40 CFR Part 230. 10(a) (1 - 3)).

## Section 404(b)(1) Guidelines

- ◆ **Sub Part B** [40CFR230.10(a)] “...no discharge... shall be permitted if there is a **practicable alternative**... which would have less adverse impact on the aquatic ecosystem....”
- ◆ **Sub Part B [40CFR230.1(c)]**: “No discharge of dredged or fill material shall be permitted unless appropriate and practicable steps have been taken which will **minimize** potential adverse impacts of the discharge on the aquatic ecosystem” –Follow Sub Part H!

## Permit Categories

### ◆ Standard Permits:

#### -Individual Permits:

- >20 slips
- >50,000 yds<sup>3</sup> Dredge
- >0.5 acre non-tidal Fill
- >0.1 acre Tidal Fill

#### -Letter of Permission:

- ≤20 slips
- ≤50,000 yds<sup>3</sup> Dredge
- ≤0.2 acre Freshwater Fill

## Permit Categories (Continued)

### ◆ Minor Permits:

#### -General Permits:

- Regional – Cover categories of activities with minimal impact.
- Programmatic - Administered by third party.

#### -Nationwide Permits

- Routine activities
- Restricted use in special aquatic sites and environmentally sensitive areas.

## Standard Permit Review

- ◆ Aquatic resource impacts addressed on an individual basis.
- ◆ Coordinate with federal resource agencies (USFWS, and NMFS) pursuant to Fish and Wildlife Coordination Act and Magnuson Stevens Fishery Conservation and Management Act (EFH).
- ◆ Consult with federal resource agencies pursuant to Endangered Species Act.
- ◆ Coordinate with state, and local government agencies, adjoining property owners, and interested parties.

## Restrictions on Nationwide Permits

- ◆ PCN required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages (e.g., special aquatic sites).
- ◆ Restrictions in certain Rivers and their tributaries: (e.g., NW13-Bank Stabilization excluded in Chipola, Apalachicola, Ochlockonee, Econfina Creek, and Suwannee Rivers).

## General Permits

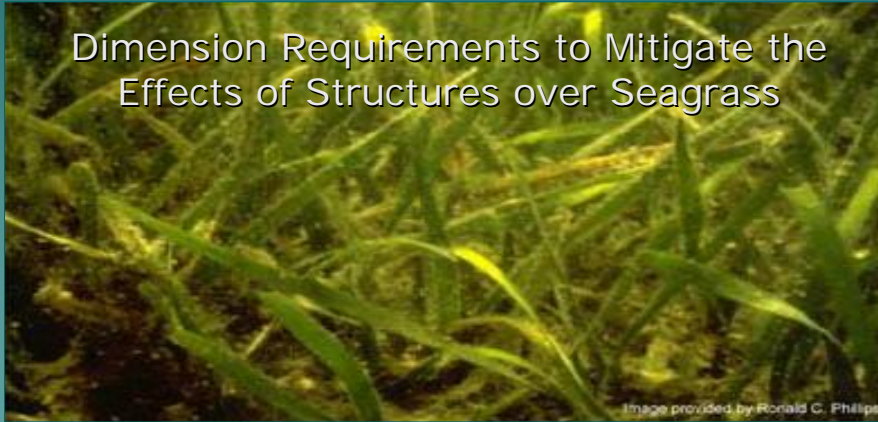
- ◆ SAJ-12 Private Single-Family Boat Ramps
- ◆ SAJ-18 Private Single-Family Boat Slips
- ◆ SAJ-20 Private Single-Family Docks
- ◆ SAJ-34 Commercial Piers
- ◆ SAJ-46 Bulkheads and Backfill in Residential Canals

## General Permit Restrictions

- ◆ Work shall not affect corals, estuarine and marine emergent, and submerged aquatic vegetation (SAV).
- ◆ Adverse impacts to SAV may be ameliorated by adherence to the Dock Construction Guidelines, August 2001.

## Dock Construction Guidelines, Corps/NMFS, August 2001

Dimension Requirements to Mitigate the  
Effects of Structures over Seagrass



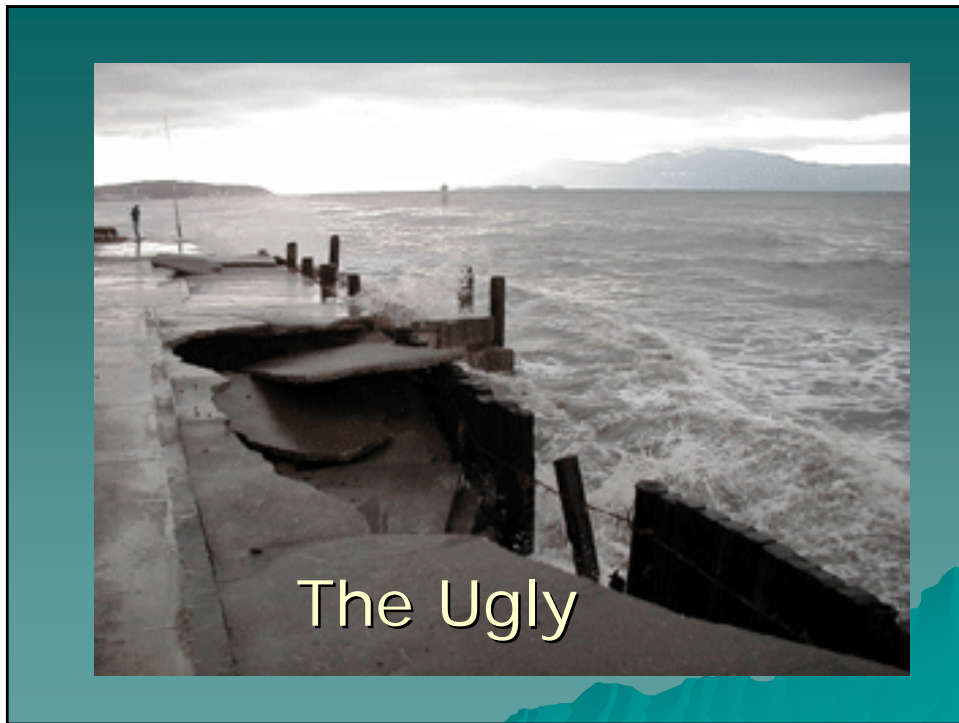
## Final Corps/EPA Mitigation Rule June 9, 2008

- ◆ Prioritizes mitigation options:
  - Mitigation bank
  - In Lieu Fee
  - Permittee-based (on or offsite preservation/enhancement)
- ◆ Supports watershed based mitigation.
- ◆ Requires 12 components for a mitigation and monitoring plan.

## Benefits of a Living Shoreline

- ◆ Its a less damaging practicable alternative.
- ◆ Serves to avoid and minimize.
- ◆ Serves the public interest.
- ◆ Benefits the aquatic environment.
- ◆ Reduces permitting timeframes.







..and the Ugliest..

## Regulatory Information

- ◆ **Corps Regulations:**  
<http://www.usace.army.mil/cw/cecwo/reg/sadmin3.htm>
- ◆ **Sec 404, Clean Water Act:**  
<http://www.usace.army.mil/cw/cecwo/reg/sec404.htm>
- ◆ **Section 10, River and Harbors Act, 1899:**  
<http://www.usace.army.mil/cw/cecwo/reg/rhsec10.htm>
- ◆ **Final Compensatory Mitigation Rule:**  
<http://www.usace.army.mil/cw/cecwo/reg/citizen.htm>
- ◆ **Types of Corps' Permits:**  
<http://www.usace.army.mil/cw/cecwo/reg/33cfr325.htm#325.5>
- ◆ **Nationwide Permits:**  
<http://www.saj.usace.army.mil/regulatory/permitting/nwp/nwp.htm>
- ◆ **General Permits:**  
<http://www.saj.usace.army.mil/regulatory/permitting/gen/gen.htm>
- ◆ **Regulatory Guidance Letters:**  
<http://www.usace.army.mil/cw/cecwo/reg/rglsindx.htm>
- ◆ **Jacksonville District Regulatory Contacts:**  
<http://www.saj.usace.army.mil/regulatory/where/where.htm>

# Thank You

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