

U.S. Army Corps of Engineers

Internet Assistance

USACE Headquarters Regulatory:

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx>

Jacksonville District Regulatory:

<http://www.saj.usace.army.mil/Missions/Regulatory.aspx>

Regulatory Pages:

“Florida – Interactive Permit Application Module”

“source book”

Commerce Clause of U.S. Constitution

a. Article I, Section 8, Clause 1:

“The Congress shall have power . . . To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;”

Section 10 of the Rivers and Harbors Act of 1899

- **That the creation of any obstruction not affirmatively authorized by Congress, to the navigable capacity of any of the waters of the United States is hereby prohibited; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures in any port, roadstead, haven, harbor, canal, navigable river, or other water of the United States, outside established harbor lines, or where no harbor lines have been established, except on plans recommended by the Chief of Engineers and authorized by the Secretary of War; and it shall not be lawful to excavate or fill, or in any manner to alter or modify the course, location, condition, or capacity of, any port, roadstead, haven, harbor, canal, lake, harbor of refuge, or inclosure within the limits of any breakwater, or of the channel of any navigable water of the United States, unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of War prior to beginning the same.**

Section 103 of the Marine Protection Research and Sanctuaries Act of 1972

- **The issuance of permits for the transportation of dredged material for the purpose of dumping it into ocean waters, where the dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological system, or economic potentialities.**

Federal Water Pollution Control Act of 1972;
(Section 404 of the Clean Water Act)

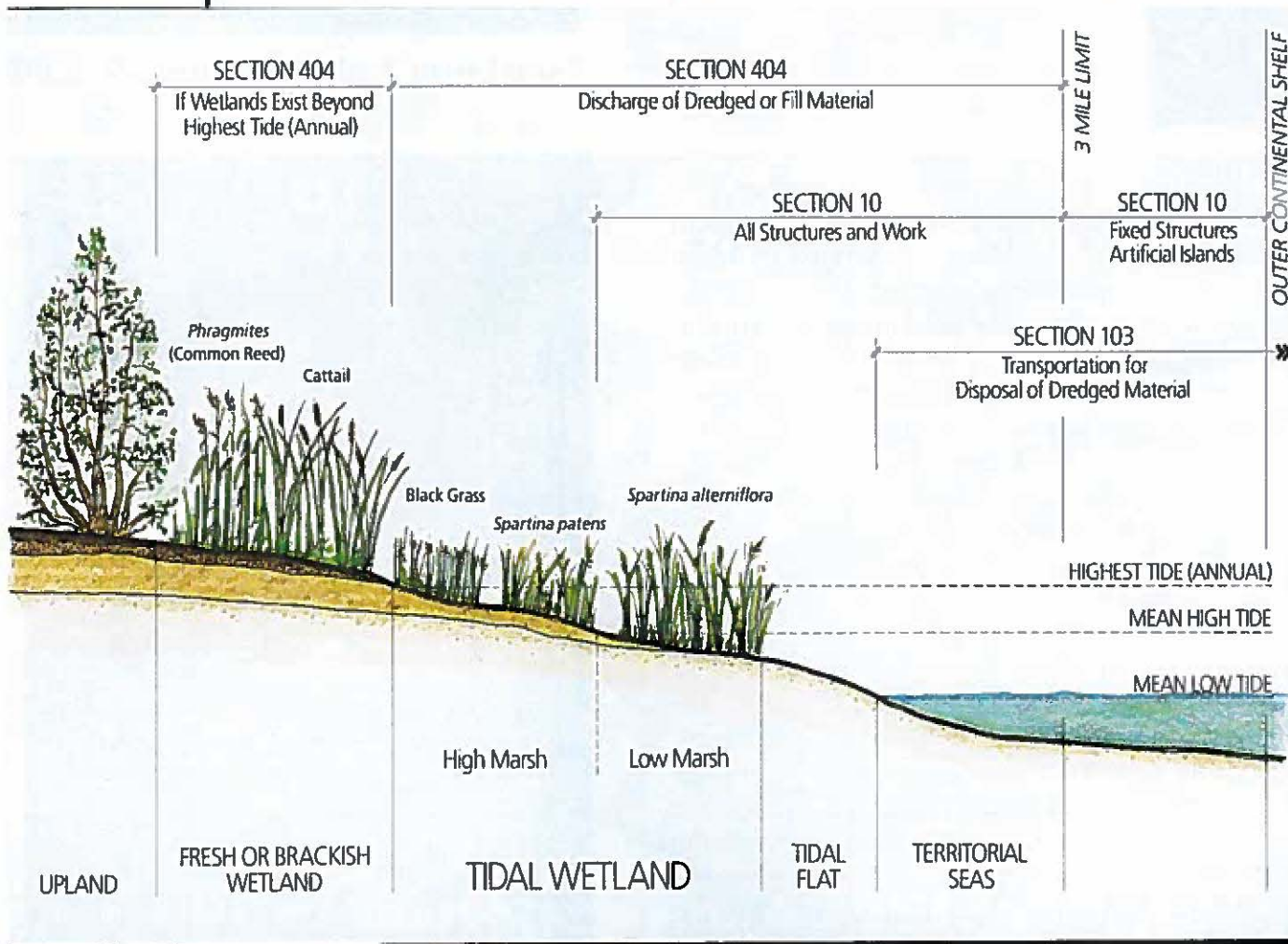
- **The issuance of permits authorizing the discharge of dredged or fill material into waters of the United States.**

The term "waters of the United States" means

1. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
2. All interstate waters including interstate wetlands;
3. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - a. which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - b. from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - c. which are used or could be used for industrial purpose by industries in interstate commerce;
4. All impoundments of waters otherwise defined as waters of the United States under the definition;
5. Tributaries of waters;
6. The territorial seas;
7. Wetlands adjacent to waters (other than waters that are themselves wetlands)

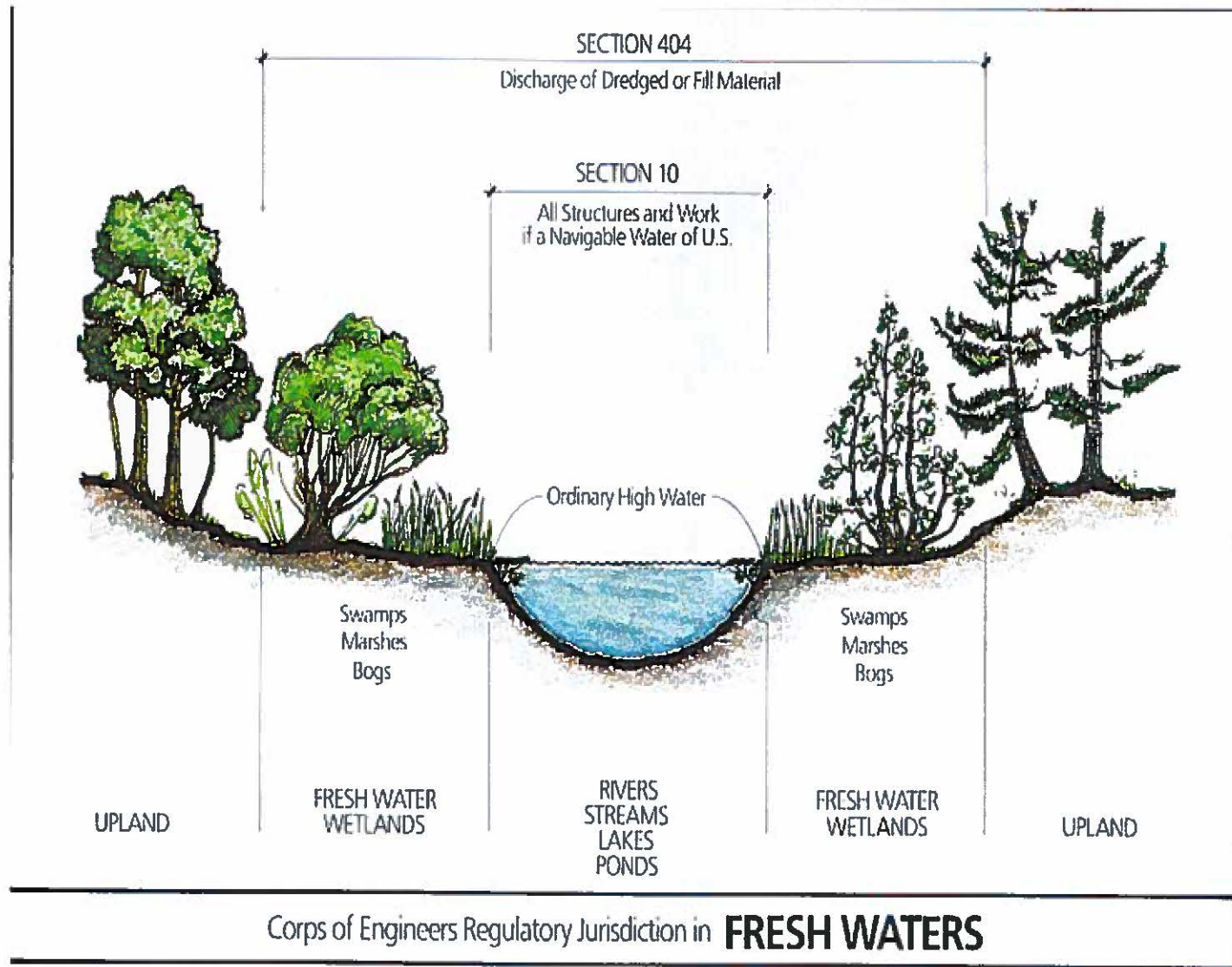
**Regarding #7:
“Adjacent,” as defined in Corps and
EPA regulations, means “bordering,
contiguous, or neighboring.”**

Simplified Jurisdiction in Tidal Waters



Corps of Engineers Regulatory Jurisdiction in **TIDAL WATERS**

Simplified Jurisdiction in Fresh Waters



Permit Actions

- General Permits
 - Nationwide Permits
 - Regional General Permits
- Individual Permits
 - Letters of Permission
 - Standard Permits

NWPs:

- Issued by Congress
- Valid for cyclical 5-year periods (current expire 3/18/2017)
- Corps “verifies”, does not “issue” NWPs for each project
- Project must meet all of the NWP terms and conditions
- Project must meet all of the Regional Conditions
- Everyone “has all of the NWPs in their pocket”

RGPs:

- Issued by Corps’ Districts (Jacksonville – SAJ)
- Individually valid for cyclical 5-year periods (unique expirations)
- Corps “verifies”, does not “issue” for each project
- Project must meet all of the RGP terms and conditions

Letters of Permission:

- Issued by SAJ for individual projects
- 5-year expiration of authorization
- Typically for “smaller/minor” projects that don’t meet GP limits
- Limited types of projects (can authorize 10/404)
- Coordination to APOs and Agencies

Standard Permits:

- Issued by SAJ for individual projects
- 5-year expiration of authorization (can request longer period)
- For all other projects
- Public notice posted on Internet
- PN notification letter to APOs and Agencies
- PN notification electronically posted to list server

“Exemptions”

Corps does not have any “exemptions”.

All work affecting waters of the United States,
including wetlands, requires authorization.

Latest News Key Information:

- **CWA Guidance to Implement the U.S. Supreme Court Decision for the Rapanos and Carabell Cases**
- **Final Compensatory Mitigation Rule**
- **Regional Supplements to Corps Delineation Manual**
- **Jurisdictional Determinations (preliminary - approved)**