

U.S. Army Corps of Engineers Permit Overview *July 7, 2009*

For:

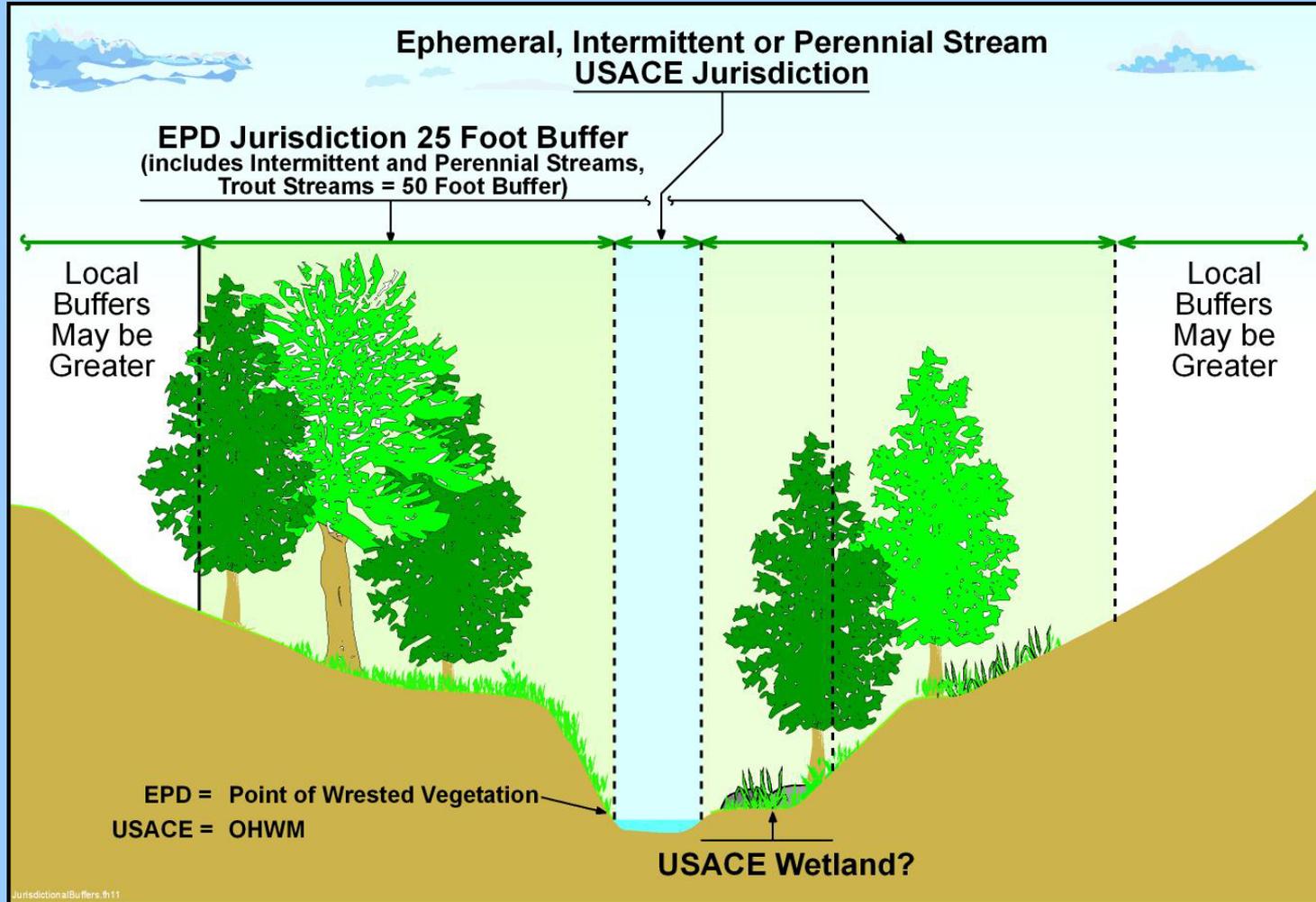


Presented by:

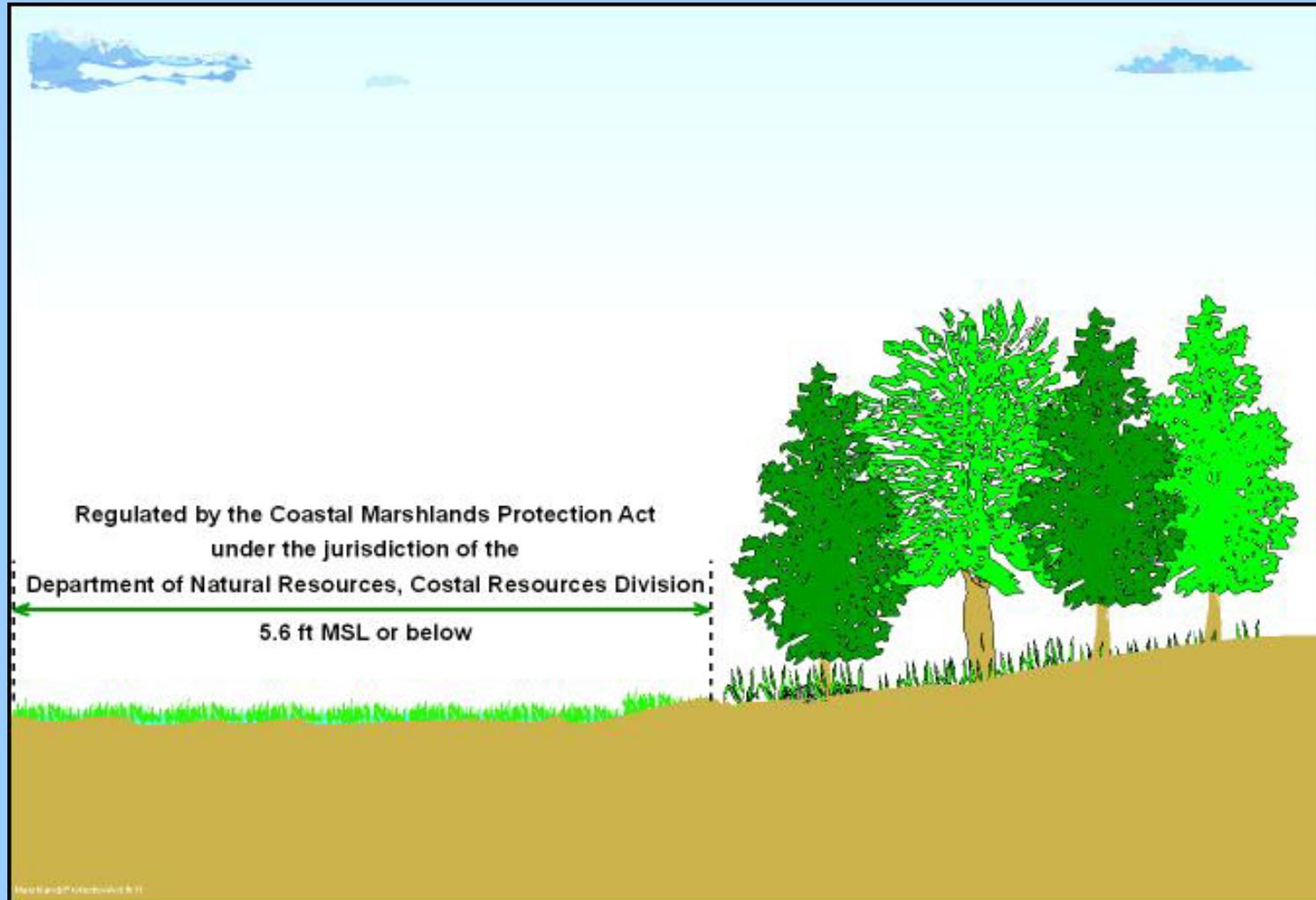
Ecological
ESolutions^{inc.}

Ecological
ESolutions^{inc.}

Who Has Jurisdiction?



Who has Jurisdiction? (cont'd)



Perennial Stream



Canal



Wetlands



Wetlands



Wetland/Canal ?



Jurisdictional Open Water?



Jurisdictional Open Water?



I've just received great news from my
real estate agent in Florida...
They've found land on my property!

---Milton Berle



Regulatory Overview

- **Section 404 of the Clean Water Act (USACE)**
- **Section 10 Rivers and Harbors Act (USACE)**
- **Erosion and Sedimentation Control Act (EPD stream buffers)**
- **Coastal Marshlands Protection Act (DNR)**

Section 404 Overview

- **General Permits**
 - Regional Permits – Activity specific permits specific to each Regulatory District
 - Nationwide Permits – 50 activity specific permits across the U.S. for projects with minor impacts
- **Letter of Permission – Abbreviated permitting process for projects that exceed NWP thresholds but that do not have the potential for significant impacts**
- **Individual Permit – Specific permits for projects with the potential for significant impacts**

Proposed Regional Permits

- **Four Regional General Permits (RGPs) were placed on Public Notice on April 29, 2009:**
- **The goal of the proposed RGPs is expedited review of public-funded projects that would otherwise require an Individual Permit**
- **Like the Nationwide Permits, the Regional Permits are Activity Specific:**
 - 105 Widening or Improvement of Existing Transportation Projects
 - 106 Bridge Replacement Projects
 - 107 Construction of Institutional Facilities such as Governmental Offices, Schools, Libraries, and Museums
 - 108 Construction of Infrastructure projects such as Water Treatment Facilities and Storm Water Management Facilities

Proposed Regional Permits (cont'd)

- **Public comment period has expired (May 28, 2009)**
- **USACE to hold workshop in late July 2009 regarding comments and expected date of issuance**
- **Permits require additional coordination beyond the NWP program:**
 - Cultural Resources Survey
 - Documentation of at least one public workshop
 - Pre-Construction Notification Required
- **Cannot be used in tidal waters**

Proposed Regional Permits (cont'd)

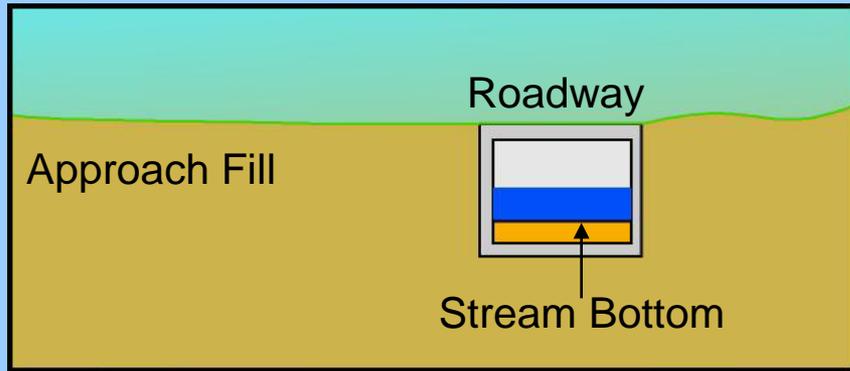
- **Impact thresholds**

- Non-linear projects – 5 acres of wetlands and/or 1,000 feet of intermittent or perennial streams
- Linear projects – 10 acres of wetlands and/or 2,000 linear feet of intermittent or perennial streams. No single crossing can impact greater than 3 acres of wetland and/or 500 feet of streams

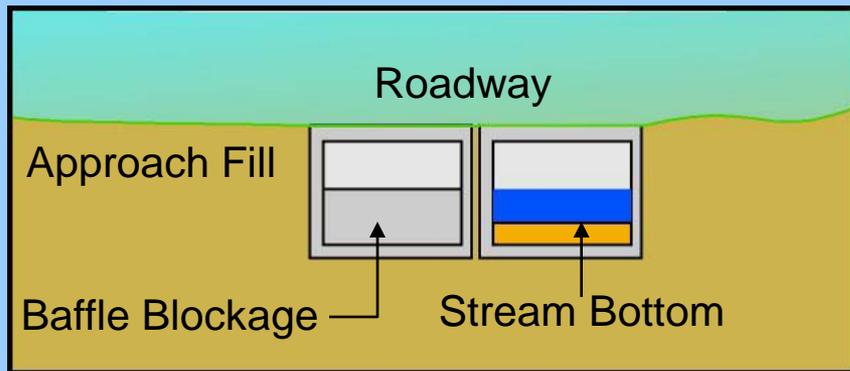
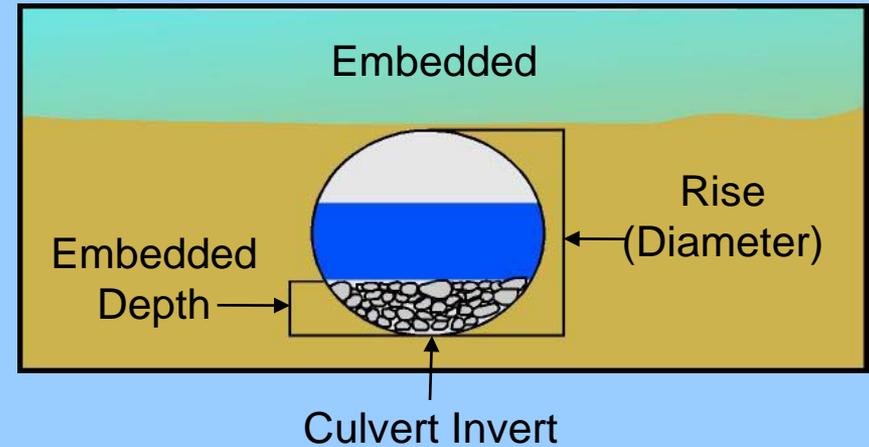
Nationwide Permits

- **50 NWP's covering general activities**
- **Most commonly used:**
 - 3 Maintenance
 - 12 Utility Line Activities
 - 13 Bank Stabilization Activities
 - 14 Linear Transportation Projects
 - 29 Residential Developments
 - 39 Commercial and Institutional Developments
 - 42 Recreational Facilities
 - 43 Stormwater Management Facilities
- **Regional Conditions require:**
 - Earlier engineering
 - Permitting coordination (NWP's and Stream Buffer Variances)

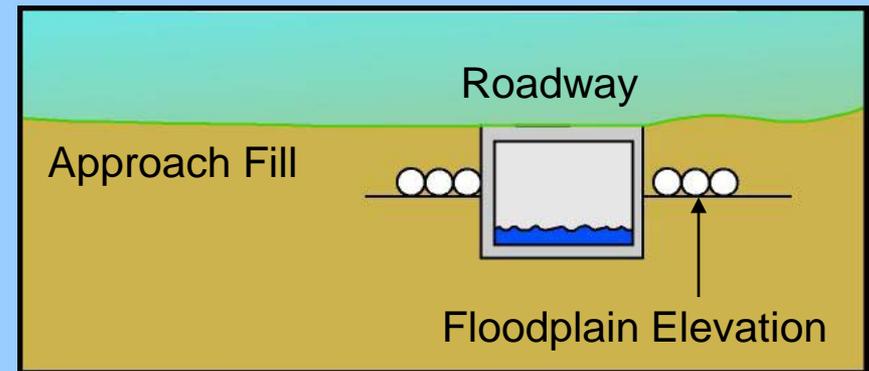
Culverts (perennial streams)



Culvert buried below streambed to appropriate depth



Culvert buried below streambed to appropriate depth



Rule of Thumb

404 Permitting Thresholds Non-linear Private Projects

	<i>PCN</i>	<i>IP</i>	<i>Mitigation</i>
<i>Wetland</i>	>0	>0.5 acre	>0.1 acre
<i>Stream</i> (perennial, intermittent, or ephemeral)	>0 l.f.	>300 l.f.	> 100 l.f.

Rule of Thumb

404 Permitting Thresholds

Non-linear Public-funded Projects when proposed RGP applies

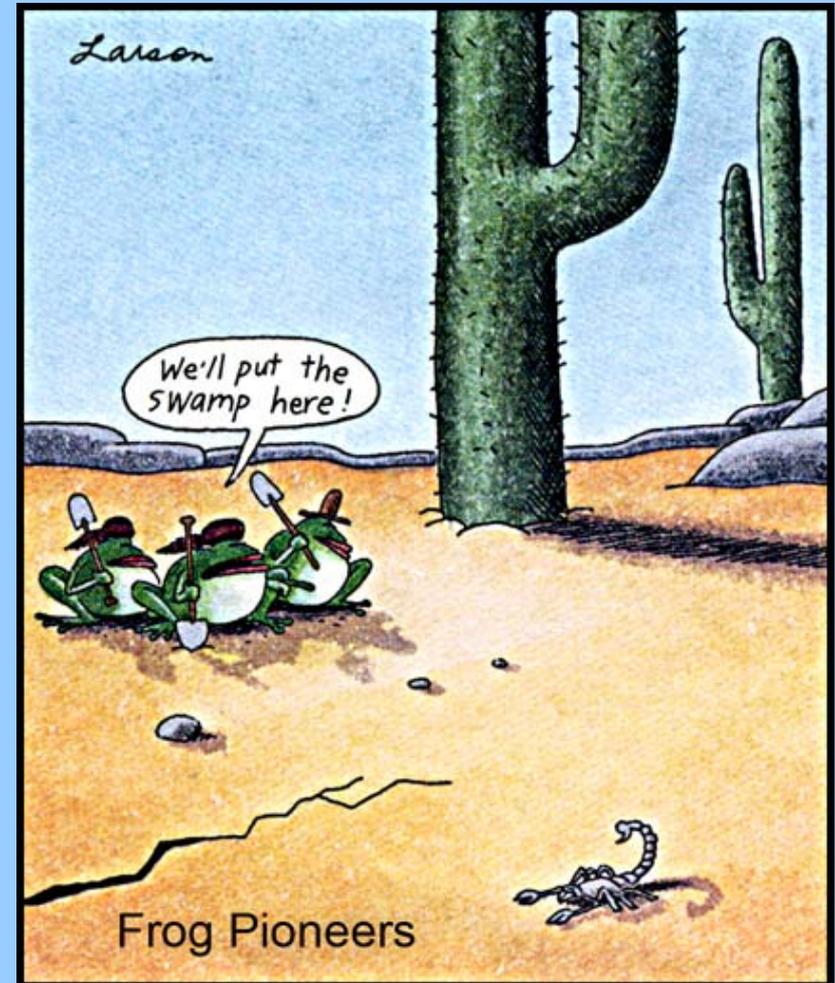
	<i>PCN For NWP</i>	<i>RGP</i>	<i>IP</i>	<i>Mitigation</i>
Wetland	>0	>0.5 acre	>5 acres	>0.1 acre
Stream (perennial, intermittent, or ephemeral)	>0 l.f.	>300lf	>1000 l.f.	> 100 l.f.

Rule of Thumb

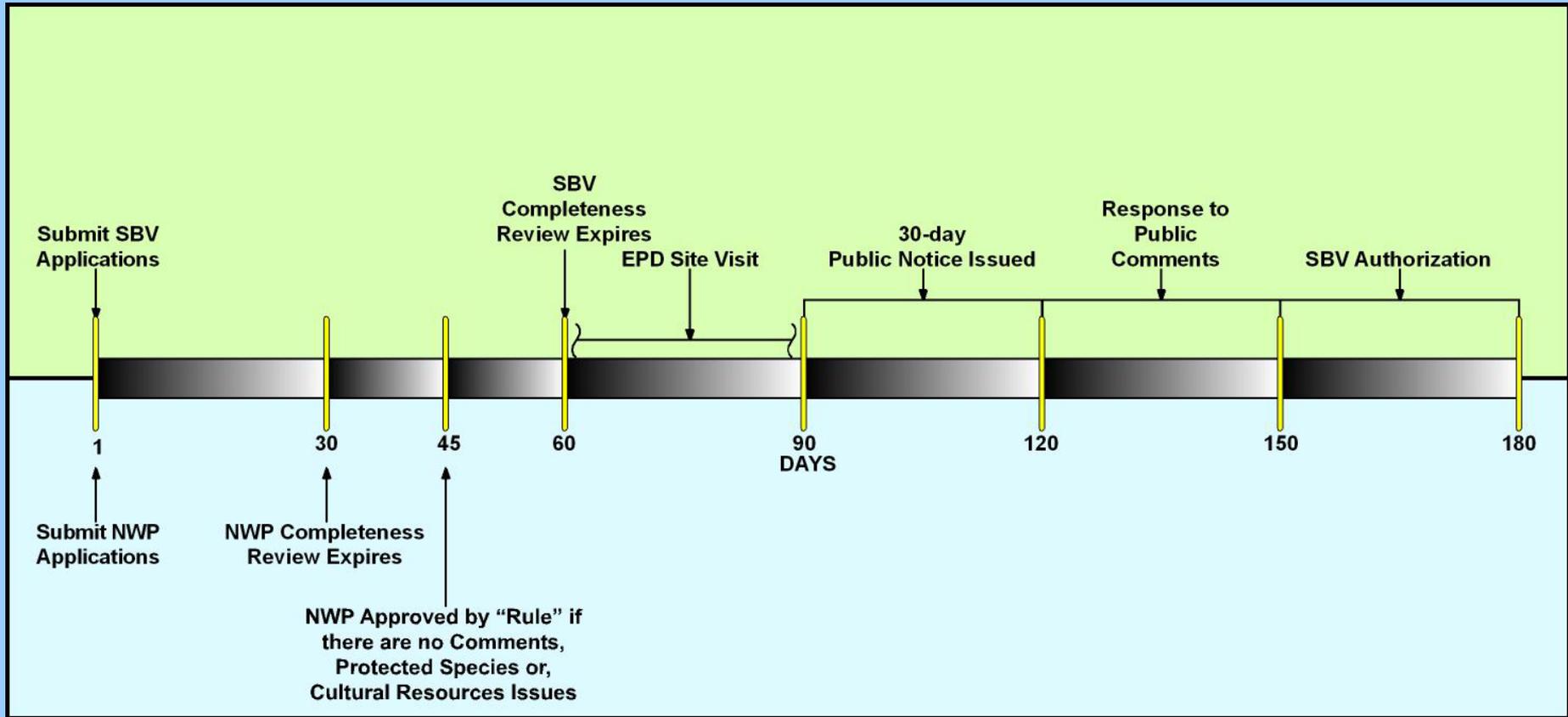
Mitigation Credits and Cost

- 1 acre of wetland impact = 7-8 credits (\$7,500*/credit) or \$52,500 - \$60,000/wetland acre of impact
- 1 foot of stream impact = 4-5 credits (\$85 - \$110+*/credit) or \$340 - \$550/foot of impact

* Based on recent mitigation bank costs, actual cost will vary based on watershed location and credit availability.



Nationwide Permit and Stream Buffer Variance Typical Timeline*



Nationwide Permit Overview

Thank you
erikalford@ecologicalsolutions.net

July 7, 2009

Presented by:

Ecological
Solutions^{Inc.}