



WETLAND AND STREAM IMPACTS: BASICS OF THE PERMITTING PROCESS

AUTHORIZATION IS REQUIRED FOR ALL IMPACTS

The US Army Corps of Engineers (USACE) requires that authorization be obtained for placement of dredge or fill material in Waters of the US (WOUS), which include both wetlands and streams. In some instances where specific authorization criteria are met, no notification to USACE is required. However, in many cases, at least a pre-construction notification (PCN) must be submitted prior to commencing project activities.

BOUNDARY CONFIRMATION

In order for USACE to evaluate project impacts, they must know the specific limits of the area where fill will occur. Prior to submitting information on a particular project to USACE, wetland/stream boundaries in the project area must be delineated by a qualified scientist using the methods outlined in the USACE 1987 Wetland Delineation Manual. USACE will then confirm the boundaries that have been established by reviewing a delineation report and usually by inspecting the site. Once boundaries have been confirmed, they will need to be surveyed by a licensed surveyor so that the specific area of impact can be calculated.

STATE AUTHORIZATION IS ALSO REQUIRED

Impacts to WOUS and State Waters also require water quality certification from the State where the project is located. Notification requirements vary from State to State and can be more or less stringent than those of the USACE. Many impacts resulting from specific types of projects can often receive automatic state authorization if certain criteria are met. Others require a detailed submittal of project plans and specific designs to meet a States' water quality certification requirements.

AVOIDANCE AND MINIMIZATION

The USACE and State agencies require that projects be designed to avoid and minimize impacts to wetlands and other jurisdictional areas. The impacts that are proposed must be only those that are unavoidable. It is the responsibility of the applicant to document its effort to consider alternatives to avoid or minimize impacts.

TYPES OF AUTHORIZATIONS

There are two common categories of USACE permits, Nationwide and Individual. Nationwide Permits (NWPs) are designated by type of development activity and are the simplest to obtain. NWPs can generally be used for wetland impacts up to one-half acre and stream impacts up to 300 linear feet. Individual permits are generally required for impacts over one-half acre of wetlands and over 300 linear feet of stream. Individual permits require more detailed submittals and public notice.

COMPENSATORY MITIGATION FOR IMPACTS

Compensatory mitigation is generally required for wetland and stream impacts that are over one-tenth of an acre. Mitigation may be conducted by purchasing credits from a wetlands mitigation bank in the same watershed as the project site, conducting wetland/stream restoration projects, preservation of wetlands/streams, payment into a restoration fund, or a combination of acceptable mitigation measures. Mitigation through preservation only is generally discouraged by the regulatory agencies. However, preservation can be used when other options are not feasible or in addition to other mitigation.

NOTICE OF COMPLETION

Each permittee who receives written authorization from the USACE under circumstances where a PCN is required must also submit a signed certification of completion regarding the work performed and the status of any required mitigation. This certification of completion must be accomplished within 30 days of project completion.

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ECA has performed/prepared hundreds of wetlands/stream assessments and delineations and permits throughout the southeast, mid-Atlantic, mid-west, and Gulf-states. If you have questions regarding a specific project or wetlands/stream regulatory issue, please call Ben Salter of ECA at (828) 505-0755 or email ben.salter@eca-usa.com.

ECA is an environmental, cultural resources, and geotechnical consulting and engineering firm with a 20-year track record of excellent service to clients. ECA attributes its success to providing timely and innovative services and solutions with a persistent focus on the objectives of clients.