

Waterways, Wetlands, and You!

Detroit District
Regulatory Office

Fort Wayne, Indiana

April 12, 2011



US Army Corps of Engineers
BUILDING STRONG®

Feedback & Follow-Up Forms



Please rate the following items:	Great	Neutral	Poor
Presentation			
Presenters			
Handouts			
Visual aids			
Venue			
Date and time			
Knowledge of the Corps' Regulatory Program before this presentation			
Knowledge of the Corps' Regulatory Program after this presentation			

1. Please specify how you heard about this event?

2. Which part of the forum was most useful to you?
 a) PowerPoint Presentation b) Question and Answer session c) One on One discussions

3. What additional information or topics would you like us to address in future presentations?

4. Do you have any additional comments, questions, or feedback you would like to share?

Name: _____
 Address: _____

Daytime Phone Number: _____
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****Your information will not be shared with any outside parties****

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If you have any questions or concerns that were not addressed during our presentation, or if you would like to be notified about similar events in the future, please provide us with your contact information below.

I have additional questions please contact me.
 I would like to be notified about future events.

Name: _____
 Address: _____

Daytime Phone Number: _____
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****Your information will not be shared with any outside parties****

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Purpose

To take a proactive role in informing and interacting with the public.

Goals

- Increase percentage of complete permit applications
- Avoid potential unauthorized activities
- Minimize delays
- Provide general information and contacts



Agenda

- Presentation (1 hour)
- Large Group Question & Answer (1 hour)
- Individual Discussion Session (1 hour)



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Regulatory Program

- Introduction
- Waterways and Wetlands
- Permit Activities
- Regulatory Jurisdiction

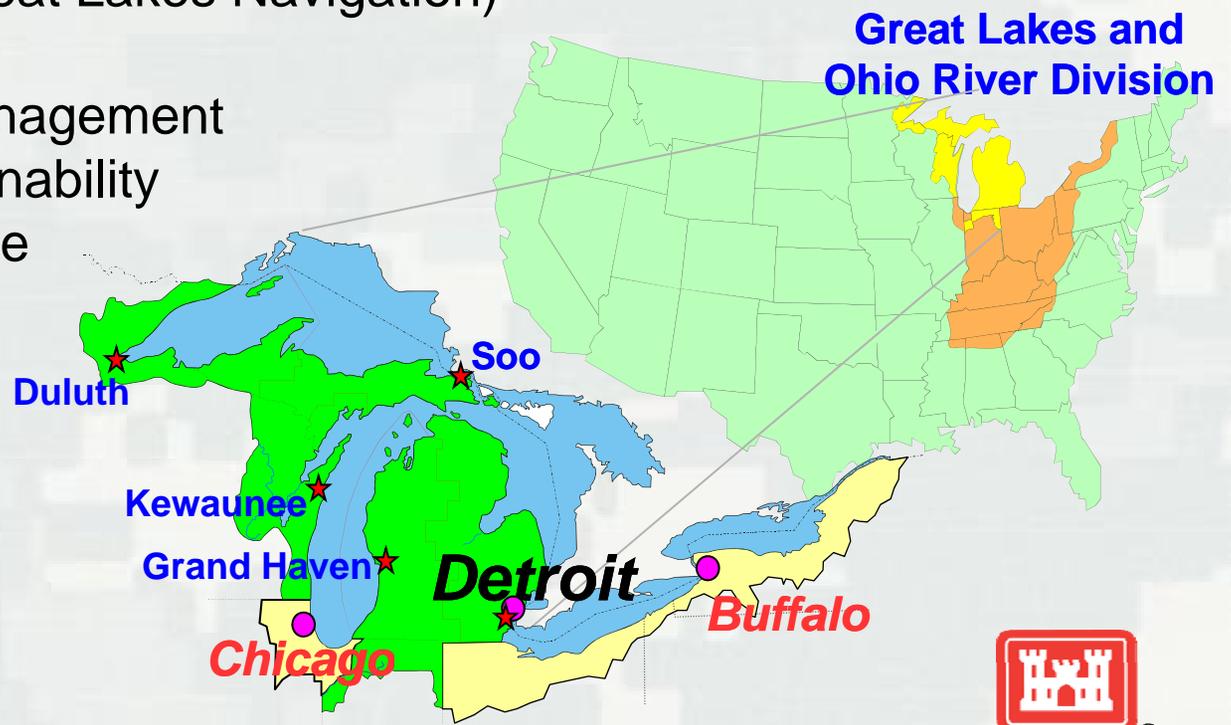


Detroit District

Mission: We serve the Nation by delivering world-class engineering and construction for –

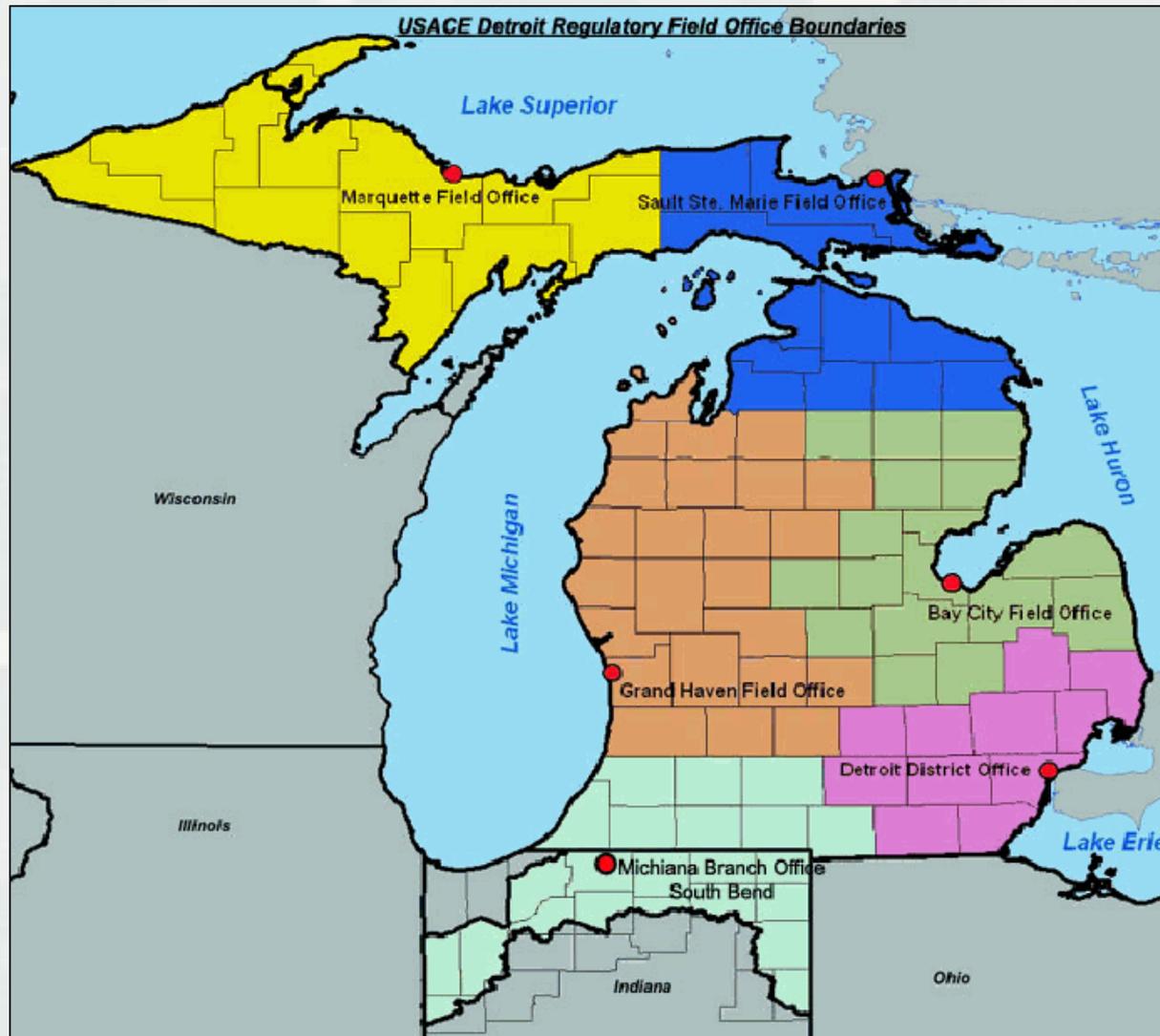
- Economic Vitality (Great Lakes Navigation)
- National Security
- Water Resources Management
- Environmental Sustainability
- Emergency Assistance

- 95 Navigation projects
- 99 miles of structures
- 611 miles of channels
- 3,200 miles of coastline



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Regulatory Field Offices



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Detroit District: Primary Missions

- Navigation/Hydropower
- Environmental Initiatives
- Flood Risk Management
- Emergency Management
- Recreation
- International and Interagency Support
- Military Construction
- Regulatory Program



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Regulatory Program

Mission Statement

To provide strong protection of the Nation's aquatic environment.

This will be accomplished through: coordination with agencies and the public; fair, reasonable, and timely decisions; accurate and timely jurisdiction determinations; monitoring, compliance and enforcement of permit laws, regulations and policies.



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Regulatory Authorities

Section 10 Rivers and Harbors Act

- Navigable waters of the U.S.
- Structures and Work

Section 404 Clean Water Act

- Waters of the U.S. including wetlands
- Discharge of dredged or fill material



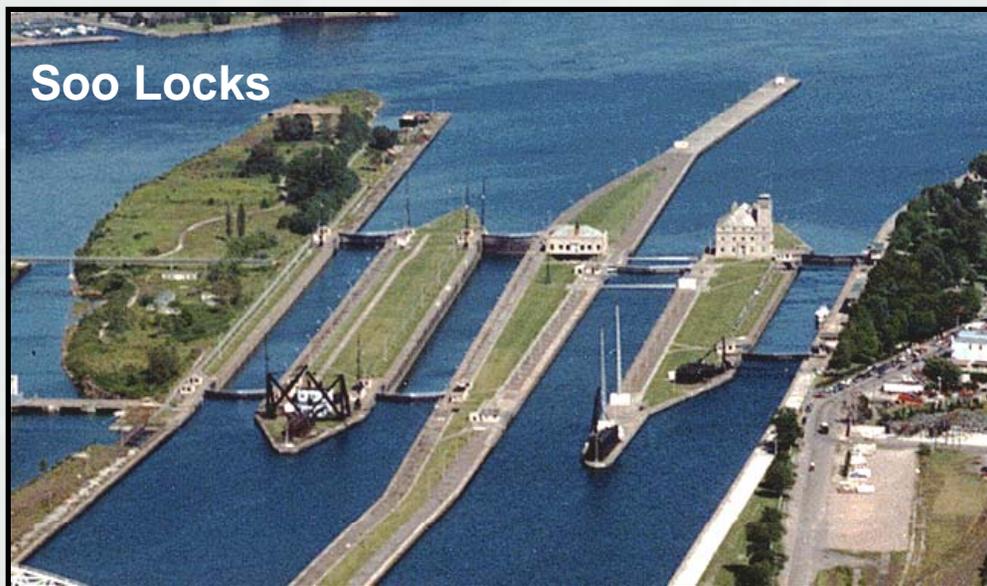
Section 10 of the Rivers and Harbors Act of 1899



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Definition of Navigable Waters of the U.S.

Navigable Waters of the United States are those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce (33 CFR Part 329).



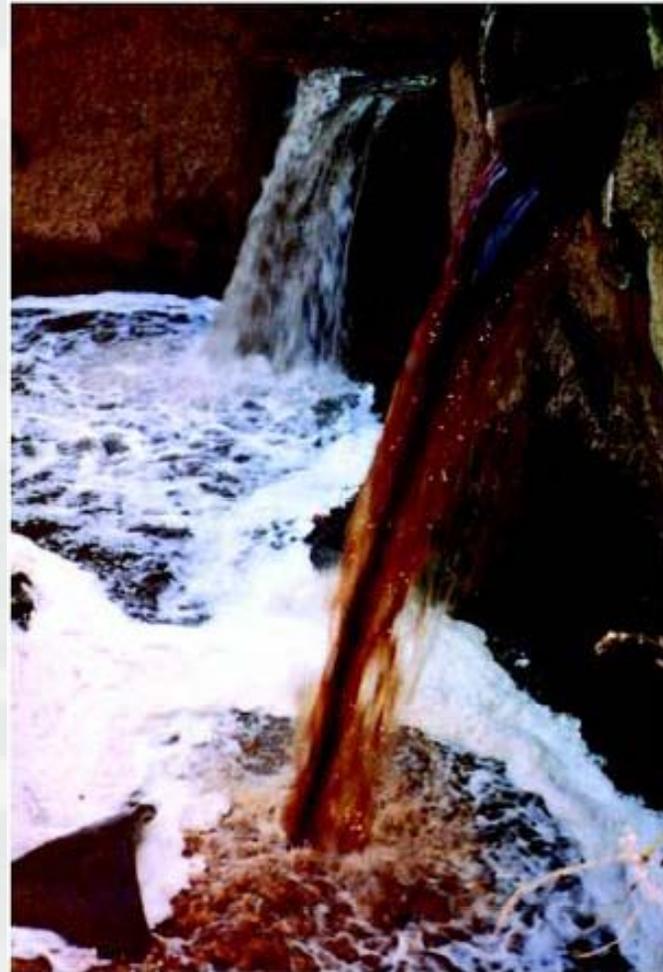
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Examples of Navigable Waters of the U.S.

- Kankakee River
- Iroquois River
- Maumee River



The Clean Water Act



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Definition of Waters of the U.S.

- Navigable waters of the U.S.
- Tributaries to navigable waters of the U.S.
- Wetlands adjacent to waters listed above



Regulatory Program

- ✓ Introduction
 - Waterways and Wetlands
 - Permit Activities
 - Regulatory Jurisdiction



Great Lakes & Rivers and Streams



- Fish and Wildlife Habitat
- Tourism
- Commerce
- Recreation



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Wetlands



- Fish and Wildlife Habitat
- Water Purification
- Erosion Control
- Flood Water Storage
- Ground Water Replenishment
- Green Space, Recreation



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Wetlands



Shiawasse River floodplain forest



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Wetlands



Indiana wetland



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Wetlands



- Hydrology
- Soils
- Vegetation



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Wetland Hydrology

Evidence of Water



Wetland Soils



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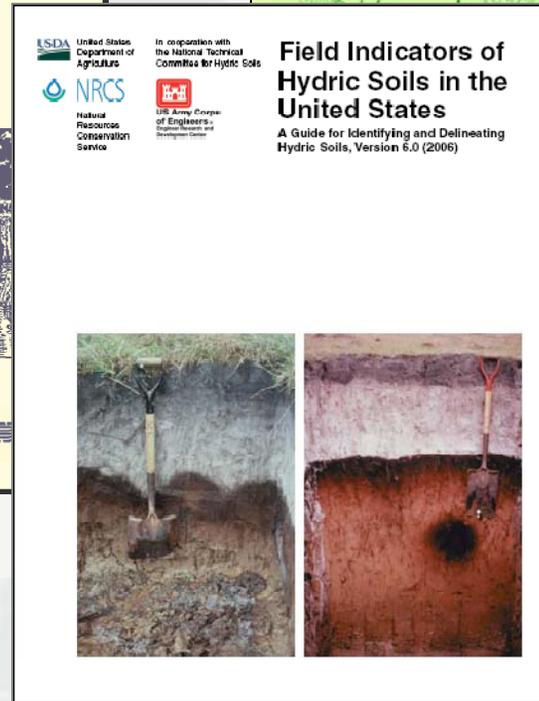
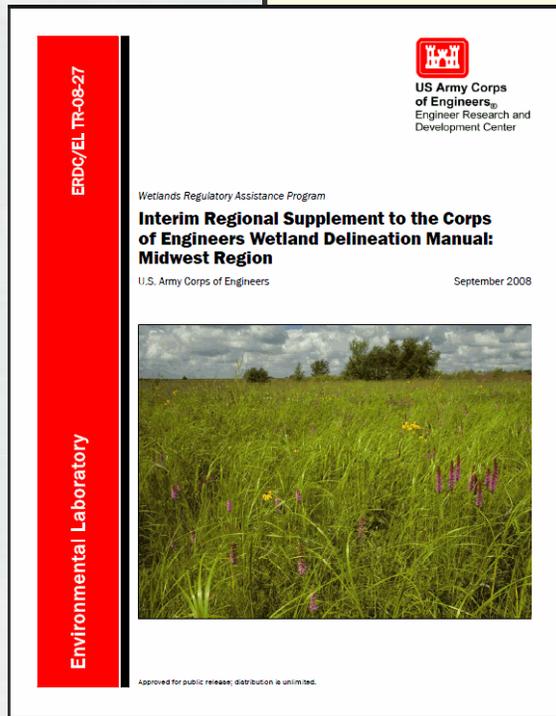
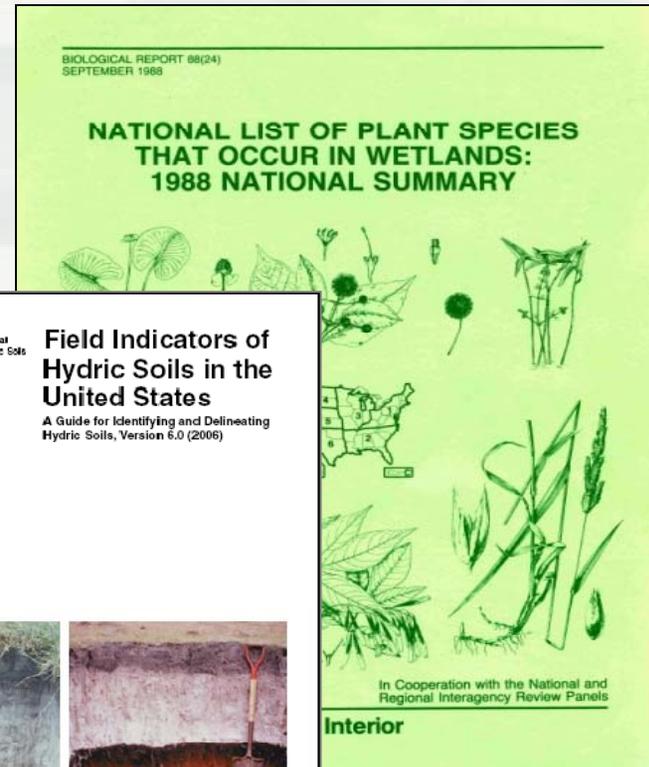
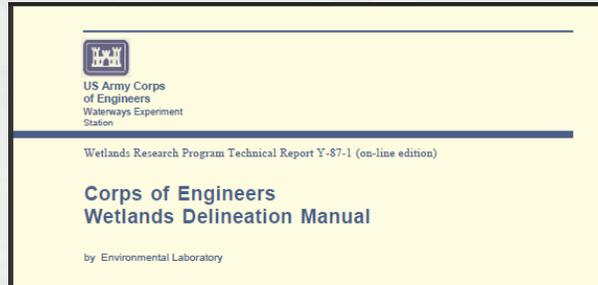
Wetland Vegetation



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Technical Resources

www.lre.usace.army.mil



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Regulatory Program

- ✓ Introduction
- ✓ Waterways and Wetlands
 - Permit Activities
 - Regulatory Jurisdiction



Activities that may require a Corps Permit

Bank Protection



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Activities that may require a Corps Permit

Marinas/docks/piers



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Activities that may require a Corps Permit

Corps Permit

Dredging and projects with fill material



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Activities that may require a Corps Permit

Placement of sand/beach grooming



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Activities that may require a Corps Permit

Walkways/paths



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Activities that may require a Corps Permit

Bulkheads (seawalls)



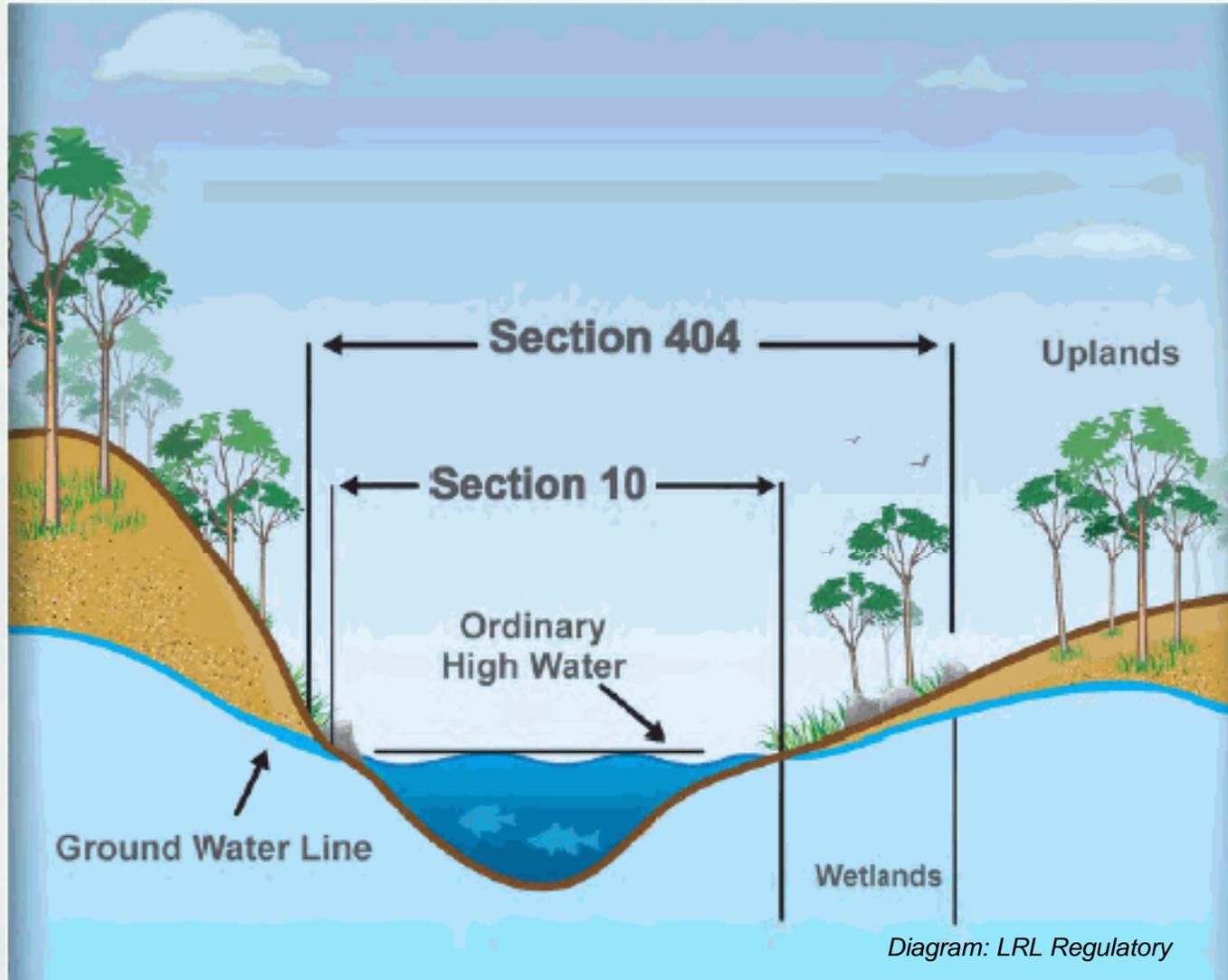
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Regulatory Program

- ✓ Introduction
- ✓ Waterways and Wetlands
- ✓ Permit Activities
- Regulatory Jurisdiction



Sections 10 and 404 Jurisdiction



Ordinary High Water Mark (OHWM)

- Jurisdictional limit for waterways
- Physical characteristics of the shoreline
 - Typically determined by a site visit
- OHWM by elevation on the Great Lakes
 - Used when OHWM can not be clearly determined by physical characteristics



Ordinary High Water Mark

OHWM

← Corps' Jurisdictional Area →

Current Water Elevation



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Ordinary High Water Mark

One year later...

OHWM

Corps' Jurisdictional Area

Last Year's
Water Elevation

Current Water
Elevation



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OHWM



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Regulatory Program

- ✓ Introduction
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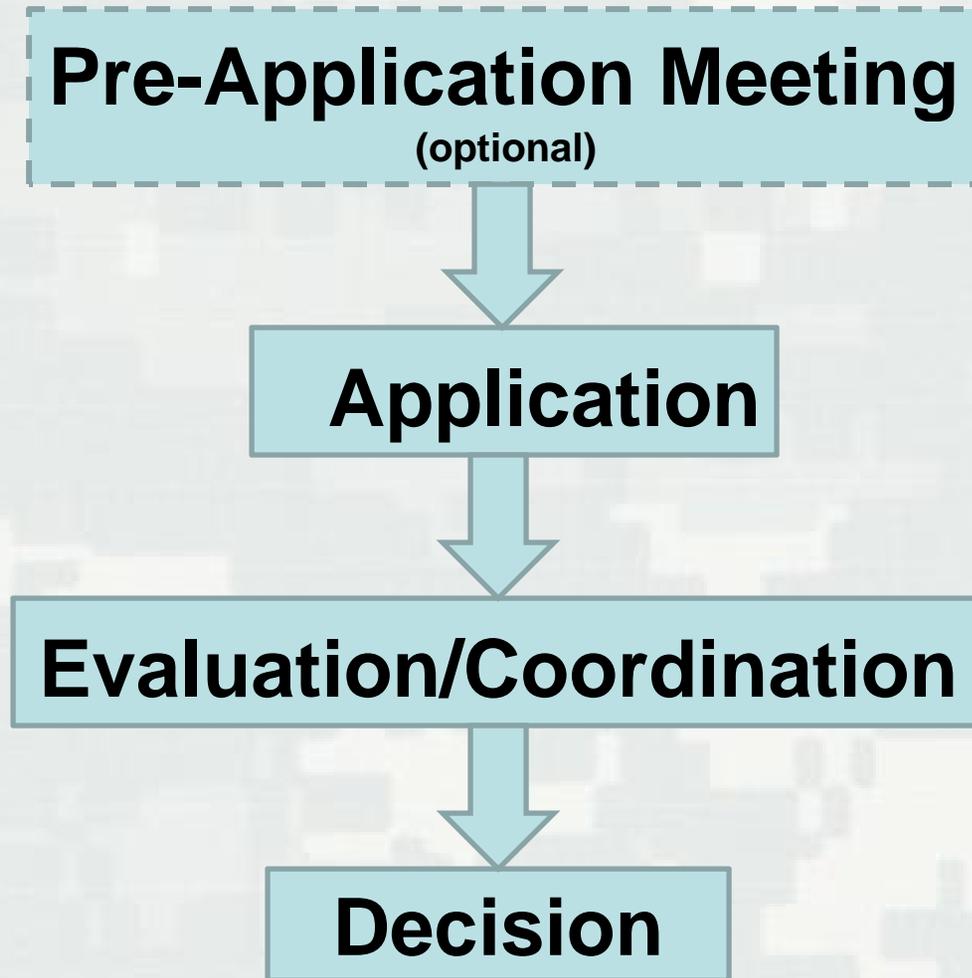
Regulatory Program

- Permit Evaluation
- Compliance & Enforcement
- Other Services



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Permit Evaluation Flow-Chart



Pre-Application Meetings

Streamline application process

- Program education
- Information requirements
- Factors weighing heavily in decision
- Impact reduction



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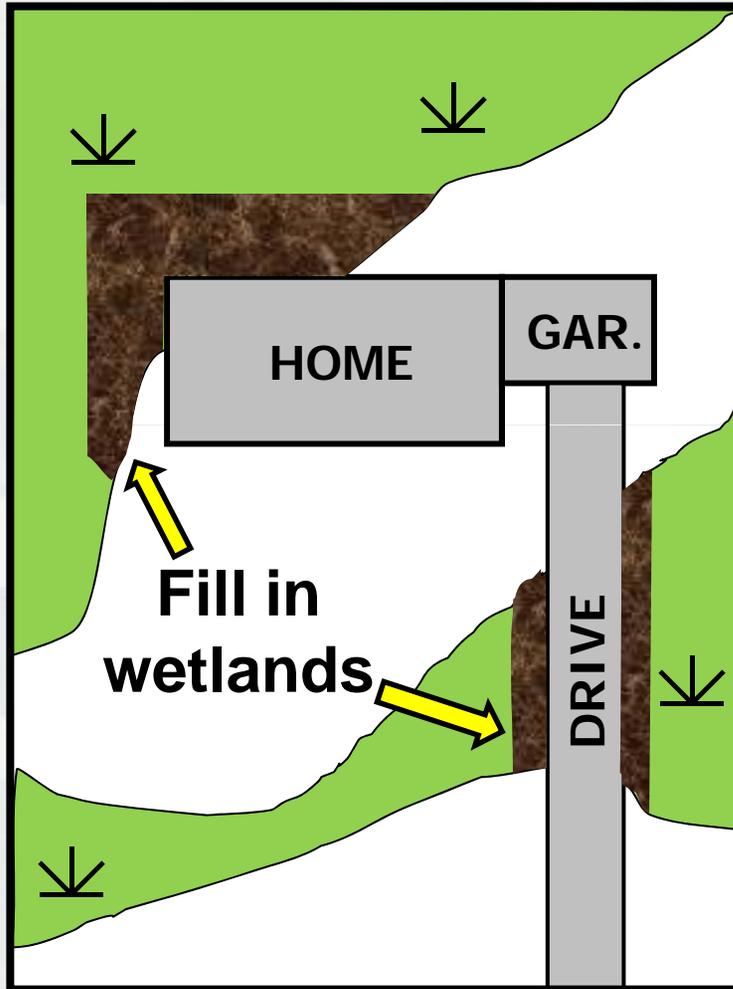
Impact Reduction

- Avoidance
- Minimization
- Compensatory Mitigation

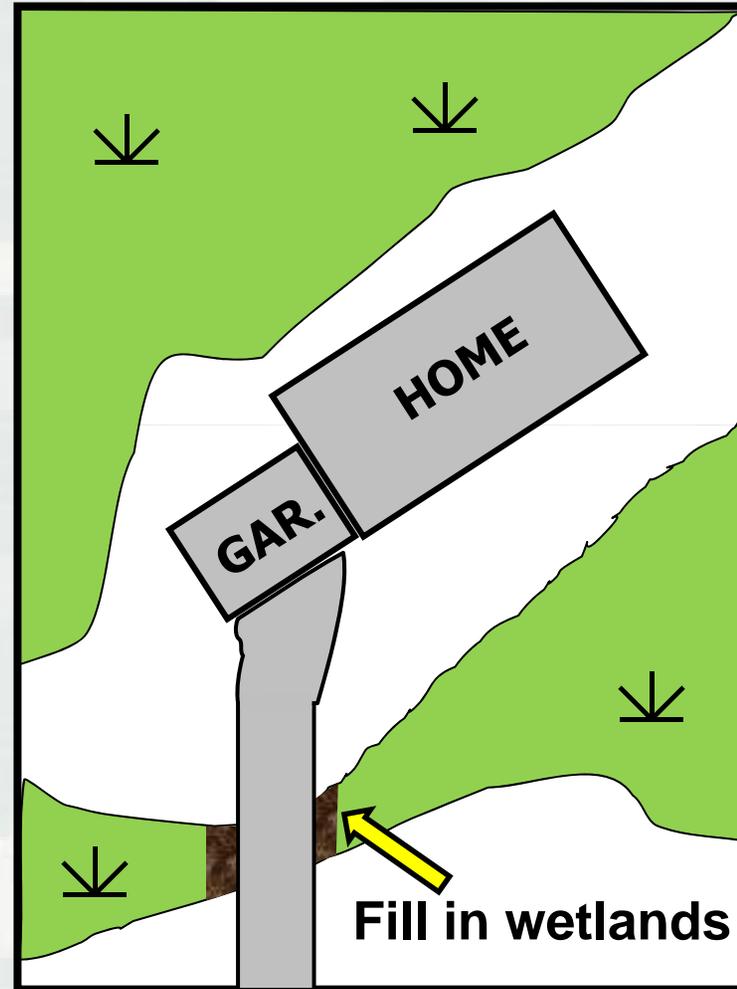


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Impact Reduction Example



Original proposal



Impacts minimized



Applying for a Permit

APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT (33 CFR 326)		OMB APPROVAL NO. 0710-0003 EXPIRES: 31 August 2012	
Public reporting burden for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.			
<p>PRIVACY ACT STATEMENT</p> <p>Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers, Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.</p>			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME: First - Middle - Last - Company - E-mail Address -		8. AUTHORIZED AGENT'S NAME AND TITLE (an agent is not required) First - Middle - Last - Company - E-mail Address -	
6. APPLICANT'S ADDRESS: Address - City - State - Zip - Country -		9. AGENT'S ADDRESS: Address - City - State - Zip - Country -	
7. APPLICANT'S PHONE NO. (W/AREA CODE) a. Residence b. Business c. Fax		10. AGENT'S PHONE NO. (W/AREA CODE) a. Residence b. Business c. Fax	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize _____ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.			
APPLICANT'S SIGNATURE		DATE	
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions)			
13. NAME OF WATERBODY, IF KNOWN (if applicable)		14. PROJECT STREET ADDRESS (if applicable) Address	
15. LOCATION OF PROJECT Latitude: "N Longitude: "W City - State - Zip -			
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID Municipality Section - Township - Range -			
17. DIRECTIONS TO THE SITE			

ENG FORM 4345, SEPT 2009 EDITION OF OCT 2004 IS OBSOLETE Preparator: CEDW-OR

US Army Corps of Engineers (USACE)		Michigan Department of Environmental Quality (MDEQ) DEQ	
AGENCY USE	Previous USACE Permit or File Number	Land and Water Management Division, MDEQ File Number	AGENCY USE
	USACE File Number	Pre-application Number or Manna Operating Permit Number	
	District Office	Fee received \$	
Other (please specify)			
Read Instructions pages i - iii. All of the following boxes below must be checked and information provided for the application to be processed:			
<input type="checkbox"/> All items in Sections 1 through 9 are completed <input type="checkbox"/> Date project was staked _____ <input type="checkbox"/> Items in Sections 10 through 21 that apply to the project are completed <input type="checkbox"/> Application fee is attached <input type="checkbox"/> Dimensions, volumes, and calculations are provided <input type="checkbox"/> All requested supplementary attachments (➔) are included <input type="checkbox"/> Reproducible location map, site plan(s), cross sections, and photographs are provided, one set must be black and white on 8 1/2 by 11 inch paper. <input type="checkbox"/> List any additional attachments, tables, etc.: _____			
1 PROJECT LOCATION INFORMATION			
<ul style="list-style-type: none"> Refer to your property's legal description for the Township, Range, and Section information, and your property tax bill for your Property Tax Identification Number(s). 			
Site Location Address (road, if no street address)		Zip Code	Township Name(s) Township(s) Range(s) Section(s)
City/Village	County(ies)	Property Tax Identification Number(s)	
Name of Waterbody	Project Name or Job Number	Subdivision/Plat	Lot Number Private Claim
Project types (check all that apply)	<input type="checkbox"/> private <input type="checkbox"/> public/government <input type="checkbox"/> building addition <input type="checkbox"/> new building or structure <input type="checkbox"/> project is receiving federal transportation funds	<input type="checkbox"/> industrial <input type="checkbox"/> commercial <input type="checkbox"/> building renovation or restoration <input type="checkbox"/> river restoration <input type="checkbox"/> other (explain) _____	<input type="checkbox"/> multi-family <input type="checkbox"/> single-family
The proposed project is on, within, or involves (check all that apply)			
<input type="checkbox"/> a stream <input type="checkbox"/> a pond (less than 5 acres) <input type="checkbox"/> a river <input type="checkbox"/> a channel/canal <input type="checkbox"/> a ditch or drain <input type="checkbox"/> an inland lake (5 acres or more) <input type="checkbox"/> a floodway area <input type="checkbox"/> a 100-year floodplain	<input type="checkbox"/> a legally established County Drain (date established) (M/D/Y) _____ <input type="checkbox"/> a Great Lake or Section 10 Waters <input type="checkbox"/> a natural river <input type="checkbox"/> a new marina <input type="checkbox"/> a designated high risk erosion area <input type="checkbox"/> a dam <input type="checkbox"/> a structure removal <input type="checkbox"/> a designated critical dune area <input type="checkbox"/> a wetland <input type="checkbox"/> a utility crossing <input type="checkbox"/> a designated environmental area <input type="checkbox"/> 500 feet of an existing waterbody		
2 DESCRIBE PROPOSED PROJECT AND ASSOCIATED ACTIVITIES, and the CONSTRUCTION SEQUENCE AND METHODS (attached additional sheets)			
Written Summary of All Proposed Activities: _____			
Construction Sequence and Methods: _____			
3 APPLICANT, AGENT/CONTRACTOR, and PROPERTY OWNER INFORMATION			
Owner/Applicant (individual or corporate name)		Agent/Contractor (firm name and contact person)	
Mailing Address		Address	
City State Zip Code	City State Zip Code		City State Zip Code
Daytime Phone Number with Area Code Cell Phone Number	Daytime Phone Number with Area Code Cell Phone Number		Daytime Phone Number with Area Code Cell Phone Number
Fax E-mail	Fax E-mail		Fax E-mail
<input type="checkbox"/> No <input type="checkbox"/> Yes Is the applicant the sole owner of all property on which this project is to be constructed and all property involved or impacted by this project? <input type="checkbox"/> No <input type="checkbox"/> Yes If no, attach letter(s) of authorization from all owners. A letter signed by each property owner authorizing the agent/contractor/other owner to act on his or her behalf or a copy of easements or right-of-ways must be provided. If multiple property owners, also attach a list of all owners along with their names, mailing addresses, and telephone numbers. If the applicant is a corporation, a corporate officer must provide written document authorizing any agent/contractor listed above to act on its behalf. A letter of authorization must be provided from an owner receiving dredge spoils on their property, or where access through their property is required.			
Property Owner's Name (if different from applicant)		Mailing Address	
Daytime Phone Number with Area Code Cell Phone Number	City State Zip Code		City State Zip Code
<input type="checkbox"/> No <input type="checkbox"/> Yes Is there a MDEQ conservation easement or other easement, deed restriction, lease, or other encumbrance upon the property in the project area? ➔ If yes, attach a copy.			

Interactive Application Assistant Indiana

www.lre.usace.army.mil/who/regulatoryoffice


**US Army Corps
of Engineers®**

[TURN OFF GUIDE](#) [HOME](#) [WHY WE ARE INVOLVED](#) [FAQ'S](#)

CLICK STEP TO LEARN MORE

- STEP 1 LISTEN & READ INTRODUCTION** COMPLETE
- STEP 2 WATCH THE VIDEO** COMPLETE
- STEP 3 FILL OUT THE APPLICATION** COMPLETE
- STEP 4 PRINT & SIGN THE APPLICATION** COMPLETE
- STEP 5 PRINT CHECKLISTS** COMPLETE

 **INTRODUCTION**
WELCOME TO THE ENG FORM 4345

Hello and welcome to the Regulatory Division's interactive application form training module!

The U.S. Army Corps of Engineers requires permits for building or developing in, on, or over wetlands and waters, and this interactive module will give you the guidelines and checklist for filling out and sending in a permit application form.

The interactive guide at the top has a stop, pause, and play button so that you can use the help at any time while filling out the permit application form. You can also "Turn Guide Off" at any time if you would like to move ahead on your own. So, here is a general overview of how the rest of this site will work.

The three links at the top of the page will always be in the same place regardless of where you are on the website, and will let you navigate back and forth to any of those topics which you can refer to for help

[CLICK HERE TO CONTINUE TO APPLICATION](#)

[CLICK HERE TO FIND YOUR LOCAL DISTRICT](#)

[CLICK HERE TO START THE APPLICATION](#)

Leelanau Co. Michigan



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Permit Application

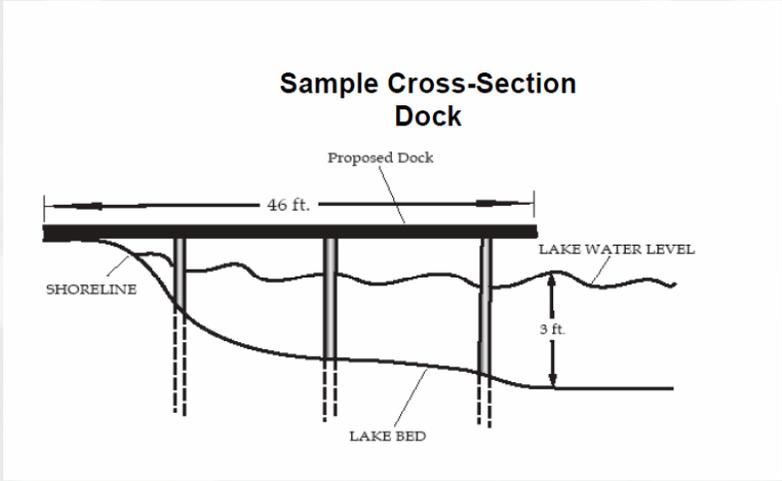
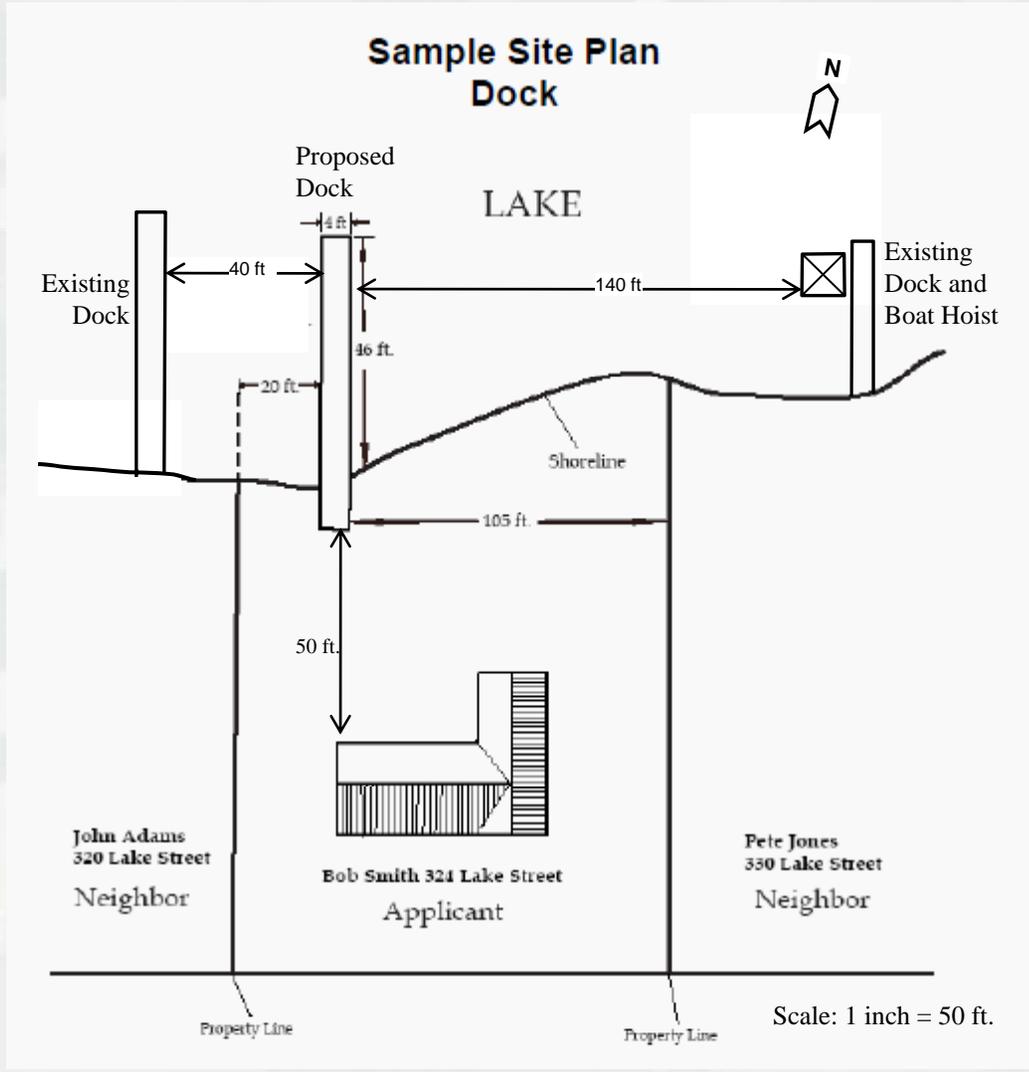
A complete application includes:

- Completed application form
- Vicinity map showing location
- Plan-view & Cross-sectional drawings
- Dimensions, volumes of material
- Dredged material disposal location
- Adjacent property owner information



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Example Drawings



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Types of Permits

- General
 - Nationwide
 - Regional
 - Programmatic
- Individual
 - Letter of Permission
 - Standard Permit



Coordination with Others

- State agencies
 - Water Quality
 - Natural Resources
 - State Historic Preservation Office
- Tribal Governments
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency
- Others



Permit Evaluation Decision

- Issued as proposed
- Issued with modifications and/or special conditions
- Denied



Other Permit Requirements

- Most projects that require Corps permits also require State permits
 - Section 401 Water Quality Certification (IDEM/MDEQ)
 - Indiana – IDNR issues permits for work in floodways and public freshwater lakes
- Check county/local requirements



Corps' Permit Fees

- General Permits – no fee
- Letter of Permission – no fee
- Standard Permits
 - Government – no fee
 - Individual - \$10.00
 - Commercial - \$100.00
- Fees charged at time of permit issuance
 - No permit = no fee



Permit Evaluation

Approximate Timeframes

- From the time we receive a complete application
- May vary for complex projects
 - General permits – 92% < 60 calendar days
 - Individual permits – 70% < 120 calendar days

(Data based on current year averages)



Regulatory Program

- ✓ Permit Evaluation
 - Compliance & Enforcement
 - Other Services



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Compliance and Enforcement

Report of Potential Unauthorized Activities



Report of Potential Unauthorized Activity

To Report a suspected violation of Corps Regulatory requirements, this form can be filled out online and then printed. The printed form and supporting documents should be mailed, faxed, and/or emailed to:

Please complete this form as accurately as possible.
You may attach extra pages if needed.

Send to: U.S. Army Corps of Engineers
Detroit District, Regulatory Branch
P.O. Box 1027
Detroit, Michigan 48231-1027
Phone: (313) 226-6812
Fax: (313) 226-6763
E-Mail: RegVio@usace.army.mil

Date of Report: _____

Suspected Violator: _____

Address: _____ City: _____

State: _____ Zip Code: _____ Phone Number: _____

Contractor (if known): _____

Who else has information on this project? _____

Detailed Description of Activity: _____

Date(s) Activity Observed: _____ Is the activity ongoing? _____

When is work being performed? _____

Type of Equipment Used: (e.g., backhoe, bulldozer, etc.) _____

Location of alleged violation: (Attach map & indicate approximate site location)

Address: _____

City: _____ County: _____

Waterway: _____ Watershed Name: _____

Latitude _____ Longitude _____

Any additional information: _____

Information about the activity

- Nature of the activity?
- Location?
- Contractor/Person Involved?
- Is the activity on-going?
- When did the activity start?



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Compliance and Enforcement

Investigate potentially unauthorized activities

- Does the activity require a permit?
- Has a permit been issued?
 - Does the activity comply with the permit?



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Compliance and Enforcement

Unauthorized Activity

- Resolutions
 - voluntary restoration -- partial or full
 - after the fact permit -- partial or full
 - civil litigation -- can have consent decree
 - criminal litigation -- flagrant knowing violator



Compliance and Enforcement

Inspections on authorized projects are conducted on a regular basis



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Compliance and Enforcement

Permit Non-Compliance

- Work is not in accordance with a permit
- Resolutions
 - restoration of work that exceeds permit
 - permit modification
 - suspend/revoke permit -- civil or criminal action



Regulatory Program

- ✓ Permit Evaluation
- ✓ Compliance & Enforcement
- Other Services



Regulatory Services

- Pre-application Meetings
- Wetland Determinations
- Jurisdictional Determinations



Wetland Determinations/Delineations

- Wetland or Upland?
- Verify wetland boundaries



Jurisdictional Determinations (JDs)



Request for a Jurisdictional Determination

This form can be used when you want to determine if areas on your property fall under regulatory requirements of the U.S. Army Corps of Engineers (USACE). Please supply the following information and supporting documents described below. This form can be filled out online and then printed. Submitting this request authorizes the US Army Corps of Engineers to field inspect the property site, if necessary, to help in the determination process. The printed form and supporting documents should be mailed, faxed, and/or emailed to:

U.S. Army Corps of Engineers, Detroit District
Regulatory Office
P.O. Box 1027
Detroit, Michigan 48321-1027
Fax: (313) 226-6763
Email: RegAdmin@usace.army.mil

Please contact us at 313-226-2218 if you need any assistance with filling out this form.

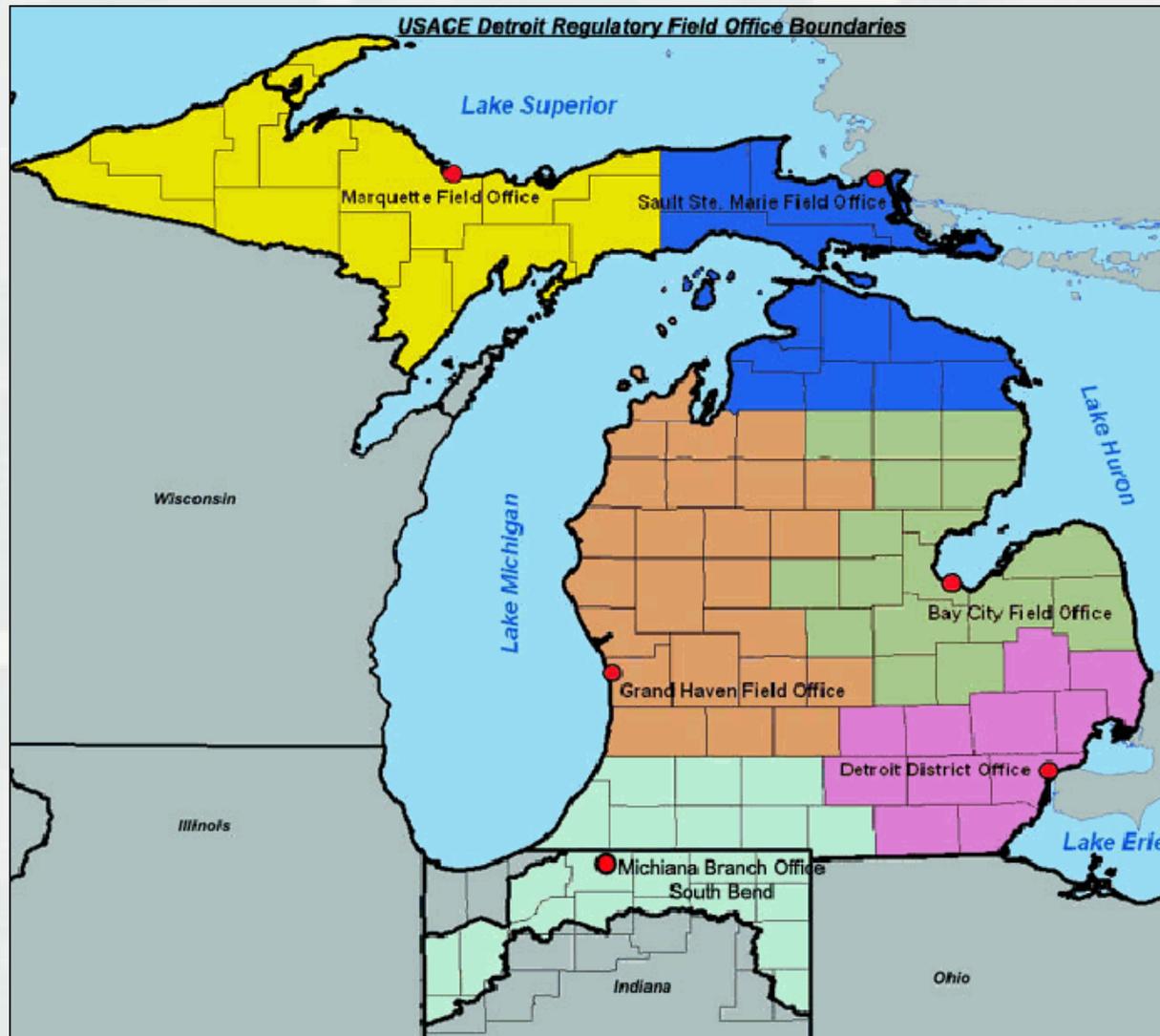
Location and Information about Property to be subject to a Jurisdictional Determination

Property Address/Location: _____
City (name) or Unincorporated: _____ State: _____ Zip: _____
County: _____ Township name: _____
Lat/Long in Decimal Degrees: _____ °N _____ °W
Size of Property in Acres: _____ (Include a survey of the property)
Prior or related USACE project number: _____
Is the property subject to a conservation easement or deed restriction? (Yes or No)

- Are there jurisdictional waterways or wetlands on the property?
- Request a JD online or contact us for a form



Regulatory Field Offices



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Additional Information

Detroit District Website

www.lre.usace.army.mil

Regulatory Website

www.lre.usace.army.mil/Regulatory

Regulatory Office

1-800-493-6838



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Agenda

- Presentation (1 hour)
- Large Group Question & Answer (1 hour)
- Individual Discussion Session (1 hour)

