APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT

(33 CFR 325)

OMB APPROVAL NO. 0702-0036
Expires 30 June 1986

The Department of the Army permit program is authorized by Section 10 of the River and Harbor Act of 1899, Section 404 of the Clean Water Act and Section 103 of the Marine, Protection, Research and Sanctuaries Act. These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters. Information provided on this form will be used in evaluating the application for a permit. Information in this application is made a matter of public record through issuance of a public notice. Disclosure of the information requested is voluntary; however, the data requested are necessary in order to communicate with the applicant and to evaluate the permit application. If necessary information is not provided, the permit application cannot be processed 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.

1. APPLICATION NUMBER *(To be assigned by Corps)*

2. NAME AND ADDRESS OF APPLICANT

Fred R. Harris
852 West Branch Road
Blue Harbor, Maryland 21703

Telephone no. during business hours

A/C (301) 585-2779 *(Residence)*
A/C ( ) _____ *(Office)*

3. NAME, ADDRESS, AND TITLE OF AUTHORIZED AGENT

None

Telephone no. during business hours

A/C ( ) _____ *(Residence)*
A/C ( ) _____ *(Office)*

Statement of Authorization: I hereby designate and authorize _____ to act in my behalf as my agent in the processing of this permit application and to furnish, upon request, supplemental information in support of the application.

SIGNATURE OF APPLICANT | DATE

4. DETAILED DESCRIPTION OF PROPOSED ACTIVITY

4a. ACTIVITY

Build timber bulkhead and pier and fill.

4b. PURPOSE

To provide boat access and prevent erosion of shoreline at my place of residence.

4c. DISCHARGE OF DREDGED OR FILL MATERIAL

Approximately 200 cubic yards of upland fill will be placed between new bulkhead and existing shoreline.

ENG FORM 4345, Apr 83 EDITION OF 1 OCT 77 IS OBSOLETE (Proponent: DAEN-CWO-N)

5. NAMES AND ADDRESSES OF ADJOINING PROPERTY OWNERS, LESSEES, ETC., WHOSE PROPERTY ALSO ADJOINS THE WATERWAY

Mary L. Clark
850 West Branch Road
Blue Harbor, Maryland 21703

(301) 585-8830

Harry N. Hampton
854 West Branch Road
Blue Harbor, Maryland 21703

(301) 585-3676

6. WATERBODY AND LOCATION ON WATERBODY WHERE ACTIVITY EXISTS OR IS PROPOSED

West Branch of the Haven River on Blue Harbor.

7. LOCATION ON LAND WHERE ACTIVITY EXISTS OR IS PROPOSED

ADDRESS:

852 West Branch Road
STREET, ROAD, ROUTE OR OTHER DESCRIPTIVE LOCATION

King Edward, Maryland 21703
COUNTY STATE ZIP CODE

Town of Blue Harbor
LOCAL GOVERNING BODY WITH JURISDICTION OVER SITE

SAMPLE

8. Is any portion of the activity for which authorization is sought now complete? ☐ YES ☒ NO
If answer is "Yes" give reasons, month and year the activity was completed. Indicate the existing work on the drawings.

9. List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharges or other activities described in this application.

ISSUING AGENCY	TYPE APPROVAL	IDENTIFICATION NO.	DATE OF APPLICATION	DATE OF APPROVAL	DATE OF DENIAL
Town of Blue Harbor	Zoning	BH25172	6/20/82	6/30/82	
Md DNR	Certification	DNR258WQ	6/11/82	8/12/82	

10. Application is hereby made for a permit or permits to authorize the activities described herein. I certify that I am familiar with the information contained in this application, and that to the best of my knowledge and belief such information is true, complete, and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the applicant.

Fred R. Harris — Oct. 15, 1982
SIGNATURE OF APPLICANT DATE

SIGNATURE OF AGENT DATE

The application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in Block 3 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of The United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

Do not send a permit processing fee with this application. The appropriate fee will be assessed when a permit is issued.

General Information

Three types of drawings—Vicinity, Plan, and Elevation—are required to accurately depict activities (See sample drawings on pages 16 and 17).

Submit one original, or good quality copy, of all drawings on 8½ × 11 inch white paper (tracing cloth or film may be used). Submit the fewest number of sheets necessary to adequately show the proposed activity. Drawings should be prepared in accordance with the general format of the samples, using block style lettering. Each page should have a title block. See check list below. Drawings do not have to be prepared by an engineer, but professional assistance may become necessary if the project is large or complex.

Leave a 1-inch margin at the top edge of each sheet for purposes of reproduction and binding.

In the title block of each sheet of drawings identify the proposed activity and include the name of the body of water; river mile (if applicable); name of county and state; name of applicant; number of the sheet and total number of sheets in set; and date the drawing was prepared.

Since drawings must be reproduced, use heavy dark lines. Color shading cannot be used; however, dot shading, hatching, or similar graphic symbols may be used to clarify line drawings.

Vicinity Map

The vicinity map you provide will be printed in any public notice that is issued and used by the Corps of Engineers and other reviewing agencies to locate the site of the proposed activity. You may use an existing road map or U.S. Geological Survey topographic map (scale 1:24,000) as the vicinity map. Please include sufficient details to simplify locating the site from both the waterbody and from land. Identify the source of the map or chart from which the vicinity map was taken and, if not already shown, add the following:

- ☐ location of activity site (draw an arrow showing the exact location of the site on the map).
- ☐ latitude, longitude, river mile, if known, and/or other information that coincides with Block 6 on the application form.
- ☐ name of waterbody and the name of the larger creek, river, bay, etc., that the waterbody is immediately tributary to.
- ☐ names, descriptions and location of landmarks.
- ☐ name of all applicable political (county, parish, borough, town, city, etc.) jurisdictions.
- ☐ name of and distance to nearest town, community, or other identifying locations.
- ☐ names or numbers of all roads in the vicinity of the site.
- ☐ north arrow.
- ☐ scale.

Plan View

The plan view shows the proposed activity as if you were looking straight down on it from above. Your plan view should clearly show the following:

- ☐ Name of waterbody (river, creek, lake, wetland, etc.) and river mile (if known) at location of activity.
- ☐ Existing shorelines.
- ☐ Mean high and mean low water lines and maximum (spring) high tide line in tidal areas.
- ☐ Ordinary high water line and ordinary low water line if the proposed activity is located on a non-tidal waterbody.

- ☐ Average water depths around the activity.
- ☐ Dimensions of the activity and distance it extends from the high water line into the water.
- ☐ Distances to nearby Federal projects, if applicable.
- ☐ Distance between proposed activity and navigation channel, where applicable.
- ☐ Location of structures, if any, in navigable waters immediately adjacent to the proposed activity.
- ☐ Location of any wetlands (marshes, swamps, tidal flats, etc.)
- ☐ North arrow.
- ☐ Scale.
- ☐ If dredged material is involved, you must describe the type of material, number of cubic yards, method of handling, and the location of fill and spoil disposal area. The drawing should show proposed retention levees, weirs, and/or other means for retaining hydraulically placed materials.
- ☐ Mark the drawing to indicate previously completed portions of the activity.

Elevation and/or Cross Section View

The elevation and/or cross section view is a scale drawing that shows the side, front, or rear of the proposed activity. If a section view is shown, it represents the proposed structure as it would appear if cut internally for display. Your elevation should clearly show the following:

- ☐ Water elevations as shown in the plan view.
- ☐ Water depth at waterward face of proposed activity or, if dredging is proposed, dredging and estimated disposal grades.
- ☐ Dimensions from mean high water line (in tidal waters) for proposed fill or float, or high tide line for pile supported platform. Describe any structures to be built on the platform.
- ☐ Cross section of excavation or fill, including approximate side slopes.
- ☐ Graphic or numerical scale.
- ☐ Principal dimensions of the activity.

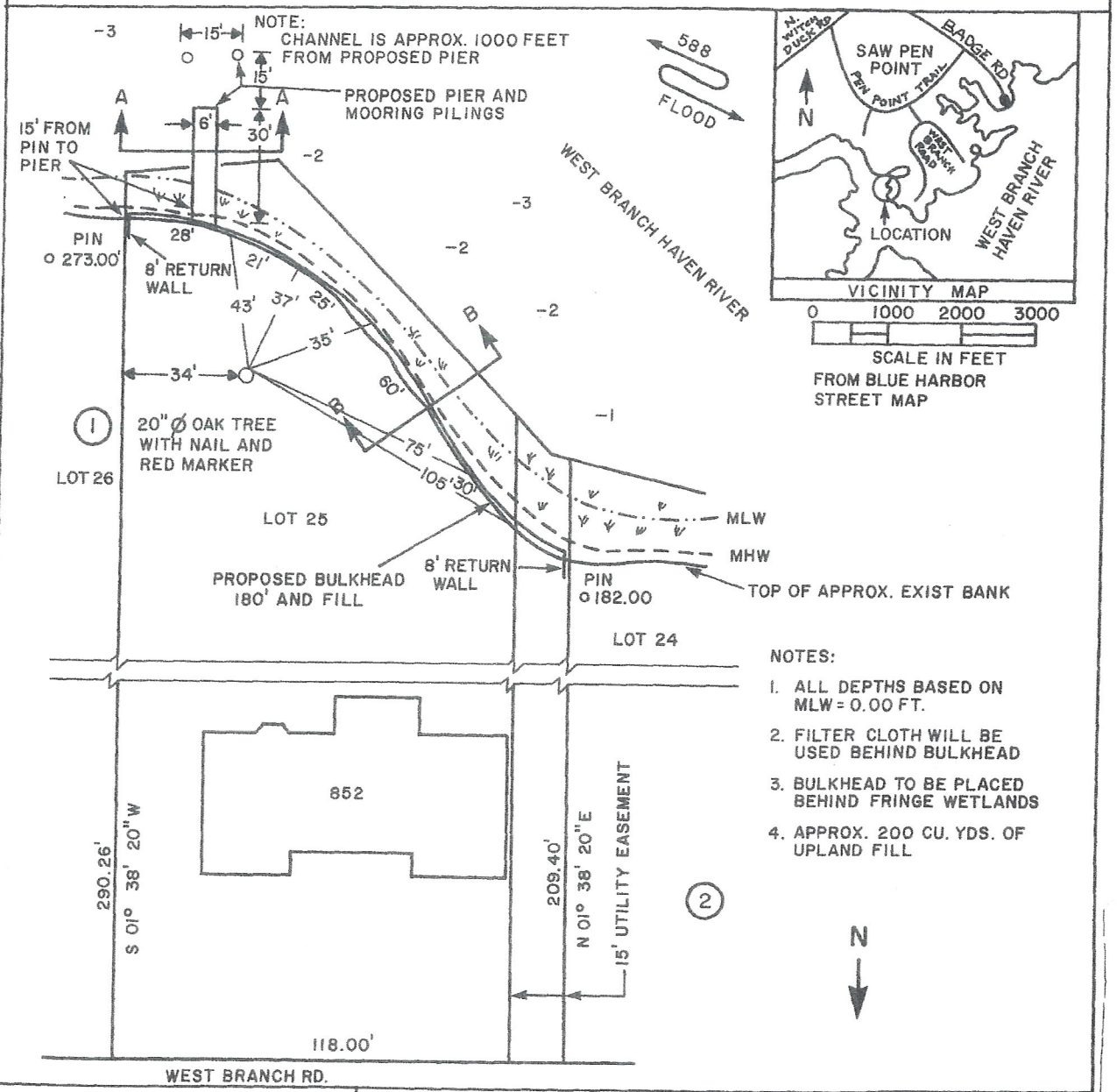
Notes on Drawings*

- ☐ Names of adjacent property owners who may be affected. Complete names and addresses should be shown in Block 5 on ENG Form 4345.
- ☐ Legal property description: Number, name of subdivision, block and lot number. Section, Township and Range (if applicable) from plot, deed or tax assessment.
- ☐ Photographs of the site of the proposed activity are not required; however, pictures are helpful and may be submitted as part of any application.

Drawings should be as clear and simple as possible (i.e., not too "busy").

SAMPLE DRAWINGS FOR A PERMIT APPLICATION

NOTE: THE DRAWINGS SUBMITTED NEED NOT BE PREPARED BY A PROFESSIONAL DRAFTSMAN AS IN THESE SAMPLES.



NOTES:

1. ALL DEPTHS BASED ON MLW = 0.00 FT.
2. FILTER CLOTH WILL BE USED BEHIND BULKHEAD
3. BULKHEAD TO BE PLACED BEHIND FRINGE WETLANDS
4. APPROX. 200 CU. YDS. OF UPLAND FILL

PURPOSE: PREVENT EROSION AND PROVIDE BOATING ACCESS

DATUM: MLW

ADJACENT PROPERTY OWNERS:

1. MARY L. CLARK
2. HARRY N. HAMPTON
3.

PLAN VIEW

0 40 80

1" = 40'

FRED R. HARRIS
852 WEST BRANCH ROAD
BLUE HARBOR, MD 21703

PROPOSED BULKHEAD PIER AND FILL

IN: WEST BRANCH HAVEN RIVER

AT: BLUE HARBOR

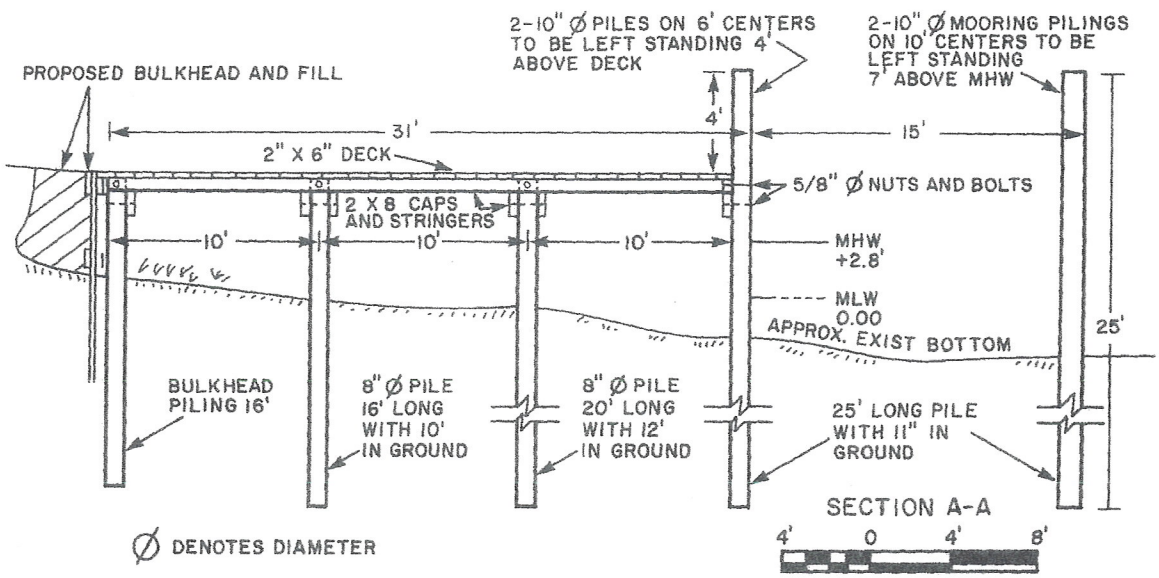
COUNTY OF: KING EDWARD STATE: MD

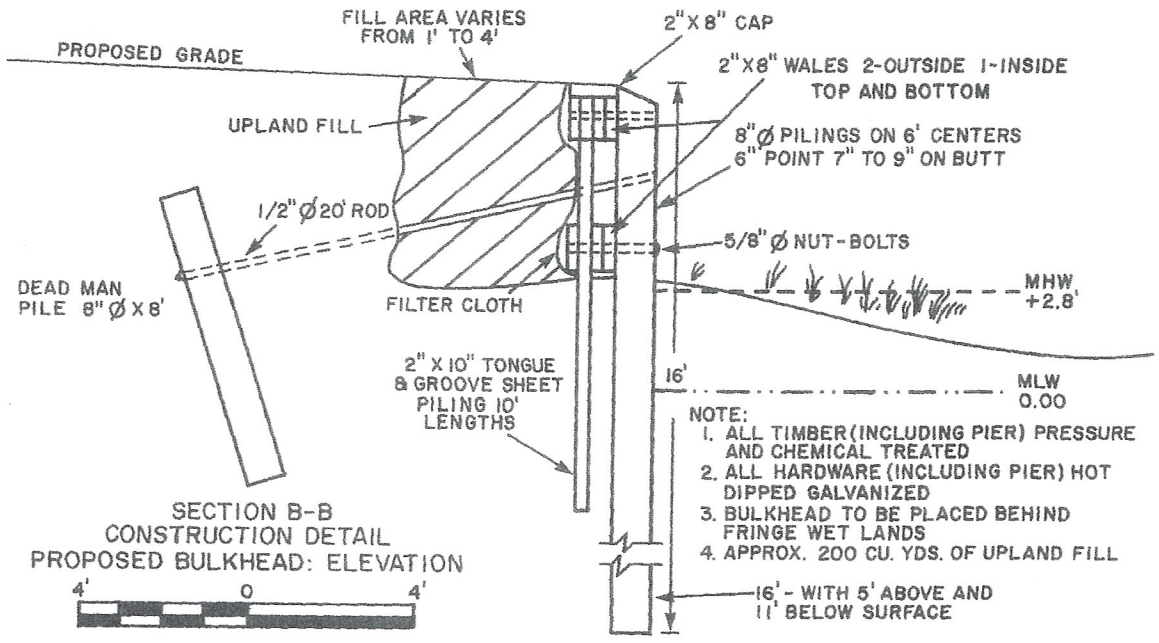
APPLICATION BY: FRED R. HARRIS

SHEET 1 OF 2 DATE 10-16-82

REV. 11-28-82

17





PURPOSE: PREVENT EROSION AND PROVIDE BOATING ACCESS

DATUM: MLW

ADJACENT PROPERTY OWNERS:

1. MARY L. CLARK
2. HARRY N. HAMPTON
3.

SECTION VIEWS

FRED R. HARRIS
852 WEST BRANCH ROAD
BLUE HARBOR, MD 21703

PROPOSED BULKHEAD PIER AND FILL

IN: WEST BRANCH HAVEN RIVER

AT: BLUE HARBOR

COUNTY OF: KING EDWARD STATE: MD

APPLICATION BY: FRED R. HARRIS

SHEET 2 OF 2 DATE 10-16-82

REV. 11-28-82

DIVISIONS AND DISTRICTS FOR REGULATORY ACTIVITIES

Note: In Iowa the eastern bank of the Missouri River is regulated by the Omaha office.

LOCATIONS OF REGULATORY OFFICES

Address correspondence to:

The District Engineer
U.S. Army Engineer
District
Please include attention line in address.

ALASKA
P.O. Box 898
Anchorage, AK
99506-0898
Attention: NPACO-RF
907/753-2712

ALBUQUERQUE
P.O. Box 1580
Albuquerque, NM
87103-1580
Attention: SWACO-OR
505/766-2776

BALTIMORE
P.O. Box 1715
Baltimore, MD 21203-1715
Attention: NABOP-R
301/962-3670
Joint application with New York, Maryland

BUFFALO
1776 Niagara Street
Buffalo, NY 14207-3199
Attention: NCBCO-S
716/876-5454 x2313
Joint application with New York

CHARLESTON
P.O. Box 919
Charleston, SC
29402-0919
Attention: SACCO-P
803/724-4330

CHICAGO
219 S. Dearborn Street
Chicago, IL 60604-1797
Attention: NCCCO-R
312/353-6428
Joint application with Illinois

DETROIT
P.O. Box 1027
Detroit, MI 48231-1027
Attention: NCECO-L
313/226-2218
Joint application with Michigan

FT. WORTH
P.O. Box 17300
Ft. Worth, TX 76102-0300
Attention: SWFOD-O
817/334-2681

GALVESTON
P.O. Box 1229
Galveston, TX 77553-1229
Attention: SWGCO-R
409/766-3925

HUNTINGTON
502 8th Street
Huntington, WV 25701-2070
Attention: ORHOP-F
304/529-5487
Joint application with West Virginia

HONOLULU
Building 230, Fort Shafter
Honolulu, HI 96858-5440
Attention: PODCO-O
808/438-9258

JACKSONVILLE
P.O. Box 4970
Jacksonville, FL 32232-0019
Attention: SAJRD
904/791-1659
Joint application with Florida, Virgin Islands

KANSAS CITY
700 Federal Building
601 E. 12th Street
Kansas City, MO 64106-2896
Attention: MRKOD-P
816/374-3645

LITTLE ROCK
P.O. Box 867
Little Rock, AR
72203-0867
Attention: SWLCO-P
501/378-5295

LOS ANGELES
P.O. Box 2711
Los Angeles, CA 90053-2325
Attention: SPLCO-R
213/688-5606

LOUISVILLE
P.O. Box 59
Louisville, KY 40201-0059
Attention: ORLOP-F
502/582-5452
Joint application with Illinois

MEMPHIS
Clifford Davis Federal
Building
Room B-202
Memphis, TN 38103-1894
Attention: LMMCO-G
901/521-3471
Joint application with Missouri, Tennessee, Kentucky

MOBILE
P.O. Box 2288
Mobile, AL 36628-00001
Attention: SAMOP-S
205/690-2658
Joint application with Mississippi

NASHVILLE
P.O. Box 1070
Nashville, TN 37202-1070
Attention: ORNOR-F
615/251-5181
Joint application with TVA, Tennessee, Alabama

*U.S. GOVERNMENT PRINTING OFFICE: 1985-527-186:30432

NEW ORLEANS
P.O. Box 60267
New Orleans, LA
70160-0267
Attention: LMNOD-S
504/838-2255

NEW YORK
26 Federal Plaza
New York, NY 10278-0090
Attention: NANOP-R
212/264,3996

NORFOLK
803 Front Street
Norfolk, VA 23510-1096
Attention: NAOOP-P
804/446-3652
Joint application with
Virginia

OMAHA
P,O. Box 5
Omaha, NE-68101-0005
Attention: MROOP-N
402/221-4133

PHILADELPHIA
U.S. Custom House
2nd and Chestnut Street
Philadelphia, PA
19106-2991
Attention: NAPOP-R
215/597-2812

PITTSBURGH
Federal Building
1000 Liberty Avenue
Pittsburgh, PA 15222-4186
Attention: ORPOP-F
412/644-4204
Joint application with
New York

PORTLAND
P.O. Box 2946
Portland, OR 97208-2946;
Attention: NPPND-RF
503/221-6995
Joint application with
Oregon

ROCK ISLAND
Clock Tower Building
Rock Island, IL 61201-2004
Attention: NCROD-S
309/788-6361 x6370
Joint application with
Illinois

SACRAMENTO
650 Capitol Mall
Sacramento, CA 95814-4794
Attention: SPKCO-O
916/440-2842

ST. LOUIS
210 Tucker Blvd., N
St. Louis, MO 63101-1986
Attention: LMSOD-F
314/263-5703
Joint application with
Illinois, Missouri

ST. PAUL
1135 USPO & Custom
House
St. Paul, MN 55101-1479
Attention: NCSCO-RF
612/725-5819

SAN FRANCISCO
211 Main Street
San Francisco, CA 94105-1905
Attention: SPNCO-R
415/974-0416

SAVANNAH
P.O. Box 889
Savannah, GA 31402-0889
Attention: SASOP-F
912/944-5347
Joint application with
Georgia

SEATTLE
P.O. Box C-3755
Seattle, WA 98124-2255
Attention: NPSOP-RF
206/764-3495
Joint application with Idaho

TULSA
P.O. Box 61
Tulsa, OK 74121-0061
Attention: SWTOD-RF
918/581=7261

VICKSBURG
P.O. Box 60
Vicksburg, MS 39180-0060
Attention: LMKOD-F
601/634-5276
Joint application with
Miss/ss ppi

WALLA WALLA
Building 602
City-County Airport
Walla Walla, WA
99362-9265
Attention: NPWOP-RF
5091522-6718
Joint *application with*
Idaho

WILMINGTON
P.O. Box 1890
Wilmington, NC
28402-1890
Attention: SAWCO-E
919/343-4511
Joint application with North
Carolina

The Division Engineer
U.S. Army Engineer
Division
NEW ENGLAND
424 Trapelo Road
Waltham, MA 02254-9149
Attention: NEDOD-R
617/647-8338
Joint application with
Massachusetts, Maine

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE KY 40201-0059
FAX: (502) 315-6677
http://www.lrl.usace.army.mil/

Operations Division
Regulatory Branch

July 2011

These instructions supplement those in the pamphlet, "U.S. Army Corps of Engineers Regulatory Program – Applicant Information", which is furnished to assist you in preparing plans and applications for a permit.

JURISDICTION: Our jurisdiction in permit matters extends up the streambank to a point called the Ordinary High Water Elevation (OHWE). This elevation varies along the rivers and streams. For major commercial waterways such as the Ohio, Green, or Kentucky Rivers, the elevation is available by telephone inquiry.

LOCATION MAP AND RIVER MILE: Please be sure to include the river mile marks and numerals on your location map and plan view. Various charts and maps giving the mile points along the major navigable streams are available upon request.

ELEVATION DATA: Please be sure to include on your plans all elevation data required by instructions in the pamphlet and indicate the reference datum used (for example: Ohio River Datum; U.S.G.S. 1929 General Adjustment; Mean Sea Level; Sandy Hook Datum; Kentucky River Datum; etc.)

ADJOINING PROPERTY OWNERS: Federal law requires us to issue a Public Notice for standard individual permit applications. To assist us in distributing this notice, please include the names and full mailing addresses of your adjoining property owners. For non-commercial facilities (private boat docks, bank protection on private property, etc.), the names and addresses of owners adjacent to you upstream, downstream, and across the river are sufficient. For commercial operations (marinas, loading docks, etc), the names and addresses of all property owners surrounding your property will be required. (Note: When the proposal is on the Ohio River, the property owner on the opposite side of the river may be omitted.)

SUBMARINE AND AERIAL CROSSINGS: Submarine utility line crossings under navigable streams must be laid at or below specified depths giving a minimum clearance. Aerial power line crossings vary according to the electrical carrying capacity of the line. The clearance is required across the entire stream opening. Information on clearance for a specific site is available upon request.

BRIDGES AND OVERHEAD PIPELINE: The Department of Transportation Act of 1968 transferred administration of bridges and pipelines over navigable waters to the U.S. Coast Guard. Questions relating to bridge clearance requirements and/or the advance approval category should be addressed to the Commander, Second Coast Guard District, 1222 Spruce Street, Room 2107, St. Louis, Missouri 63103-3832 Attn: OAB

COMMERCIAL MATERIALS HANDLING: If your application concerns a submarine pipeline, identify the commodity to be transported. If a commercial dock or terminal, identify the commodities to be handled, and state whether the facility is for loading only or both loading and unloading. A spill contingency plan should be included along with any application for facilities which will handle petroleum or other hazardous materials.

STATE CERTIFICATION: If an activity requiring a Department of the Army permit includes the discharge of material or placing of fill material into any waters of the United States, including wetlands, a water quality certification must be obtained from the appropriate state agency listed below. A Department of the Army permit pursuant to Section 404 of the Clean Water Act cannot be issued until the certification has been issued or waived.

State Certification Agencies

Illinois Environmental Protection Agency
Division of Water Pollution
Permits Section
P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-3397

Indiana Department of Environmental Management
Office of Water Quality
100 North Senate Avenue MC 65-40
Indianapolis, IN 46204-2251
(317) 232-8603

Kentucky Energy & Environment Cabinet
200 Fair Oaks Lane, 4th Floor
Frankfort, KY 40601
(502) 564-3410

Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049
(614) 644-2013

STATE CONSTRUCTION PERMIT: A permit to construct in the flood plain may be required by the state in which the activity would occur. Although this state permit is not a prerequisite for issuance of a Department of the Army permit, should one be denied, a Department of the Army permit cannot be issued. The appropriate state agencies with telephone numbers are listed below:

Illinois Department of Natural Resources
Division of Water Resources
One Natural Resources Way
Springfield, IL 62702-1271
(217) 785-3334
(217) 782-4426

Indiana Department of Natural Resources
402 West Washington Street Room W274
Indianapolis, IN 46204
(317) 232-4160

Kentucky Energy & Environment Cabinet
200 Fair Oaks Lane, 4th Floor
Frankfort, KY 40601
(502) 564-3410

OTHER REQUIRED PERMITS DENIED: A Department of the Army permit cannot be issued where authorization of the proposed work is required by other Federal, State, and/or local law and that authorization has been denied.

SUBJECT: LAWS FOR THE PROTECTION AND PRESERVATION OF THE NAVIGABLE WATERS OF THE UNITED STATES.

Paragraphs a, b, c, d, and s of SECTION 404 OF THE FEDERAL WATER POLLUTION CONTROL ACT (FWPCA) AMENDMENTS OF 1972 (33 USC 1344) AS AMENDED BY SECTION 67 OF THE CLEAN WATER ACT OF 1977.

PERMITS FOR DREDGED OR FILL MATERIAL

SEC. 404. (a)The Secretary may issue permits, after notice and opportunity for public hearings for the discharge of dredged or fill material into the navigable waters at specified disposal sites. Not later than the fifteenth day after the date an applicant submits all the information required to complete an application for a permit under this subsection, the Secretary shall publish the notice required by this subsection.

(b) Subject to subsection (c) of this section, each such disposal site shall be specified for each such permit by the Secretary (1) through the application of guidelines developed by the Administrator, in conjunction with the Secretary, which guidelines shall be based upon criteria comparable to the criteria applicable to the territorial seas, the contiguous zone, and the ocean under Section 403 (c), and (2) in any case where such guidelines under clause (1) alone would prohibit the specification of a site, through the application additionally of the economic impact of the site on navigation and anchorage.

(c) The Administrator (of the Environmental Protection Agency) is authorized to prohibit the specification (including the withdrawal of specification) of any defined area as a disposal site, and he is authorized to deny or restrict the use of any defined area for specification (including the withdrawal of specification) as a disposal site, whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such area will have an unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas (including spawning and breeding areas), wildlife, or recreational areas. Before making such determination, the Administrator shall consult with the Secretary. The Administrator shall set forth in writing and make public his findings and his reasons for making any determination under this subsection.

(d) The term "Secretary" as used in this section means the Secretary of the Army, acting through the Chief of Engineers.

(1) Whenever on the basis of any information available to him the Secretary finds that any person is in violation of any condition or limitation set forth in a permit issued by the Secretary under this section, the Secretary shall issue an order requiring such persons to comply with such condition or limitation, or the Secretary shall bring a civil action in accordance with Paragraph (3) of this subsection.

(2) A copy of any order issued under this subsection shall be sent immediately by the Secretary to the State in which the violation occurs and other affected States. Any order issued under this subsection shall be by personal service and shall state with reasonable specificity the nature of the violation, specify a time for compliance, not to exceed thirty days, which the Secretary determines is reasonable, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. In any case in which an order under this subsection is issued to a corporation, a copy of such order shall be served on any appropriate corporate officers.

(3) The Secretary is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction for any violation for which he is authorized to issue a compliance order under Paragraph (1) of this subsection. Any action under this paragraph may be brought in the district court of the United States for the district in which the defendant is located or resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance. Notice of the commencement of such action shall be given immediately to the appropriate State.

(4) Any person who violates any condition or limitation in a permit issued by the Secretary under this section, and any person who violates any order issued by the Secretary under paragraph (1) of this subsection, shall be subject to a civil penalty not to exceed $25,000 per day for each violation. In determining the amount of a civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit (if any) resulting from the violation, any history of such violations, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator, and such other matters as justice may require.

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, LOUISVILLE
CORPS OF ENGINEERS
P.O. BOX 59
LOUISVILLE, KENTUCKY 40201-0059
FAX: (502) 315-6677
http://www.lrl.usace.army.mil/

CELRL-OP-F

January 2007

SPECIAL NOTICE

TO WHOM IT MAY CONCERN:

This notice is to inform you, as an interested party of the revision to 33 CFR 209.120, the regulation governing administration of Department of the Army (DA) Permits Program which requires fees for all permits and significant modifications to existing DA Permits. This revision to the regulation was published in the Federal Register, Vol. 41, No. 240, on Tuesday, 21 December 1976.

All applicants for permits and significant modifications to existing DA permits must pay the required fee before the permit or other approval may be granted. **The fee should not be submitted with the application.** When the permit review has been completed and a determination has been made that approval will be granted, applicants will be advised to submit the processing fee to this office.

Fees are assessed as follows:

a. Commercial or industrial uses: $100.

b. Non-commercial uses: $10.

Commercial and industrial uses include all projects whose planned or ultimate purpose is commercial or industrial in nature and are in support of operations that charge for production, distribution or sales of goods and services.

The nature of the proposed work will not, in itself, determine the amount of a processing fee. For example, if an individual wished to dredge a small boat slip for private use by himself and his family, this would constitute non-commercial use, and a fee of $10 would be required. If a slip of the same size were to be dredged for a crew boat or commercial fishing boat, this would constitute commercial use, and a fee of $100 would be required.

Processing fees will not be charged for extensions-in-time, transfer of permits, work performed under general permits, or for applications from agencies or instrumentalities of Federal, State or local governments.

Persons receiving copies of this notice are asked to convey this information to other parties known to be interested in this matter.

FOR THE DISTRICT ENGINEER:

James M. Townsend

JAMES M. TOWNSEND
Chief, Regulatory Branch
Operations Division

US Army Corps
of Engineers

1998 Edition

Recognizing Wetlands

For additional information contact your local U.S. Army Corps of Engineers office.

Pitcher plant

Watershed view of wetlands associated with a lake ecosystem

What is a wetland?

A wetland is an area that is covered by shallow water or has waterlogged soils for long periods during the growing season in most years. Prolonged saturation with water leads to chemical changes in wetland soils, which in turn affect the kinds of plants that can grow in wetlands. Therefore, wetland vegetation often looks quite different from that of surrounding non-wetland areas.

Wetlands are known by many different names, some of which are specific to particular regions of the country. Wetlands that are dominated by trees and shrubs are commonly called *swamps*. Swamp forests associated with rivers and streams in the Southeast are locally known as bottomland hardwoods. Wetlands that consist of herbaceous vegetation, such as sedges, cattails, and bulrushes, are known as *marshes*. Marshes are highly variable and include fens, sloughs, potholes, and wet meadows. *Bogs* are generally dominated by sphagnum moss, which, when it dies, builds up in thick layers of peat. Extensive bogs in Canada and Alaska are called muskegs.

The information presented here will help you to determine whether you have a wetland on your property. If you intend to place fill material in a wetland or in an area that might be a wetland, contact the local District Office of the U.S. Army Corps of Engineers (Corps) for assistance in determining if a permit is required.

Why is it necessary to consider whether an area is a wetland?

Section 404 of the Clean Water Act requires that anyone interested in placing dredged or fill material into "waters of the United States, including wetlands" must first obtain a permit from the Corps. Activities in wetlands for which Section 404 permits may be required include, but are not limited to:

- Placement of fill and/or dredged material.
- Ditching activities when the excavated material is sidecast.

Wetland fill activity

- Levee and dike construction.
- Mechanized land clearing.
- Land leveling.
- Most road construction.
- Dam construction.

The final determination of whether an area is a wetland and whether the activity requires a permit must be made by the appropriate Corps District Office.

Wetlands help improve water quality

How do wetlands benefit people?

One of the goals of the Clean Water Act is to prevent the degradation of the Nation's waters, including needless destruction of wetlands. Wetlands benefit people in many ways that may not be obvious. Depending upon their location, wetlands provide one or more of the following benefits:

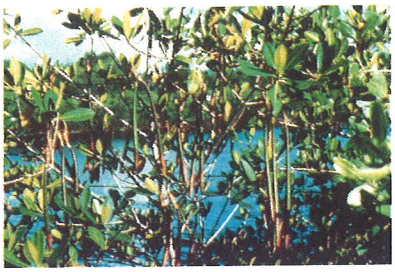
Wetlands help prevent flood damage

- They improve the quality of our water by filtering sediments and removing contaminants.
- They serve as spawning sites and nursery areas for fish and other aquatic life.
- They support downstream aquatic systems, including commercial and sport fisheries, by producing food and organic material that is flushed out of the wetlands and into streams during high flows.
- They reduce flood damage to crops and human settlements downstream by storing flood water and releasing it slowly, like a giant sponge.
- They are breeding, feeding, and wintering habitat for hundreds of wildlife species including: waterfowl, shorebirds, muskrats, turtles, frogs, and salamanders.
- They support many endangered species of animals and plants.
- They protect shorelines from erosion due to waves and currents.
- They provide recreational opportunities, such as hunting, fishing, boating, and wildlife watching.

Wetlands provide habitat for wildlife

How are wetlands recognized?

The term "wetland" encompasses a variety of conditions and degrees of wetness. Some wetlands are very easy to recognize because the water sits on the land's surface for much of the year. Other wetlands exist due to saturation of the soil by groundwater and can be difficult to identify. Wetlands do not need to be wet year-round. In fact, due to seasonal variations in rainfall and other environmental conditions, *most wetlands lack both surface water and waterlogged soils during at least part of the growing season each year.*



Mangrove wetland

One clue that a tract of land may contain wetlands is its topography or position in the landscape. Wetlands occur in areas where water naturally flows or accumulates, such as in the floodplains of streams and rivers, along smaller creeks and washes, in low spots or depressions in flat or rolling landscapes, around seeps and springs, along the fringes of ponds and lakes, and in coastal areas affected by tides.

Freshwater wetland

Even in fairly obvious wetland situations, it may be difficult to determine where the wetland ends and the upland begins. Therefore, identification of wetland boundaries (a procedure called *wetland delineation*) is a task best left to a qualified wetland consultant or Corps District personnel. Wetlands are delineated by carefully examining a site for the presence of wetland indicators. Three categories of wetland indicators — vegetation, soil, and hydrology — are explained briefly in the following sections.

Vegetation indicators

Skunk cabbage

Wetland delineators identify wetland vegetation – called *hydrophytic vegetation* – by making a list of the most abundant plant species in the area and looking up those species on the appropriate regional version of the *National List of Plant Species that Occur in Wetlands* published by the U.S. Fish and Wildlife Service (see the last page for information on obtaining a copy). Of the roughly 22,500 plant species in the United States, over 6,700 commonly grow in wetlands. However, you can often determine if wetland vegetation is present by knowing a relatively few plant species that commonly grow in wetlands in your area. For example, cattails, bulrushes, sedges,

rushes, cordgrass, sphagnum moss, baldcypress, tupelo gum, willows, buttonbush, mangroves, pickleweed, and arrowheads usually occur in wetlands.

Other evidence of wetland vegetation includes trees with shallow root systems, swollen trunks, and roots growing from the plant stem or trunk above the soil surface. Several Corps offices have published pictorial guides to representative wetland plant types, and other references to plant identification are available in bookstores. If you cannot determine whether the plant species in your area are those that commonly occur in wetlands, ask your Corps District Office or a local botanist for assistance.

Soil sampling

Soil indicators

Wetland soils – called *hydric soils* – are identified in the field by digging a shallow hole (roughly 1 to 1½ feet deep) and examining the soil for evidence of long-term saturation during the growing season. Soils that are waterlogged for long periods become depleted in oxygen. In turn, the lack of oxygen (1) retards normal breakdown of dead plant debris, causing partly decomposed organic matter to accumulate on the soil surface, and (2) produces chemical changes in the soil, which can affect its color and odor. For example, presence of any one of the following characteristics may indicate a hydric soil:

- Soil has a layer of partially decomposed plant material (peat or muck) on the surface.
- Soil color below the surface is predominantly grayish (compared with an upland soil sample from the same area), with or without spots or blotches of orange or brown.
- Soil has the sulfurous odor of rotten eggs.

Vernal pool plant community

Sampling core

Gray color indicates wetland soil

- Soil is very sandy and has a black surface layer.
- Soil is very sandy and appears blotchy or has dark streaks of organic matter below the surface.

Another way to determine whether a particular area *might* contain hydric soils is to check the Soil Survey Report for your county published by the USDA Natural Resources Conservation Service (NRCS). Map sheets given in the Soil Survey Report will tell you the name(s) of the soils on your property. You then look up these soils on a list of hydric soils in the county. Ask your county NRCS office for help in using Soil Survey Reports and hydric soil lists to determine whether you might have areas of hydric soil on your property.

Hydrology indicators

Wetland hydrology refers to the presence of surface water or waterlogged soils for a sufficient period of time in most years to influence the kinds of plants and soils that occur in an area. The most reliable evidence of wetland hydrology is provided by gaging stations or groundwater wells, but such information is limited in most areas and, when available, requires analysis by trained individuals.

Wetland delineators more often use hydrologic indicators that can be observed during a field inspection. For example, the following indicators provide evidence of periodic flooding or soil saturation:

Watermark in seasonally-flooded wetland

Drift line in tidal marsh

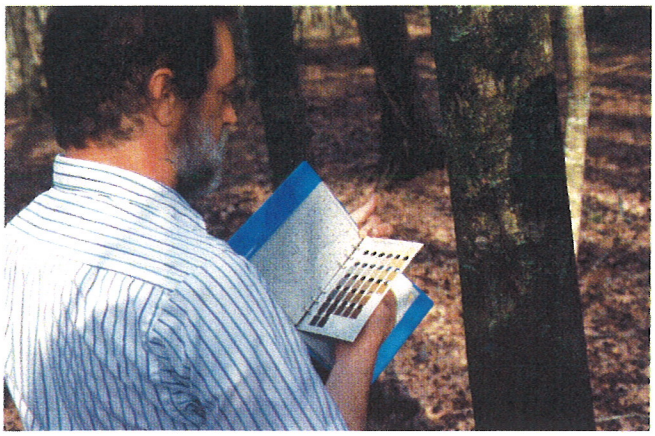
- Standing or flowing water is observed on the area during the growing season.
- Soil is observed to be waterlogged during the growing season.
- Watermarks are present on trees and other erect objects. These indicate the approximate depth of standing or flowing water.
- Drift lines or small piles of debris deposited by flowing water are present. These often occur along contours and indicate the approximate extent of flooding in an area.
- Thin layers of sediment coat leaves or other objects on the ground, caused when suspended particles settle out of flood waters over a period of time.
- Plant roots have rust-colored coatings or zones of soil around them. Under waterlogged conditions, these are caused by leakage of oxygen out of plant roots, resulting in oxidation of iron compounds in the soil around the root.

Wetland determinations

Corps policy requires that at least one indicator from each category – vegetation, soil, and hydrology – must be present for an area to be identified as a wetland under Section 404 of the Clean Water Act. However, if you observe *any* of the indicators described in this brochure, you should seek assistance from either your local Corps District Office or someone who is an expert at delineating wetlands. This brochure provides general information only; *it is not intended to be used to make a final wetland delineation!*

What to do if your property has wetlands that you propose to alter

Contact the Corps District Office that has responsibility for the Section 404 permitting process in your area. This office will assist you in defining the boundary of any wetlands on your property, and will provide instructions for applying for a Section 404 permit, if necessary.



Wetland Delineator uses soil color chart to make a wetland determination

Sedimentation trap — a wetland function

Sources of information for making wetland delineations

The Corps of Engineers *Wetlands Delineation Manual* is available on the Internet in ".pdf" format at http://www.wes.army.mil/el/wetlands/wlpubs.html or can be purchased from:

National Technical Information Service (NTIS)
5285 Port Royal Road
Springfield, VA 22161
To place an order: (703) 487-4650
For help in identifying a title for sale:
(703) 487-4780

The U.S. Fish and Wildlife Service *National List of Plant Species that Occur in Wetlands* is available on the Internet at http://www.nwi.fws.gov/ecology.html or can be purchased from NTIS above.

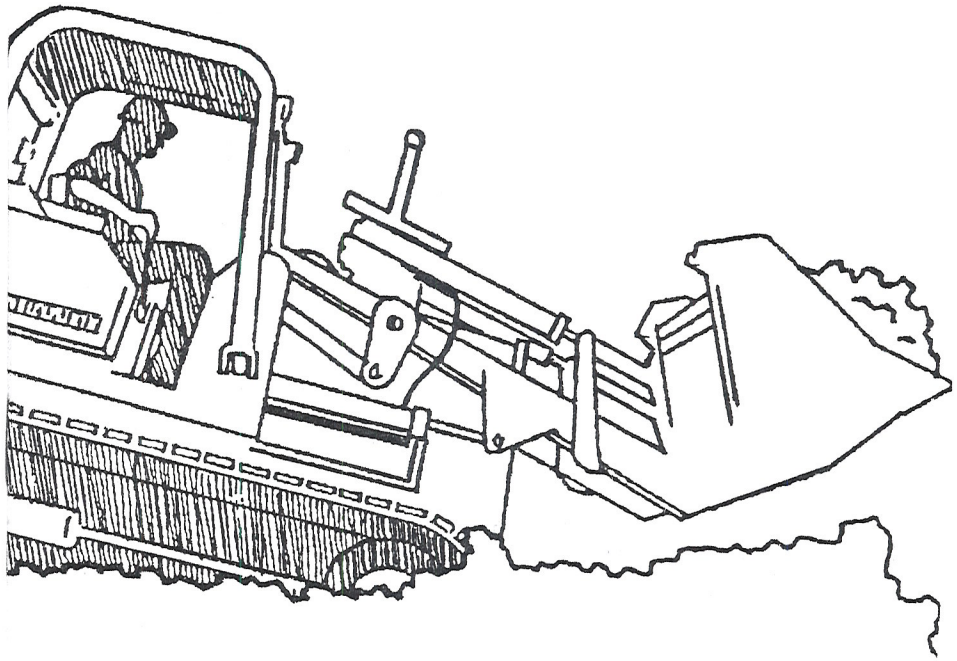
County Soil Survey Reports and hydric soil lists are available from county Natural Resources Conservation Service offices.

Information on wetland laws and regulations is available from the U.S. Army Corps of Engineers (http://www.usace.army.mil/inet/functions/cw/cecwo/reg/).

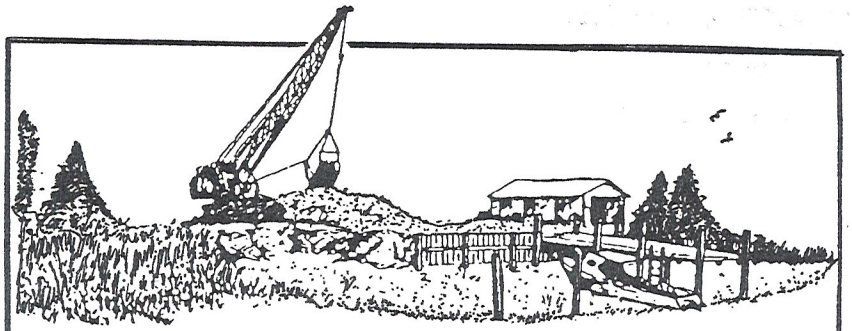
Front Cover Photo: Salt marsh

US Army Corps
of Engineers
Louisville District

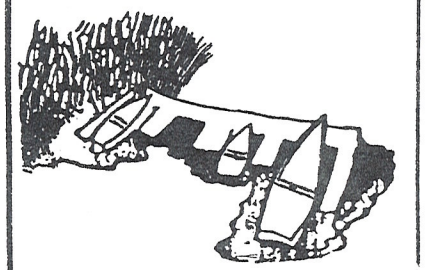
You
may need an Army permit
to work on your own land



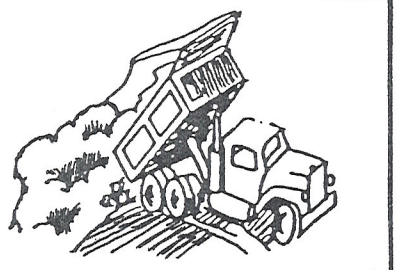
Which one needs a permit? **All of them.**



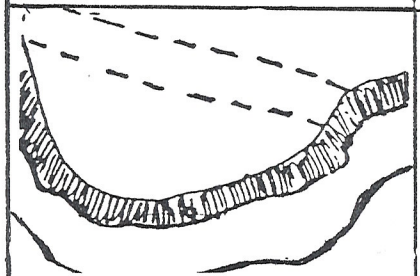
Protecting shorelines and depositing fill in waterways and wetland?



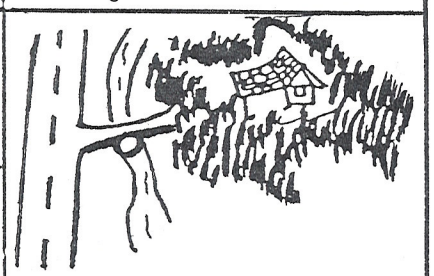
Building or extending docks



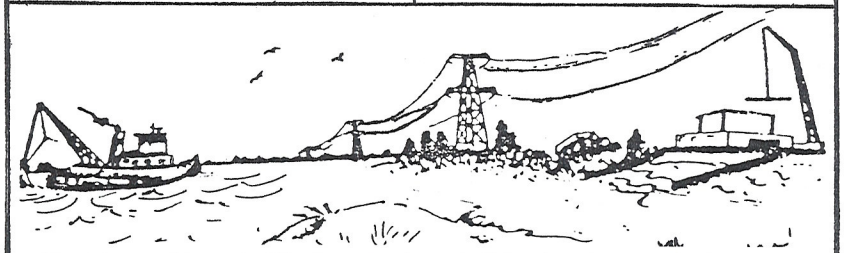
Filling wetlands to build or farm



Changing a stream channel



Stream fill and culvert for driveway



Dredging, cable and utility line crossings, building breakwaters, jetties, etc.

Who needs a permit?

You may need a permit from the Corps of Engineers to work on your own land. If your work is in a water area, or where water lays or runs just part of the year, your activity may be regulated by federal law.

While it is easy to recognize lakes and rivers, and most people can identify a dry streambed, wetlands are not always as obvious. Some wetlands have trees and appear to be dry most of the year. Most people don't understand or recognize the limits of a wetland.*

Why should I get a permit?

If you intend to work in one of the areas described, you need a permit. If you work without a permit, you may be in violation of federal law.

But we're a public agency.

You need a permit too.

Does this apply to farms?

Yes it does.

Everyone?

You and your mom and pop, all individuals, commercial enterprises, port authorities, marinas and local, state and federal agencies: everyone needs a permit to work in the waters of the United States.

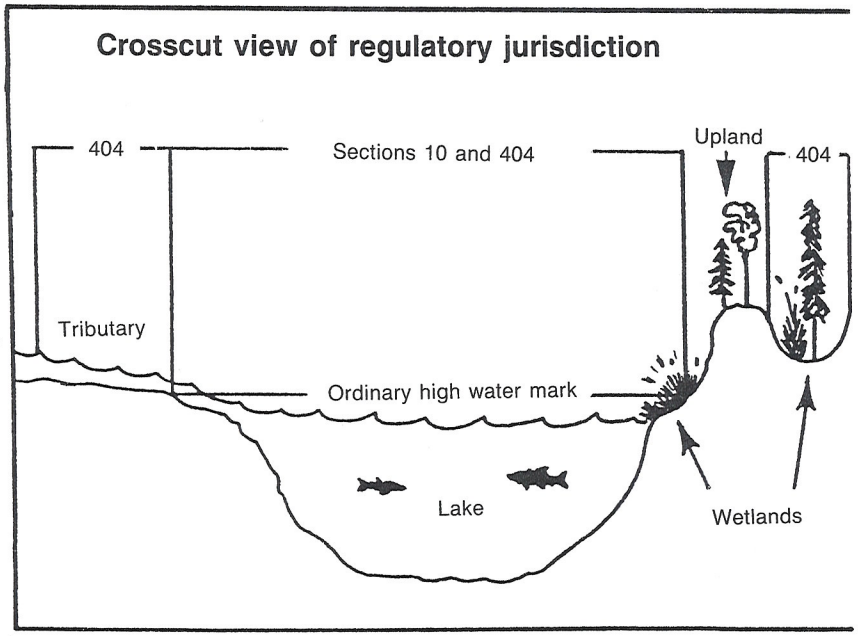
* *Glossary of terms on page 11*

Why does the Corps care?

Congress enacted laws to regulate water resource development. They are enforced by the Corps of Engineers. These laws ensure that water resource development is consistent with the needs and welfare of the people.

What are these laws?

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403): Under this law you will need a permit from the Corps of Engineers for any structure or work that takes place in, under or over a navigable water or wetland adjacent to navigable waters of the United States.
- Section 404 of the Clean Water Act (33 U.S.C. 1344): Under this law, you need a permit to discharge dredged or fill material into a water of the United States. Remember, this includes wetlands.

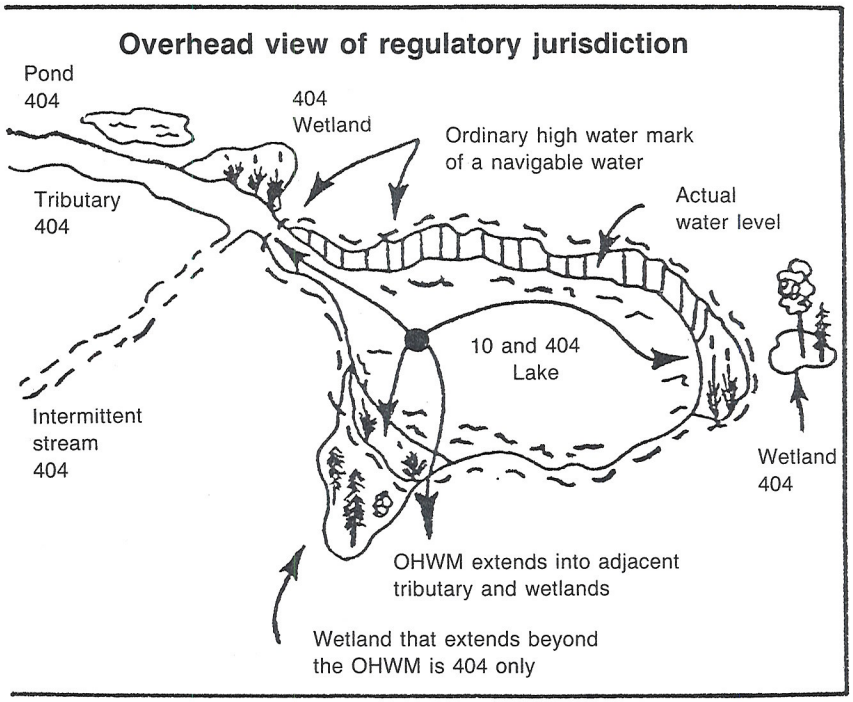


A shoreline is obvious. How do I know it's a wetland if there is no water?

Wetlands are defined by soil, plants and water. Indications that a wetland exists in a seemingly dry area are:

- standing water early in the year for a week or more
- black, stained leaves on the ground
- trees with swollen trunks at ground level
- area contains water-loving plants.

The shoreline of a body of water is generally defined by the ordinary high water mark. This mark on the shore or streambank is established by water level fluctuation. The Corps of Engineers has regulatory jurisdiction below this mark. (See definition of "ordinary high water mark" on page 11.)



Louisville District regulatory boundary

Regulatory jurisdiction		
Waters of the United States	Authority	Activities covered
Navigable waters	10 and 404	All structures in, over or under water, plus dredging and fills
All waters including wetlands	404	Discharge of dredged or fill material only.

I'm not sure. Maybe I need a permit?

It's always a good idea to come in and talk to us. We'd like to advise you before you make plans. Please call us at (502) 315-6686 . We're the Corps' Regulatory Branch in the Louisville District.
Remember, even if you don't need a local, state or federal permit, you may need a permit from the Corps.

What if I work without a permit?

If your project requires a permit and you work without it, you will be violating federal law. You and any contractor you hire may be subject to civil or criminal penalties and could be required to restore the area.

But I already did the work!

Call us right away. If you don't we'll probably find out about it anyway. We'll discuss the options with you.

The possibilities are:

- a permit after-the-fact
- removal and restoration
- litigation, fines can be as high as $50,000 a day per offense.

Our decisions are based on:

- environmental harm
- type of work
- project size
- project location
- cooperation of the individual

How do I apply for a permit?

Call us for guidance and application forms. We can meet with you before you apply. Talking to us beforehand may identify potential problems that could be reduced or eliminated. This can lead to a more efficient processing of your permit application.

U.S. Army Corps of Engineers, Louisville District
ATTN: Regulatory Branch, OR-F
P.O. Box 59
Louisville, KY 40201-0059

Phone: 502-315-6686

What do you evaluate in a permit application?

First: Activities involving discharge of dredged or fill material into waters of the United States must comply with the United States Environmental Protection Agency guidelines. Activities that fail to comply with the guidelines normally cannot be permitted.

Second: In the public interest review, the project benefits are weighed against the negative aspects of the proposal. Permits are issued when the work proposed complies with the USEPA guidelines, as well as other related laws, where applicable and does not contravene the public interest.

The review includes:

conservation	flood hazard	water supply and conservation
economics	mineral needs	general environmental concerns
aesthetics	water quality	fish and wildlife values
wetlands	energy needs	shore erosion and accretion
navigation	floodplains	historic properties
land use	recreation	food and fiber production
safety	public welfare	property ownership consideration

Why all the fuss about wetlands?

Wetlands are valuable because they:

- hold floodwaters
- serve as groundwater recharge areas
- filter contaminants from surface waters
- furnish habitat for fish and wildlife
- maintain water quality
- protect shoreline from erosion
- trap sediment
- provide for education, research, and recreation

If I get your permit, do I need more?

If you get a permit from us and then change your plans you must let us know. You may have to come back to us for more permits or a permit modification.

We're not the only ones who require permits. Check with your state and local agencies before you start working.

What are permits usually for?

People generally request a permit to:

- fill in a wetland to build on, farm or for other purposes
- place fill to protect or reclaim a shoreline that has eroded
- extend a shoreline into the water
- deepen a channel, the area around a dock or other dredging
- dump dredged material into a water of the United States
- place, temporarily or permanently, fill material in a wetland
- build levees, dams, dikes and weirs
- channel a stream
- improve drainage
- build breakwaters, groins and revetments to protect the shore
- place aerial or submerged utility crossings
- install docks, piers, bulkheads, marinas, ramps or mooring buoys.

I think I need to talk to you.

Any person, firm or agency including federal, state and local government that is planning to work in waters of the United States must first obtain a permit from the Corps of Engineers. Permits, licenses, variances or similar authorizations may also be required by other federal, state and local statutes.

Talk to us.

What do these terms mean?

Waters of the United States — Under the Clean Water Act (404) in the Louisville District these are:

- all waters that are, may be or have been used in interstate or foreign commerce
- their tributaries
- wetlands adjacent to these waterways and tributaries
- isolated wetlands, water bodies such as small lakes and ponds, intermittent streams, wet meadows and mudflats.

Wetlands — Areas inundated or saturated by surface or ground water at a frequency or duration sufficient to support and under normal circumstances support a prevalence of vegetation adapted for life in saturated soil conditions. Size is not a limitation. Areas smaller than an acre are regulated.

Navigable waters — Under the Rivers and Harbor Act, these are waters that were used in the past, are now used or could be used to transport interstate or foreign commerce. In the Louisville District many streams and waterways are considered navigable under this definition.

Jurisdiction — The landward limit of our district's regulatory jurisdiction in waters of the United States is the ordinary high water mark, which may extend into tributaries and adjacent wetlands.

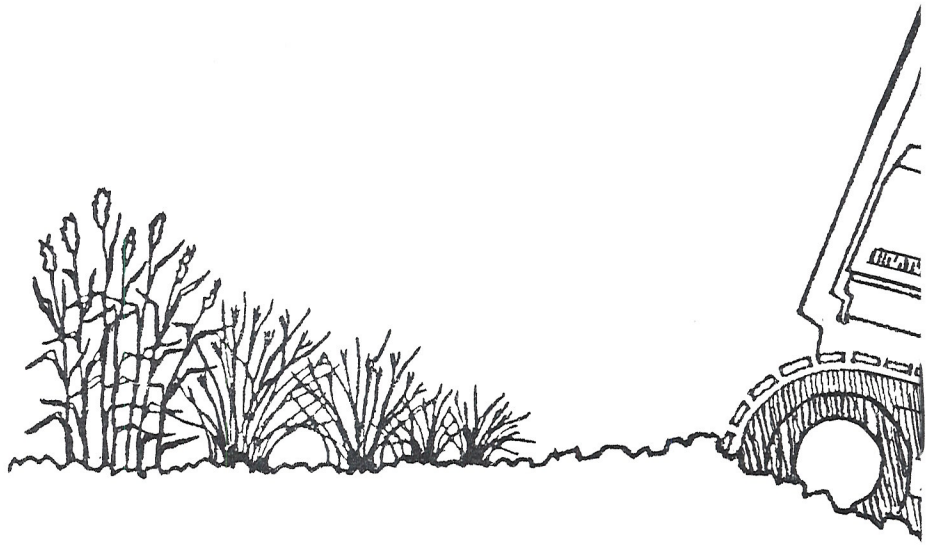
Ordinary high water mark — This is the line on the shore established by the fluctuation of the water surface. It is shown by such things as a clear line impressed on the bank, shelving, changes in soil character, destruction of terrestrial vegetation, the presence of litter and debris or other features influenced by the surrounding area. In a wetland the shoreline is shown by changes in soil, vegetation and water, and may be difficult for anyone but an expert biologist to discern.

You can help

Check with the Corps before putting anything in or taking anything out of any water or wetland.

Tell others about our regulatory program. Your country needs your cooperation to ensure that water resource development is consistent with everyone's welfare and future needs.

US Army Corps of Engineers
Louisville District



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