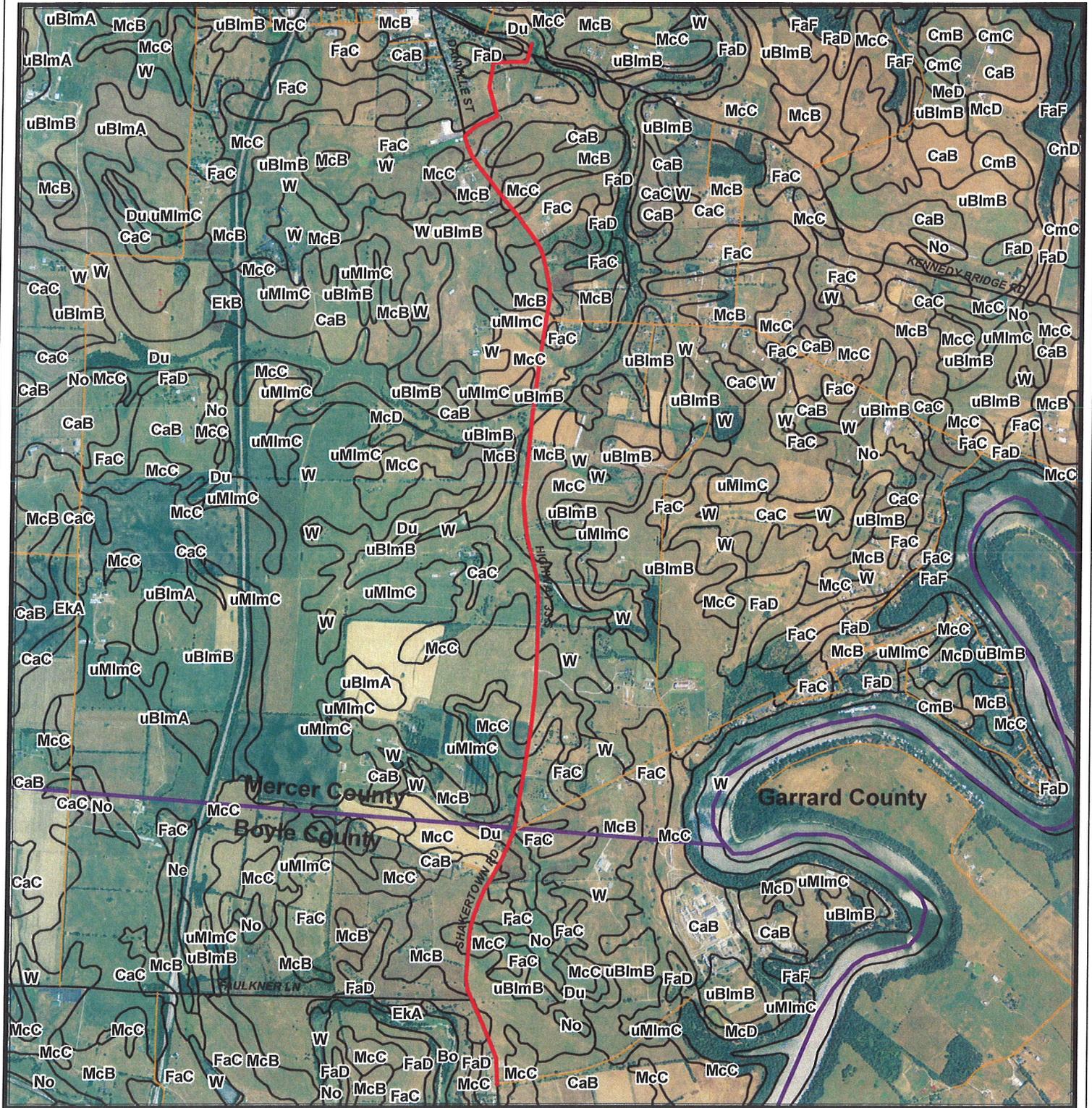


Farmland Conversion Impact Rating

Mercer County, KY



SOILS MAP

Soils Legend

- Du**--Dunning silty clay loam
- FaC**--Fairmount-Rock outcrop complex, 6 to 12 percent slopes
- FaD**--Fairmount-Rock outcrop complex, 12 to 30 percent slopes
- McB**--McAfee silt loam, 2 to 6 percent slopes
- McC**--McAfee silt loam, 6 to 12 percent slopes
- uBlmB**--Bluegrass-Maury silt loams, 2 to 6 percent slopes
- uMlmC**--Maury-Bluegrass silt loams, 6 to 12 percent slopes

Scale

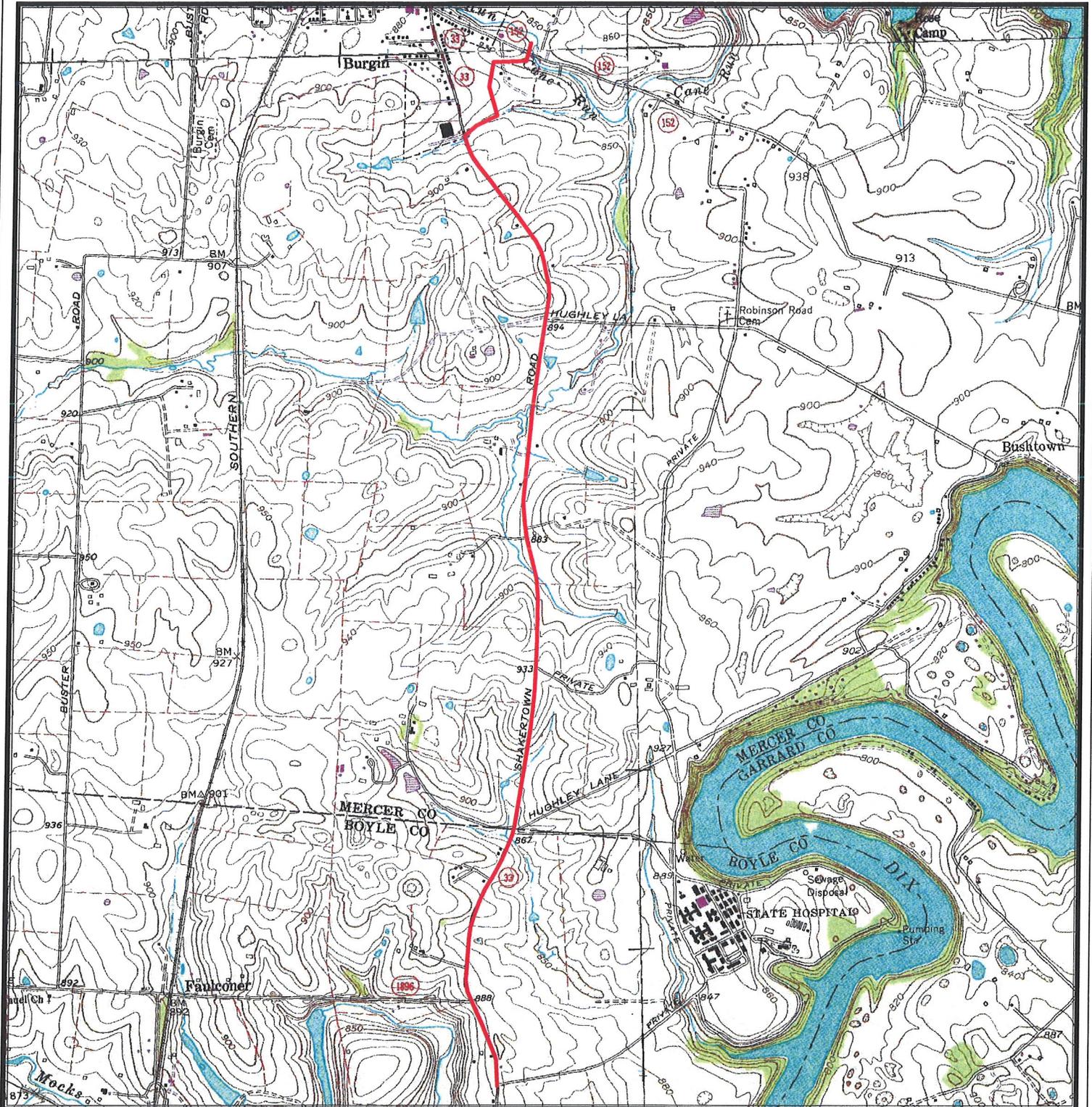
1:28,000

1 inch = 2,333 feet



Farmland Conversion Impact Rating

Mercer County, KY



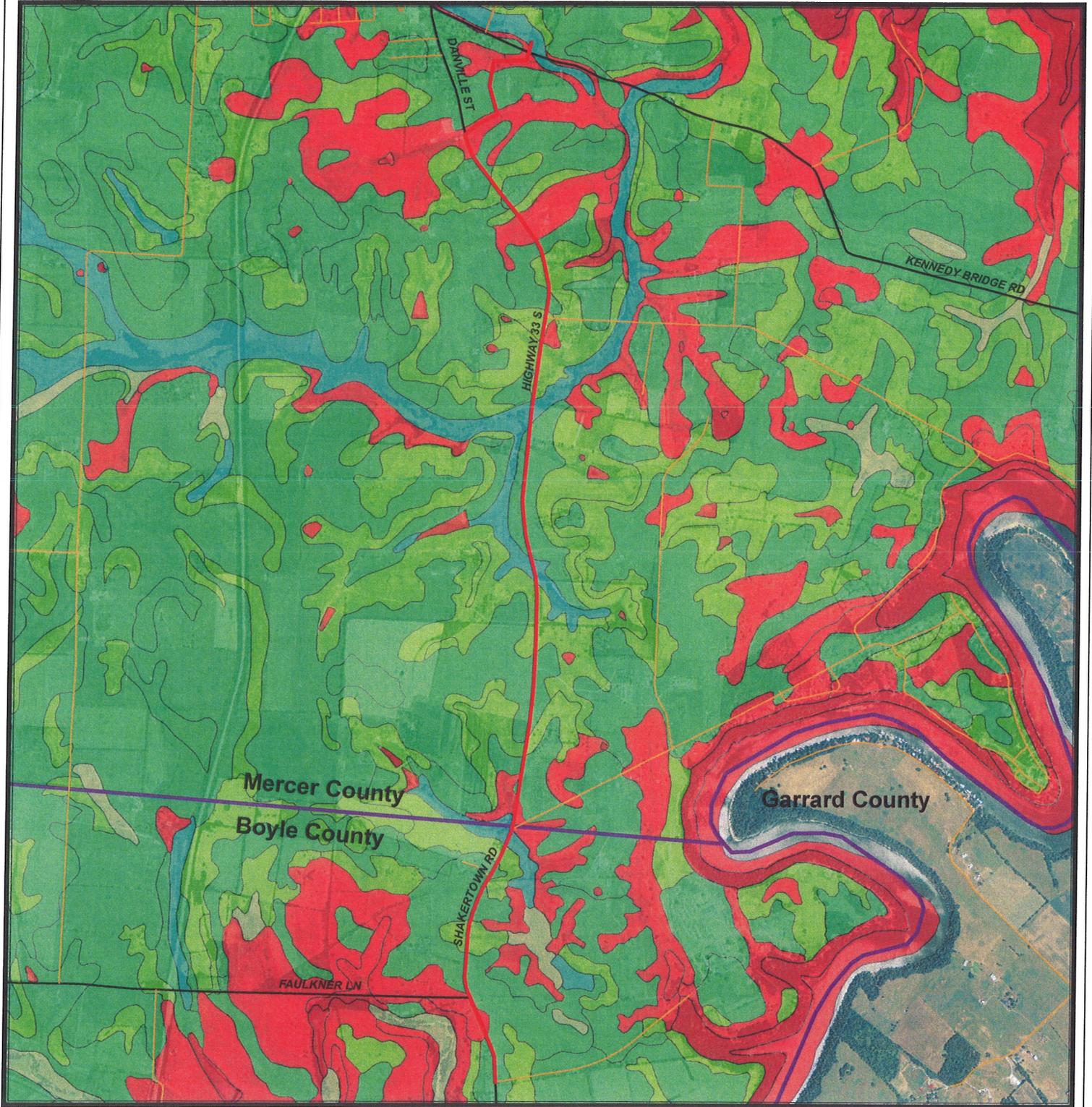
DANVILLE 7.5 Minute USGS Quadrangle

Scale
1:28,000
1 inch = 2,333 feet



Farmland Conversion Impact Rating

Mercer County, KY



Prime Farmland Legend

- Not prime farmland
- All areas are prime farmland
- Prime farmland if drained
- Prime farmland if protected from flooding or not frequently flooded during the growing season
- Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
- Farmland of statewide importance
- Sewer Line

Scale

1:28,000

1 inch = 2,333 feet



United States Department of Agriculture



Natural Resources Conservation Service
3032 Alvey Park Drive West, Suite 2
Owensboro, KY 42303
(270) 685-1707

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Soil Survey of Boyle and Mercer Counties, Kentucky
Soil Survey Version 8 - 9/14/2012
USDA-NRCS-NCGC 2012 NAIP Ortho MrSid Mosaic

Prime and other Important Farmlands

Boyle and Mercer Counties, Kentucky

Map symbol	Map unit name	Farmland classification
McB	McAfee silt loam, 2 to 6 percent slopes	All areas are prime farmland
uBlmB	Bluegrass-Maury silt loams, 2 to 6 percent slopes	All areas are prime farmland
McC	McAfee silt loam, 6 to 12 percent slopes	Farmland of statewide importance
uMlmC	Maury-Bluegrass silt loams, 6 to 12 percent slopes	Farmland of statewide importance
Du	Dunning silty clay loam	Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season

Prime and other Important Farmlands

This table lists the map units in the survey area that are considered important farmlands. Important farmlands consist of prime farmland, unique farmland, and farmland of statewide or local importance. This list does not constitute a recommendation for a particular land use.

In an effort to identify the extent and location of important farmlands, the Natural Resources Conservation Service, in cooperation with other interested Federal, State, and local government organizations, has inventoried land that can be used for the production of the Nation's food supply.

"Prime farmland" is of major importance in meeting the Nation's short- and long-range needs for food and fiber. Because the supply of high-quality farmland is limited, the U.S. Department of Agriculture recognizes that responsible levels of government, as well as individuals, should encourage and facilitate the wise use of our Nation's prime farmland.

Prime farmland, as defined by the U.S. Department of Agriculture, is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It could be cultivated land, pastureland, forestland, or other land, but it is not urban or built-up land or water areas. The soil quality, growing season, and moisture supply are those needed for the soil to economically produce sustained high yields of crops when proper management, including water management, and acceptable farming methods are applied. In general, prime farmland has an adequate and dependable supply of moisture from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, an acceptable salt and sodium content, and few or no rocks. The water supply is dependable and of adequate quality. Prime farmland is permeable to water and air. It is not excessively erodible or saturated with water for long periods, and it either is not frequently flooded during the growing season or is protected from flooding. Slope ranges mainly from 0 to 6 percent. More detailed information about the criteria for prime farmland is available at the local office of the Natural Resources Conservation Service.

For some of the soils identified in the table as prime farmland, measures that overcome a hazard or limitation, such as flooding, wetness, and droughtiness, are needed. Onsite evaluation is needed to determine whether or not the hazard or limitation has been overcome by corrective measures.

A recent trend in land use in some areas has been the loss of some prime farmland to industrial and urban uses. The loss of prime farmland to other uses puts pressure on marginal lands, which generally are more erodible, droughty, and less productive and cannot be easily cultivated.

"Unique farmland" is land other than prime farmland that is used for the production of specific high-value food and fiber crops, such as citrus, tree nuts, olives, cranberries, and other fruits and vegetables. It has the special combination of soil quality, growing season, moisture supply, temperature, humidity, air drainage, elevation, and aspect needed for the soil to economically produce sustainable high yields of these crops when properly managed. The water supply is dependable and of adequate quality. Nearness to markets is an additional consideration. Unique farmland is not based on national criteria. It commonly is in areas where there is a special microclimate, such as the wine country in California.

In some areas, land that does not meet the criteria for prime or unique farmland is considered to be "farmland of statewide importance" for the production of food, feed, fiber, forage, and oilseed crops. The criteria for defining and delineating farmland of statewide importance are determined by the appropriate State agencies. Generally, this land includes areas of soils that nearly meet the requirements for prime farmland and that economically produce high yields of crops when treated and managed according to acceptable farming methods. Some areas may produce as high a yield as prime farmland if conditions are favorable. Farmland of statewide importance may include tracts of land that have been designated for agriculture by State law.

In some areas that are not identified as having national or statewide importance, land is considered to be "farmland of local importance" for the production of food, feed, fiber, forage, and oilseed crops. This farmland is identified by the appropriate local agencies. Farmland of local importance may include tracts of land that have been designated for agriculture by local ordinance.

Mercer County Sewer Line Installation

Burgin to Danville

MUSYM	Map Unit Name	Farm	Count	Acres
Du	Dunning silty clay loam	P	3	4.9
FaC	Fairmount-Rock outcrop complex, 6 to 12 percent slopes	NC	5	10.0
FaD	Fairmount-Rock outcrop complex, 12 to 30 percent slopes	NC	1	0.9
McB	McAfee silt loam, 2 to 6 percent slopes	P	7	17.2
McC	McAfee silt loam, 6 to 12 percent slopes	S	6	8.0
uBlmB	Bluegrass-Maury silt loams, 2 to 6 percent slopes	P	3	5.1
uMlmc	Maury-Bluegrass silt loams, 6 to 12 percent slopes	S	2	5.5
			Total	51.6

Farm Legend	Acres
P=Prime Farmland	27.3
S=Statewide Important	13.4
NC=Not Classified	10.9

Boyle County Sewer Line Installation

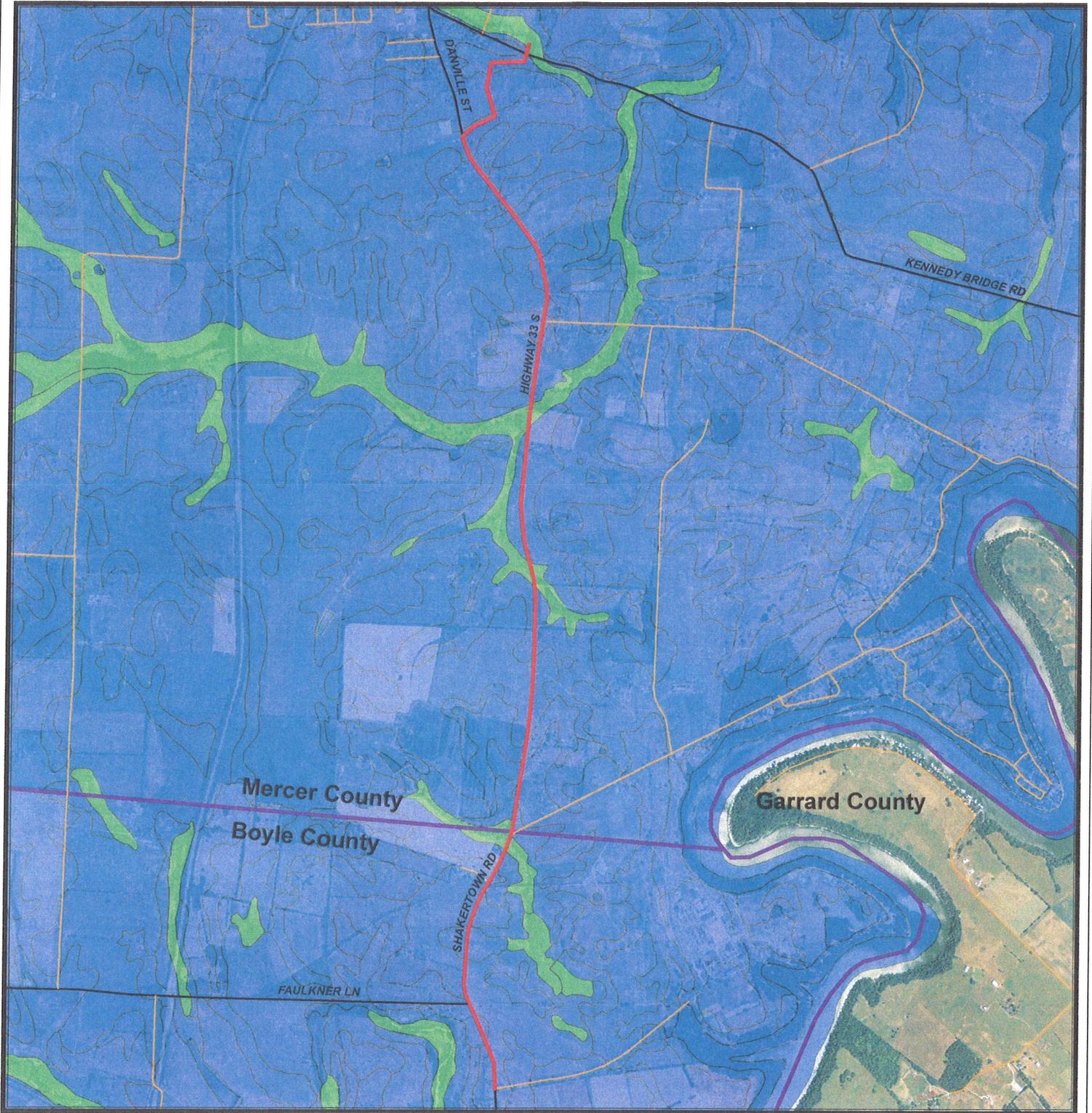
Burgin to Danville

MUSYM	Map Unit Name	Farm	Count	Acres
Du	Dunning silty clay loam	P	1	1.3
FaC	Fairmount-Rock outcrop complex, 6 to 12 percent slopes	NC	2	3.9
McB	McAfee silt loam, 2 to 6 percent slopes	P	1	9.4
McC	McAfee silt loam, 6 to 12 percent slopes	S	2	3.3
			Total	17.9

Farm Legend	Acres
P=Prime Farmland	10.7
S=Statewide Important	3.3
NC=Not Classified	3.9

Farmland Conversion Impact Rating

Mercer County, KY



Hydric Soils Legend

- | | | | |
|---|------------------|---|-------------|
|  | Partially Hydric |  | US HWY |
|  | Not Hydric |  | MAJOR ROAD |
|  | Sewer Line |  | County Line |
|  | Local Roads | | |

Scale

1:28,000

1 inch = 2,333 feet



United States Department of Agriculture



Natural Resources Conservation Service
3032 Alvey Park Drive West, Suite 2
Owensboro, KY 42303
(270) 685-1707

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Soil Survey Version 8 - 9/14/2012
USDA-NRCS-NCGC 2012 NAIP Ortho MrSid Mosaic

Hydric Soils

Boyle and Mercer Counties, Kentucky

Map symbol and map unit name	Component	Percent of map unit	Landform	Hydric rating	Hydric criteria
------------------------------	-----------	---------------------	----------	---------------	-----------------

Du:

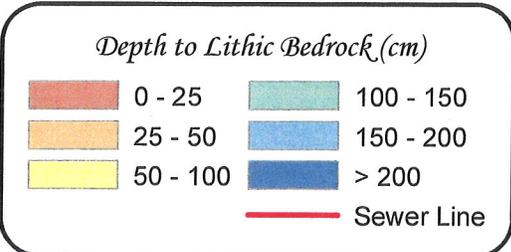
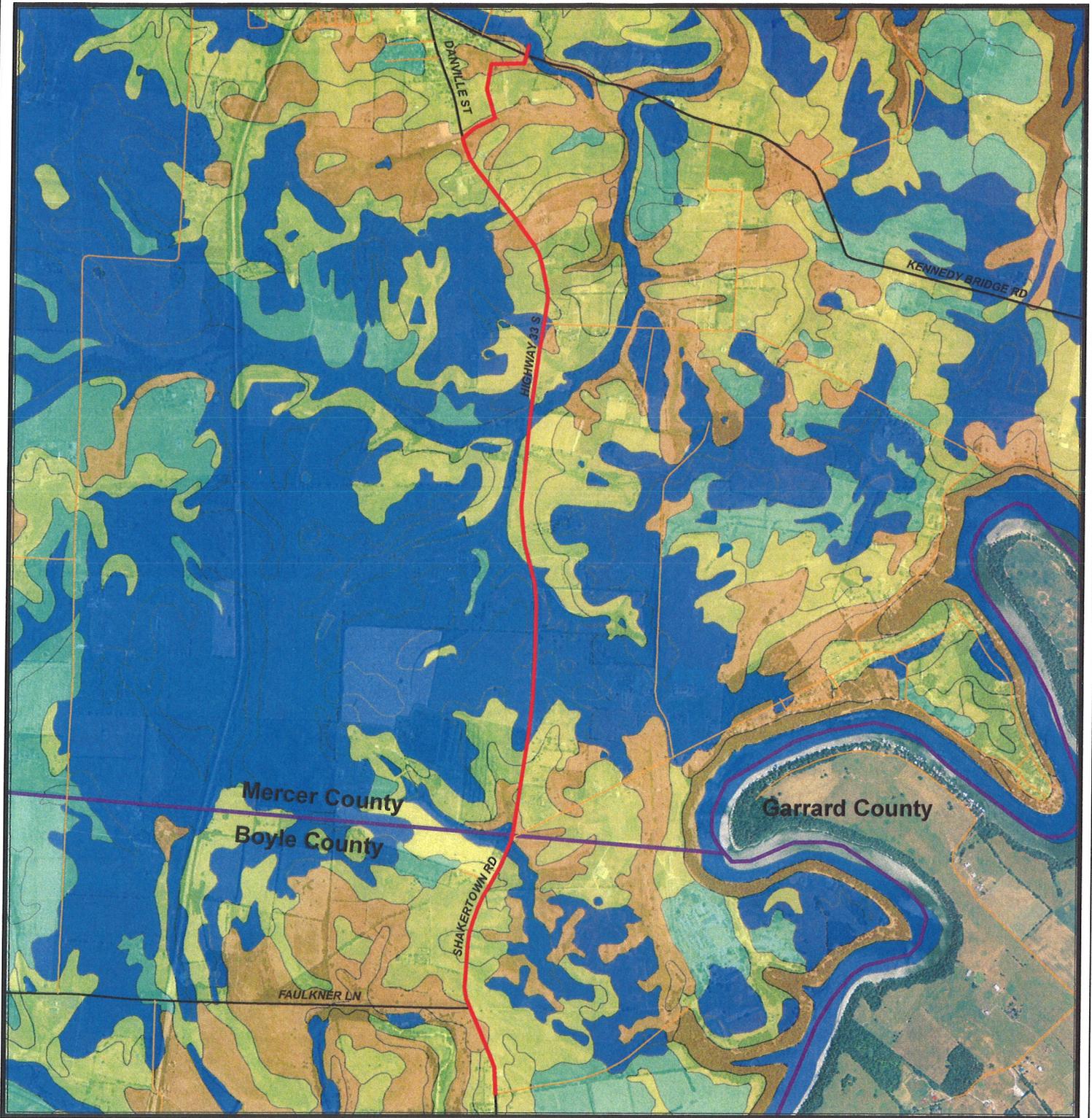
Dunning silty clay loam	Dunning, frequently flooded	85	Flood plains	Yes	2B3
	Dunning, thick black surface	3	Flood plains	Yes	2B3

Explanation of hydric criteria codes:

1. All Histels except for Folistels, and Histosols except for Folistels.
2. Soils in Aquic suborders, great groups, or subgroups, Albolls suborder, Historthels great group, Histoturbels great group, Pachic subgroups, or Cumulic subgroups that:
 - A. are somewhat poorly drained and have a water table at the surface (0.0 feet) during the growing season, or
 - B. are poorly drained or very poorly drained and have either:
 - 1.) a water table at the surface (0.0 feet) during the growing season if textures are coarse sand, sand, or fine sand in all layers within a depth of 20 inches, or
 - 2.) a water table at a depth of 0.5 foot or less during the growing season if permeability is equal to or greater than 6.0 in/hr in all layers within a depth of 20 inches, or
 - 3.) a water table at a depth of 1.0 foot or less during the growing season if permeability is less than 6.0 in/hr in any layer within a depth of 20 inches.
3. Soils that are frequently ponded for long or very long duration during the growing season.
4. Soils that are frequently flooded for long or very long duration during the growing season.

Farmland Conversion Impact Rating

Mercer County, KY



Scale
1:28,000
 1 inch = 2,333 feet



Soil Features

Boyle and Mercer Counties, Kentucky

Map symbol and soil name	Restrictive layer				Subsidence		Potential for frost action	Risk of corrosion	
	Kind	Depth to top	Thickness	Hardness	Initial	Total		Uncoated steel	Concrete
Du:		<i>In</i>	<i>In</i>		<i>In</i>	<i>In</i>			
Dunning, frequently flooded	---	---	---	---	---	---	None	High	Low
FaC:									
Fairmount	Lithic bedrock	10-20	---	Indurated	---	---	None	High	Low
Rock outcrop	Lithic bedrock	0	---	Indurated	---	---	None	---	---
FaD:									
Fairmount	Lithic bedrock	10-20	---	Indurated	---	---	None	High	Low
Rock outcrop	Lithic bedrock	0	---	Indurated	---	---	None	---	---
McB:									
McAfee	Lithic bedrock	20-40	---	Indurated	---	---	None	High	Low
McC:									
McAfee	Lithic bedrock	20-40	---	Indurated	---	---	None	High	Low
uBlmB:									
Bluegrass	---	---	---	---	---	---	None	Moderate	Moderate
Maury	---	---	---	---	---	---	None	High	Moderate
uMImC:									
Maury	---	---	---	---	---	---	None	High	Moderate
Bluegrass	---	---	---	---	---	---	None	Moderate	Moderate

Soil Features

This table gives estimates of various soil features. The estimates are used in land use planning that involves engineering considerations.

A "restrictive layer" is a nearly continuous layer that has one or more physical, chemical, or thermal properties that significantly impede the movement of water and air through the soil or that restrict roots or otherwise provide an unfavorable root environment. Examples are bedrock, cemented layers, dense layers, and frozen layers. The table indicates the hardness and thickness of the restrictive layer, both of which significantly affect the ease of excavation. "Depth to top" is the vertical distance from the soil surface to the upper boundary of the restrictive layer.

"Subsidence" is the settlement of organic soils or of saturated mineral soils of very low density. Subsidence generally results from either desiccation and shrinkage, or oxidation of organic material, or both, following drainage. Subsidence takes place gradually, usually over a period of several years. The table shows the expected initial subsidence, which usually is a result of drainage, and total subsidence, which results from a combination of factors.

"Potential for frost action" is the likelihood of upward or lateral expansion of the soil caused by the formation of segregated ice lenses (frost heave) and the subsequent collapse of the soil and loss of strength on thawing. Frost action occurs when moisture moves into the freezing zone of the soil. Temperature, texture, density, saturated hydraulic conductivity (Ksat), content of organic matter, and depth to the water table are the most important factors considered in evaluating the potential for frost action. It is assumed that the soil is not insulated by vegetation or snow and is not artificially drained. Silty and highly structured, clayey soils that have a high water table in winter are the most susceptible to frost action. Well drained, very gravelly, or very sandy soils are the least susceptible. Frost heave and low soil strength during thawing cause damage to pavements and other rigid structures.

"Risk of corrosion" pertains to potential soil-induced electrochemical or chemical action that corrodes or weakens uncoated steel or concrete. The rate of corrosion of uncoated steel is related to such factors as soil moisture, particle-size distribution, acidity, and electrical conductivity of the soil. The rate of corrosion of concrete is based mainly on the sulfate and sodium content, texture, moisture content, and acidity of the soil. Special site examination and design may be needed if the combination of factors results in a severe hazard of corrosion. The steel or concrete in installations that intersect soil boundaries or soil layers is more susceptible to corrosion than the steel or concrete in installations that are entirely within one kind of soil or within one soil layer.

For uncoated steel, the risk of corrosion, expressed as "low," "moderate," or "high," is based on soil drainage class, total acidity, electrical resistivity near field capacity, and electrical conductivity of the saturation extract.

For concrete, the risk of corrosion also is expressed as "low," "moderate," or "high." It is based on soil texture, acidity, and amount of sulfates in the saturation extract.



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/>

February 4, 2013

Operations Division
Regulatory Branch (South)
ID No. LRL-2013-92-pjl

Mr. Michael L. Davis, P.E.
Strand Associates, Incorporated
1525 Bull Lea Road, Suite 100
Lexington, Kentucky 40511

FEBEB - 6 2013

Dear Mr. Davis:

This is in response to your letter of January 18, 2013, concerning the Mercer County Sanitation District's (MCS D) desire to revise their regional wastewater facilities plan. The current plan would require wastewater to be conveyed from Burgin to the Harrodsburg, Kentucky, wastewater treatment plant through a sewer force main running parallel along KY 152 between Burgin and Harrodsburg. The MCS D proposes to change the plan to convey wastewater from Burgin to Danville, Kentucky, using a force main that would parallel KY 33. The new route would involve impacts to unnamed tributaries to Cane Run and the Dix River.

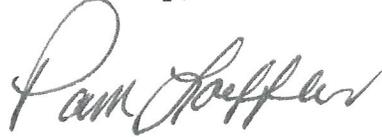
The Corps of Engineers exercises regulatory authority over Dix River and its tributaries under Section 404 of the Clean Water Act (33 USC 1344). The data you furnished indicates an authorization under this Section of law may be required before you begin the work. However, the information given is insufficient for us to be certain of the need for a Department of the Army (DA) permit on this particular proposal. We will need additional detail on the project's design, scope, construction methods and purpose in order to determine whether a DA permit is required.

We have found it is usually in the applicant's best interest to submit that data in a formal permit application. Should an individual permit be required, we can then begin processing your request immediately.

Enclosed is a packet, which contains the information and forms needed to apply for a DA permit. Currently, the processing time for noncontroversial applications requiring individual review takes approximately 120 days. Please allow sufficient time in your preconstruction schedule for the processing of a DA permit application.

If we can be of any further assistance, please contact us by writing to the above address, ATTN: CELRL-OP-FS, or by calling me at 502-315-6693.

Sincerely,

A handwritten signature in cursive script that reads "Pam Loeffler". The signature is written in black ink and is positioned above the typed name.

Pam Loeffler
Regulatory Specialist
Regulatory Branch

Enclosures

**U.S. ARMY CORPS OF ENGINEERS
APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT
(33 CFR 325)**

OMB APPROVAL NO. 0710-0003
EXPIRES: 31 AUGUST 2012

Public reporting 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 the 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.

PRIVACY ACT STATEMENT

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/or 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.

(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 (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 NOs. w/AREA CODE a. Residence b. Business c. Fax	10. AGENTS PHONE NOs. 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.

SIGNATURE OF APPLICANT

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

18. Nature of Activity (Description of project, include all features)

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres
or
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

24. Is Any Portion of the Work Already Complete? Yes No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address-

City - State - Zip -

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

DATE

SIGNATURE OF AGENT

DATE

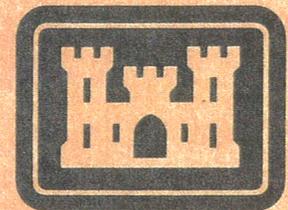
The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

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 any trick, scheme, or disguises 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 statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

United States Army Corps of Engineers

Regulatory Program

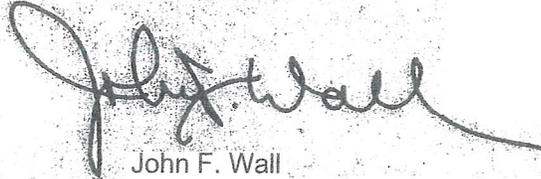
Applicant Information



INTRODUCTION

This pamphlet is designed to assist you in applying for a Department of the Army permit from the Corps of Engineers. The pamphlet is not intended to be a complete description of all aspects of the permit program, but will provide general information of a non-technical nature and specific guidance on how to complete a permit application. Full explanation of the program may be found in Title 33 Code of Federal Regula-

tions, Parts 320 through 330. These regulations are available for review at the Corps of Engineers District offices listed at the back of this pamphlet. Answers to technical questions and detailed information about special aspects of the program that pertain to your geographical area and your proposed activity may also be obtained from Corps of Engineers District offices



John F. Wall
Major General, USA
Director of Civil Works

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Authority for the Regulatory Program

The U.S. Army Corps of Engineers has been regulating activities in the nation's waters since 1890. Until the 1960's the primary purpose of the regulatory program was to protect navigation. Since then, as a result of laws and court decisions, the program has been broadened so that it now considers the full public interest for both the protection and utilization of water resources.

The regulatory authorities and responsibilities of the Corps of Engineers are based on the following laws:

- Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403)** prohibits the obstruction or alteration of navigable waters of the United States without a permit from the Corps of Engineers.
- Section 404 of the Clean Water Act (33 U.S.C. 1344)**. Section 301 of this Act prohibits the discharge of dredged or fill material into waters of the United States without a permit from the Corps of Engineers.
- Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1413)** authorizes the Corps of Engineers to issue permits for the transportation of dredged material for the purpose of dumping it into ocean waters.

Other laws may also affect the processing of applications for Corps of Engineers permits. Among these are the National Environmental Policy Act, the Coastal Zone Management Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Deepwater Port Act, the Federal Power Act, the Marine Mammal Protection Act, the Wild and Scenic Rivers Act, and the National Fishing Enhancement Act of 1984.

Explanation of Some Commonly Used Terms

Certain terms which are closely associated with the regulatory program are explained briefly in this section. If you need more detailed definitions, refer to the Code of Federal Regulations (33 CFR Parts 320 through 330) or contact a Corps district regulatory office.

Activity(ies) as used in this pamphlet includes structures (for example a pier, wharf, bulkhead, or jetty) and work (which includes dredging, disposal of dredged material, filling, excavation or other modification of a navigable water of the United States).

Navigable Waters of the United States are those waters of the United States that are subject to the ebb and flow of the tide shoreward to the mean high water mark and/or are presently used, or have been used in the past or may be susceptible to use to transport interstate or foreign commerce. These are waters that are navigable in the traditional sense where permits are required for certain activities pursuant to Section 10 of the Rivers and Harbors Act. This term should not be confused with the term *waters of the United States* below.

Waters of the United States is a broader term than navigable waters of the United States defined above. Included are adjacent wetlands and tributaries to navigable waters of the United States and other waters where the degradation or destruction of which could affect interstate or foreign commerce. These are the waters where permits are required for the discharge of dredged or fill material pursuant to Section 404 of the Clean Water Act.

Pre-application Consultation is one or more meetings between members of the district engineer's staff and an applicant and his agent or his consultant. A pre-application consultation is usually related to applications

for major activities and may involve discussion of alternatives, environmental documents, National Environmental Policy Act procedures, and development of the scope of the data required when an environmental impact statement is required.

Public Hearings may be held to acquire information and give the public the opportunity to present views and opinions. The Corps may hold a hearing or participate in joint public hearings with other Federal or state agencies. The district engineer may specify in the public notice that a hearing will be held. In addition, any person may request in writing during the comment period that a hearing be held. Specific reasons must be given as to the need for a hearing. The district engineer may attempt to resolve the issue informally or he may set the date for a public hearing. Hearings are held at times and places that are convenient for the interested public. Very few applications involve a public hearing.

The Public Interest Review is the term which refers to the evaluation of a proposed activity to determine probable impacts. Expected benefits are balanced against reasonably foreseeable detriments. All relevant factors are weighed. Corps policy is to provide applicants with a timely and carefully weighed decision which reflects the public interest.

Public Notice is the primary method of advising interested public agencies and private parties of the proposed activity and of soliciting comments and information necessary to evaluate the probable impact on the public interest. Upon request, anyone's name will be added to the distribution list to receive public notices.

Waterbody is a river, creek, stream, lake, pool, bay, wetland, marsh, swamp, tidal flat, ocean, or other water area.

Questions That Are Frequently Asked

Various questions are often asked about the regulatory program. It is hoped that these answers will help you to understand the program better.

Q. When should I apply for a Corps permit?

A. Since two to three months is normally required to process a routine application involving a public notice, you should apply as early as possible to be sure you have all required approvals before your planned commencement date. For a large or complex activity that may take longer, it is often helpful to have a "pre-application consultation" or informal meeting with the Corps during the early planning phase of your project. You may receive helpful information at this point which could prevent delays later. When in doubt as to whether a permit may be required or what you need to do, don't hesitate to call a district regulatory office.

Q. I have obtained permits from local and state governments. Why do I have to get a permit from the Corps of Engineers?

A. It is possible you may not have to obtain an individual permit, depending on the type or location of work. The Corps has many general permits which authorize minor activities without the need for individual processing. Check with your Corps district regulatory office for information on general permits. When a general permit does not apply, you may still be required to obtain an individual permit.

Q. What will happen if I do work without getting a permit from the Corps?

A. Performing unauthorized work in waters of the United States or failure to comply with terms of a valid permit can have

serious consequences. You would be in violation of Federal law and could face stiff penalties, including fines and /or requirements to restore the area.

Enforcement is an important part of the Corps regulatory program. Corps surveillance and monitoring activities are often aided by various agencies, groups, and individuals, who report suspected violations. When in doubt as to whether a planned activity needs a permit, contact the nearest district regulatory office. It could save a lot of unnecessary trouble later.

Q. How can I obtain further information about permit requirements?

A. Information about the regulatory program is available from any Corps district regulatory office. Addresses and telephone numbers of offices are listed at the back of this pamphlet. Information may also be obtained from the water resource agency in your state.

Q. Why should I waste my time and yours by applying for a permit when you probably won't let me do the work anyway?

A. Nationwide, only three percent of all requests for permits are denied. Those few applicants who have been denied permits usually have refused to change the design, timing, or location of the proposed activity. When a permit is denied, an applicant may redesign the project and submit a new application. To avoid unnecessary delays pre-application conferences, particularly for applications for major activities, are recommended. The Corps will endeavor to give you helpful information, including factors which will be considered during the public interest review, and alternatives to consider that may prove to be useful in designing a project.

Q. What is a wetland and what is its value?

A. Wetlands are areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted for life in saturated soil. Wetlands include swamps, marshes, bogs and similar areas. A significant natural resource, wetlands serve important functions relating to fish and wildlife; food chain production; habitat; nesting; spawning; rearing and resting sites for aquatic and land species; protection of other areas from wave action and erosion; storage areas for storm and flood waters; natural recharge areas where ground and surface water are interconnected; and natural water filtration and purification functions.

Although individual alterations of wetlands may constitute a minor change, the cumulative effect of numerous changes often results in major damage to wetland resources. The review of applications for alteration of wetlands will include consideration of whether the proposed activity is dependent upon being located in an aquatic environment.

Q. How can I design my project to eliminate the need for a Corps permit?

A. If your activity is located in an area of tidal waters, the best way to avoid the need for a permit is to select a site that is above the high tide line and avoids wetlands or other waterbodies. In the vicinity of fresh water, stay above ordinary high water and avoid wetlands adjacent to the stream or lake. Also, it is possible that your activity is exempt and does not need a Corps permit or that it has been authorized by a nationwide or regional general permit. So, before you build, dredge or fill, contact the Corps district regulatory office in your area for specific information about location, exemptions, and regional and nationwide general permits.

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General

The application form used to apply for a permit is Engineer Form 4345, *Application for a Department of the Army Permit*. You can obtain the application from one of the Corps of Engineers district regulatory offices listed in the back of this pamphlet. Some offices may use a slightly modified form for joint processing with a state agency; however, the required information is basically the same. It is important that you provide complete information in the requested format. If incomplete information is provided, processing of your application will be delayed. This information will be used to determine the appropriate form of authorization, and to evaluate your proposal. Some categories of activities have been previously authorized by nationwide or regional permits, and no further Corps approvals are required. Others may qualify for abbreviated permit processing, with authorizations in the form of letters of permission, in which a permit decision can usually be reached in less than 30 days. For other activities, a Public Notice may be required to notify Federal, state, and local agencies, adjacent property owners, and the general public of the proposal to allow an opportunity for review and comment or to request a public hearing. Most applications involving Public Notices are completed within four months and many are completed within 60 days.

The district engineer will begin to process your application immediately upon receipt of all required information. You will be sent an acknowledgement of its receipt and the application number assigned to your file. You should refer to this number when inquiring about your application. Your proposal will be reviewed, balancing the need and expected benefits against the probable impacts of the work, taking into consideration all comments received and other relevant factors. This process is called the *public interest review*. The Corps goal is to reach a decision regarding permit issuance or denial within 60 days of receipt of a complete application. However, some complex activities, issues, or requirements of law may prevent the district engineer from meeting this goal.

For any specific information on the evaluation process, filling out the application forms, or the status of your application, you should contact the regulatory branch of the Corps of Engineers district office which has jurisdiction over the area where you plan to do the work.

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Typical Processing Procedure for a Standard Individual Permit

1. Preapplication consultation (optional)
2. Applicant submits ENG Form 4345 to district regulatory office*
3. Application received and assigned identification number
4. Public notice issued (within 15 days of receiving all information)
5. 15 to 30 day comment period depending upon nature of activity
6. Proposal is reviewed** by Corps and:
 - Public
 - Special interest groups
 - Local agencies
 - State agencies
 - Federal agencies
7. Corps considers all comments
8. Other federal agencies consulted, if appropriate
9. District engineer may ask applicant to provide additional information
10. Public hearing held, if needed
11. District engineer makes decision
12. Permit issued
 - or
 - Permit denied and applicant advised of reason

*A local variation, often a joint federal-state application form may be submitted.

**Review period may be extended if applicant fails to submit information or due to requirements of certain laws.

Evaluation Factors

The decision whether to grant or deny a permit is based on a public interest review of the probable impact of the proposed activity and its intended use. Benefits and detriments are balanced by considering effects on items such as:

- conservation
- economics
- aesthetics
- general environmental concerns
- wetlands
- cultural values
- fish and wildlife values
- flood hazards
- floodplain values
- food and fiber production
- navigation
- shore erosion and accretion
- recreation
- water supply and conservation
- water quality
- energy needs
- safety
- needs and welfare of the people
- considerations of private ownership

The following general criteria will be considered in the evaluation of every application:

- the relative extent of the public and private need for the proposed activity;
- the practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed activity; and
- the extent and permanence of the beneficial and/or detrimental effects which the proposed activity is likely to have on the public and private uses to which the area is suited.

Section 404(b) (1) of the Clean Water Act

If your project involves the discharge of dredged or fill material, it will be necessary for the Corps to evaluate your proposed activity under the Section 404(b)(1) guidelines prepared by the Environmental Protection Agency. The guidelines restrict discharges into aquatic areas where less environmentally damaging, practicable alternatives exist.

Forms and Permits

The following forms apply to the permit process:

Application

The form that you will need to initiate the review process is ENG Form 4345 or a joint Federal-state application that may be available in your state. The appropriate form may be obtained from the district regulatory office which has jurisdiction in the area where your proposed project is located.

Individual Permits

An individual permit may be issued as either ENG Form 1721, the standard permit, or as a Letter of Permission.

- A standard permit is one processed through the typical review procedures, (see page 7) which include public notice, opportunity for a public hearing, and receipt of comments. It is issued following a case-by-case evaluation of a specific activity.
- If work is minor or routine with minimum impacts and objections are unlikely, then it may qualify for a Letter of Permission (LOP). An LOP can be issued much more quickly than a standard permit since an individual public notice is not required. The District Engineer will notify you if your proposed activity qualifies for an LOP.

General Permits

In many cases the formal processing of a permit application is not required because of general permits already issued to the public at large by the Corps of Engineers. These are issued on a regional and nationwide basis.

Separate applications may not be required for activities authorized by a general permit; nevertheless, reporting may be required. For specific information on general permits, contact a district regulatory office.

ENG Form 4336

The third form, ENG Form 4336, is used to assist with surveillance for unauthorized activities. The form, which contains a description of authorized work, should be posted at the site of an authorized activity. If the Corps decides it is appropriate for you to post this form, it will be furnished to you when you receive your permit.

Fees. Fees are required for most permits. \$10.00 will be charged for a permit for a non-commercial activity; \$100.00 will be charged for a permit for a commercial or industrial activity. The district engineer will make the final decision as to the amount of the fee. Do not send a fee when you submit an application. When the Corps issues a permit, you will be notified and asked to submit the required fee payable to the Treasurer of the United States. No fees are charged for transferring a permit from one property owner to another, for Letters of Permission, or for any activities authorized by a general permit or for permits to governmental agencies.

Instructions for Preparing an Application

The instructions given below, together with the sample application and drawings, should help in completing the required application form. If you have additional questions, do not hesitate to contact the district regulatory office.

Block Number 1. Application Number.

Leave this block blank. When your completed application is received, it will be assigned a number for identification. You will be notified of the number in an acknowledgement letter. Please refer to this number in any correspondence or inquiry concerning your application.

Block 2. Name and address of applicant(s).

Fill in name, mailing address, and telephone number(s) for all applicants. The telephone number(s) should be a number where you can be reached during business hours. If space is needed for additional names, attach a sheet of white, 8½ × 11 inch paper labeled "Block 2 Continued."

Block 3. Name, address and title of authorized agent.

It is not necessary to have an agent represent you; however, if you do, fill in the agent's name, address, title and telephone number(s). If your agent is submitting and signing the application, you must fill out and sign the Statement of Authorization in Block 3.

Block 4. Detailed description of proposed activity.

The written description and the drawings are the most important parts of the application. If there is not enough space in Block 4, (a), (b) or (c) attach additional sheet(s) of white, 8½ × 11 inch paper labeled "Block 4 Continued."

- a. **Activity.** Describe the overall activity. Give the approximate dimensions of structures, fills, excavations (lengths, widths, heights or depths).

- b. **Purpose.** Describe the purpose, need and intended use (public, private, commercial, or other use) of the proposed activity. Include a description of related facilities, if any, to be constructed on adjacent land. Give the date you plan to begin work on the activity and the date work is expected to be completed.

c. Discharge of Dredged or Fill Material.

If the activity will involve the discharge of dredged or fill material, describe the type (rock, sand, dirt, rubble, etc.), quantity (in cubic yards), and mode of transportation to the discharge site.

Block 5. Names and addresses of adjoining property owners, lessees, etc. whose property adjoins the waterbody.

List complete names, addresses and zip codes of adjacent property owners (both public and private), lessee, etc., whose property also adjoins the waterbody or wetland, in order that they may be notified of the proposed activity. This information is usually available at the local tax assessor office. If more space is needed attach a sheet of white, 8½ × 11 inch paper labeled "Block 5 Continued."

Block 6. Waterbody and location on waterbody where activity exists or is proposed.

Fill in the name of the waterbody and the river mile (if known) at the location of the activity. Include easily recognizable landmarks on the shore of the waterbody to aid in locating the site of the activity.

Block 7. Location and land where activity exists or is proposed.

This information is used to locate the site. Give the street address of the property where the proposed activity will take place. If the site does not have a street address, give the best descriptive location (name or waterbody), names and/or numbers of roads or highways, name of nearest community or town, name of county and state, and directions, such as 2 miles east of Brown's Store on Route 105.

Do not use your home address unless that is the location of the proposed activity. Do not use a post office box number.

Block 8. Information about completed activity. Provide information about parts of the activity which may be complete. An activity may have been authorized by a previously issued permit, may exist from a time before a Corps permit was required or may be constructed on adjacent upland.

Block 9. Information about approvals or denials by other government agencies. You may need approval or certification from other Federal, interstate, state, or local government agencies for the activity described

in your application. Applications you have submitted, and approvals, certifications, or disapprovals that you have received should be recorded in Block 9. It is not necessary to obtain other Federal, state, and local permits before applying for a Corps of Engineers permit.

Block 10. Signature of applicant or agent. The application must be signed in Block 10 by the owner, lessee, or a duly authorized agent. The person named in Block 3 will be accepted as the officially designated agent of the applicant. The signature will be understood to be affirmation that the applicant possesses the requisite property interest to undertake the proposed activity.