

# *Regulatory Program*

**US Army Corps  
of Engineers**  
*Savannah District*

Savannah, Morrow & Albany Offices



# Primary Regulatory Authorities

Savannah District

## Section 10

### Rivers And Harbors Act Of 1899



**Permits for work in navigable and  
tidal waters**



# Primary Regulatory Authorities

Savannah District

*Section 404*

*Clean Water Act  
of 1972*



**Permits for work in wetlands  
and streams**



# Permits

Savannah District





# Nationwide Permits

Savannah District

SAVANNAH DISTRICT PRE-CONSTRUCTION NOTIFICATION  
USE OF NATIONWIDE PERMIT NUMBER(S)

APPLICANT/OWNER \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ E-Mail \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

AGENT \_\_\_\_\_ E-Mail \_\_\_\_\_

Daytime Phone \_\_\_\_\_ E-Mail \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

PROJECT LOCATION OR ADDRESS \_\_\_\_\_

City \_\_\_\_\_ County \_\_\_\_\_

Lat ° ' " N & Lon ° ' " W / \_\_\_\_\_

PROJECT DESCRIPTION \_\_\_\_\_

Units: upland, wetland and open water in acres, and streams in linear feet  
of stream channel

Total Project Area \_\_\_\_\_ Upland \_\_\_\_\_

Open Water \_\_\_\_\_ Perennial Stream \_\_\_\_\_ Intermittent Stream \_\_\_\_\_

IMPACTS: Wetland \_\_\_\_\_ Open Water \_\_\_\_\_ Perennial \_\_\_\_\_ Intermittent \_\_\_\_\_  
Floodplains \_\_\_\_\_

WETLAND/STREAM IMPACT AVOIDANCE/MINIMIZATION MEASURES EMPLOYED TO AVOID OR  
ALLEVIATE ALL PCNS)

Reason(s) further avoidance/minimization of impacts is not practicable  
(required on all PCN's)

NOTIFICATION PLAN SUMMARY INCLUDING WETLAND AND/OR STREAM  
PURCHASED AND THE BANK THEY ARE TO BE PURCHASED FROM  
That impact more than 1/10 acre of wetlands or 100 feet of

IF YES, THE GEORGIA DEPARTMENT OF  
NATURAL RESOURCES DIVISION OR A  
STATE LICENSE IS NOT REQUIRED.  
IF YES, NAME \_\_\_\_\_

PREPARED BY \_\_\_\_\_  
(s) \_\_\_\_\_

WORK INVOLVES DISCHARGES OF DREDGED OR FILL MATERIAL INTO  
WETLANDS RESULTING IN PERMANENT, ABOVE-GRADE, FILLS WITHIN  
WETLANDS AS IDENTIFIED ON GENERAL EMERGENCY MANAGEMENT  
MAPS AND TO INCLUDE STATE AND FEDERAL AGENCY APPROVALS  
THIS PERMIT PLAN SHALL INCLUDE A DETAILED DESCRIPTION OF THE  
ANNEXES ATTACHED TO THIS PERMIT PLAN THAT SHALL BE  
CONSISTENT WITH THE APPROPRIATE FEMA OR FEMA APPROVED LOCAL  
ACTION REQUIREMENTS. (REQUIRED ON ALL PCNS)

DATE OF THIS PERMIT PLAN \_\_\_\_\_  
E-MAIL \_\_\_\_\_  
(WWW.EPA.GOV/SURF/)

IF YES, THE GEORGIA DEPARTMENT OF  
NATURAL RESOURCES DIVISION OR A  
STATE LICENSE IS NOT REQUIRED.  
IF YES, NAME \_\_\_\_\_

AGENCY TO A STATE DESIGNATED TROUT STREAM OR  
IF OBTAINED ON THE GEORGIA DNR WEBSITE  
THE FISHING REGULATIONS AVAILABLE WHEREVER  
ARE SOLD. IF YES, NAME \_\_\_\_\_

AM BUFFER VARIANCE FROM THE DIRECTOR OF THE  
NATURAL RESOURCES DIVISION AS DEFINED IN THE GEORGIA  
CONSTITUTION OR AS DEFINED IN THE GEORGIA  
NATURAL RESOURCES CODE SHALL BE

34, 38, 39, 41, 42, AND 43: MUST INCLUDE A  
STATE NPDES PERMIT HAS BEEN OBTAINED.  
MUST INCLUDE INFORMATION REGARDING ORIGINAL DESIGN  
OF THE AREA TO BE DREDGED.  
OFFICE OF SURFACE MINING OR STATE APPROVED

PREVIOUS CONDITION OF THE SITE.  
STATE PAST USE OF NHP 29; STATEMENT THAT WORK IS FOR  
ENTIRE PARCEL; AND A WRITTEN  
STATEMENT BY THE APPLICANT WITHIN 1 MILE RADIUS OF THE

SUFFICIENT BASELINE INFORMATION ON THE CHANNEL, A  
LOCATION OF DISPOSAL SITE.  
PERMIT PLAN  
PERMIT PLAN SHALL INCLUDE A MAINTENANCE PLAN.  
CUMULATIVE IMPACTS, MEASURES TAKEN TO  
AVOID OR ALLEVIATE PERMIT PLAN

Generally wetland fills of less than 1/2 acre or stream impacts less than 300'

Minor road crossings, utility lines, bank stabilization, residential/commercial development, etc.

Usually 30 to 45 day response

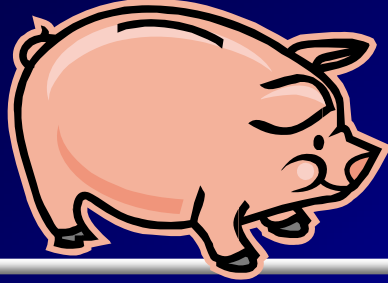


# Individual Permit

Savannah District

- ∨ Generally impacts over ½ acre or 500 linear feet of stream
- ∨ Requires a more thorough alternatives analysis, site selection, on-site avoidance and minimization
- ∨ From 90 days to years for a permit





# Mitigation



Savannah District

*The restoration, creation, enhancement, or preservation of wetlands or streams for the purpose of compensating for unavoidable impacts. Preservation can constitute up to a maximum of half of required mitigation.*

**How much mitigation is required?**

**Savannah District Standard Operating Procedures (SOP)**

**About 7 wetland credits per acre**

**About 7 stream credits per linear foot**

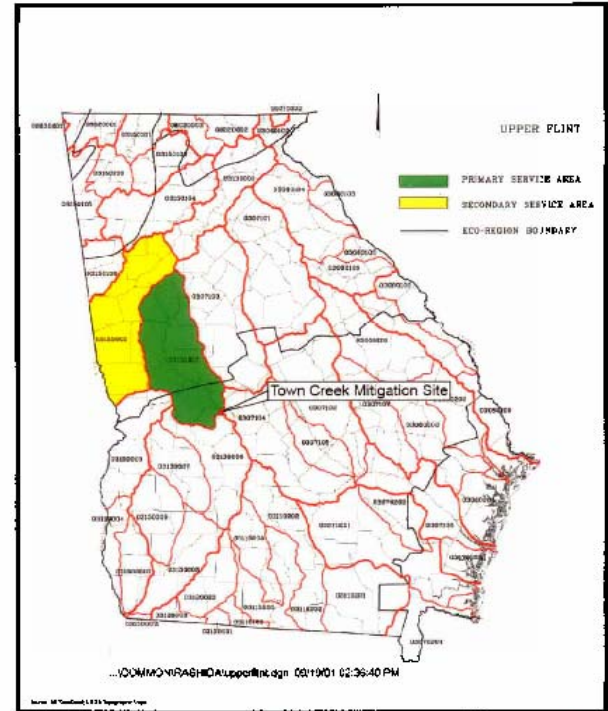




# Mitigation Banks



m Service areas for  
Wetland and/or Stream  
Banks



Ecological  
Solutions

Brent Hartzough & Company  
Flint River (Town Creek) Mitigation Site  
Macon County, Georgia  
Service Area

October 2009  
N.T.S.  
70702-031  
Figure 14

m Market determines costs

reg m No marsh/tidal banks





# Violations

Savannah District

- m Permit may not be issued and restoration may be required
- m Notice of Violation on property title
- m Mitigation can be required at 3 X normal rate. + In Lieu Fee penalty
- m Flagrant violators may be fined up to \$50,000/day



# *Mosquito Issues ☺*

*Savannah District*

- m Most maintenance work is covered under Nationwide Permit #3 provided there is no side cast**
- m “Excavation Only” does not need a permit**
- m Pre-application meetings recommended**
- m The development of a Regional Permit may be beneficial**



# *Mosquito Issues* ☹️

*Savannah District*

- ∨ **Mosquito control is not an emergency**
- ∨ **New ditches likely require Individual Permit**
- ∨ **Ditches and disposal areas would both be considered fills**
- ∨ **One small ditch could impact many acres of wetland and/or linear feet of stream**
- ∨ **Ditching can connect an isolated wetland**
- ∨ **A qualified environmental consultant should be on any design team – your translator for the Regulator’s language**



# Think you need a permit?

Savannah District

- m Get a verified wetland/stream delineation of the property – even if site is all uplands
- m Design your project to avoid & minimize wetland/stream impacts
- m Submit a *permit* application including any necessary *mitigation*
- m Application must also include information regarding site selection, avoidance, minimization, Cultural Resources and Threatened or Endangered Species





# Points of Contact

Savannah District

**USACE, Savannah District, Regulatory  
Division web site;**

**[www.sas.usace.army.mil/permit](http://www.sas.usace.army.mil/permit)**

**Piedmont Branch – 912/ 652-5050**

**Coastal Branch – 678/ 422-2731**

**Jason O’Kane, Project Manager, Coastal 912/ 652-5349**

**Slides available at <ftp.usace.army.mil>, <pub/sas/mosquito>**

