



DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO CA 95814-2922

REPLY TO
ATTENTION OF

Regulatory Division

Water is one of our nation's most valuable resources. It is becoming increasingly important that we protect the quality of our inland waters and wetlands for the use and benefit of future generations. If you are planning work in a river, stream, lake, or wetland, a Corps permit may be required. The Regulatory Mission of the Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. Our Goals are to provide strong protection of the Nation's aquatic environment, including wetlands, enhance the efficiency of the Corps administration of its regulatory program, and to ensure that the Corps provides the regulated public with fair and reasonable decisions.

Waters of the United States includes essentially all surface waters such as all navigable waters and their tributaries, all interstate waters and their tributaries, all wetlands adjacent to these waters, and all impoundments of these waters. The landward regulatory limit for non-tidal waters (in the absence of adjacent wetlands) is the ordinary high water mark. The ordinary high water mark can be a line on the shore, an eroded bank of a stream, or the high flow line in a swale established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas.

"Wetlands" are those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Other examples include seasonal wetlands including vernal pools and playas, or mud flats.

Section 10 of the Rivers and Harbors Act of 1899 requires Corps' authorization prior to any work in, under, or over navigable waters of the United States, or which affects the course, location, condition or capacity of such waters. Navigable waters of the United States are defined as waters that have been used in the past, are now used, or are susceptible to use as a means to transport interstate or foreign commerce up to the head of navigation. Typical activities requiring Section 10 permits are: construction of piers, docks, wharves, bulkheads, dolphins, marinas, ramps, floats, intake structures, and cable or pipeline crossings; dredging and excavation; or bank stabilization and maintenance.

Section 404 of the Clean Water Act requires Corps' authorization prior to discharging dredged or fill material into the waters of the United States. The goal of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nations' waters. Typical activities requiring Section 404 permits are: discharges of fill or dredged material in waters of the U.S. including wetlands; residential, commercial, or recreational developments including roadways

and utility lines; or construction of revetments, groins, breakwaters, levees, dams, dikes, riprap, and weirs.

Any person, firm, or agency (including Federal, state, Sovereign Nation, and local government agencies) planning to work in waters of the United States, or dump or place dredged or fill material into waters of the United States, must first obtain a permit from the Corps of Engineers.

Under U.S. Environmental Protection Agency's 404(b)(1) Guidelines the Corps of Engineers can only permit the Least Damaging Practicable Alternative (LEDPA). All projects must first avoid, minimize, and only then compensate for any proposed impacts to waters of the United States, including wetlands.

You are encouraged to contact the Corps of Engineers for proposed work in waters in your area. Exemptions, nationwide, regional and individual permit requirements will be reviewed. By discussing all information prior to application submittal, your application will be processed more efficiently. More information on pre-application consultation and other program elements is available online at <http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>.

An official determination as to the need for a Department of the Army permit will be provided upon request. The Corps of Engineers is required to follow all Federal laws that apply to any permit application including, but not limited to, the National Environmental Policy Act, the Federal Endangered Species Act, the National Historic Preservation Act, and the Fish and Wildlife Coordination Act.

Contact the appropriate Corps of Engineers Regulatory Office for further information or if you have questions:

In Utah: Utah Regulatory Office, Bountiful, Utah 801-295-8380
In Idaho: Idaho Regulatory Office, Idaho Falls, Idaho 208-522-1645