



U.S. ARMY

LIVING ON A BARRIER ISLAND AND USACE REGULATORY PROGRAM



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Wilmington District
Chief, Washington Regulatory Field Office





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WHO ARE WE?



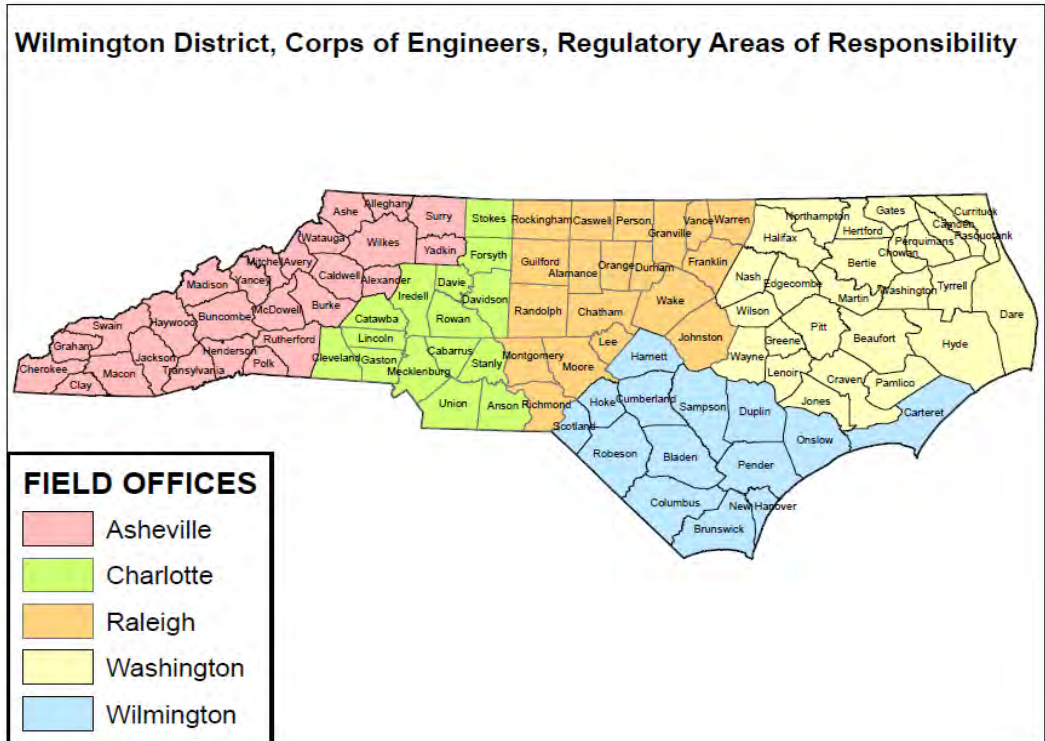
Field Offices

WASHINGTON REGULATORY FIELD OFFICE

US Army Corps of Engineers
2407 West Fifth Street Washington, NC 27889
General Number: (910) 251-4610
Fax Number: (252) 975-1399

WILMINGTON REGULATORY FIELD OFFICE

US Army Corps of Engineers
69 Darlington Avenue
Wilmington, NC 28403
General Number: 910-251-4811
Fax Number: (910) 251-4025



<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Contact/>

The Wilmington District regulatory program has five field offices serving the major regions of the state from the mountains to the sea, and a Division office located at the main District office in Wilmington, NC.

Link to staff emails and phone numbers by NC county.



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WHAT DOES THE CORPS REGULATE?

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1. Section 10 Rivers and Harbors Act of 1899

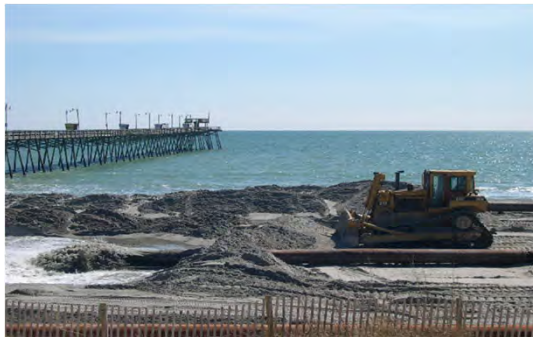
-Regulates activities in, over, or under a navigable waterway that affect course, condition or capacity of navigation

-Regulated Activities:

-All work or structures in or affecting navigable waters.

-Examples include docks, navigational aids, aerial transmission lines, dredging, shore protection devices, etc.

-Exception is for bridges over navigable waters (Section 9).





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WHAT DOES THE CORPS REGULATE?

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The Clean Water Act

Section 101.(a) The objective of this Act is to restore and maintain the chemical, physical, and biological integrity of the Nation's waters. Section 404 established a permit program to be administered by the U.S. Army Corps of Engineers.

Authorities

Regulates “discharge of dredged or fill material into the navigable waters at specified disposal sites.”

- Fill material-replaces a water with dry land or raises the bottom elevation of a waterbody.
- Discharge of dredged material-any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, waters of the US



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LIMITS OF CORPS JURISDICTION

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- (a) **Territorial Seas**. The limit of jurisdiction in the territorial seas is measured from the baseline in a seaward direction a distance of three nautical miles. (33 CFR 329.12)
- (b) **Tidal Waters of the United States**. The landward limits of jurisdiction in tidal waters: (1) Extends to the high tide line, or (2) When adjacent non-tidal waters of the United States are present, the jurisdiction extends to the limits identified in paragraph (c) of this section.





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LIMITS OF CORPS JURISDICTION

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(c) **Non-Tidal Waters of the United States**. The limits of jurisdiction in non-tidal waters:

- (1) In the absence of adjacent wetlands, the jurisdiction extends to the ordinary high water mark (OHWM), or
- (2) When adjacent wetlands are present, the jurisdiction extends beyond the ordinary high water mark to the limit of the adjacent wetlands.
- (3) When the water of the United States consists only of wetlands the jurisdiction extends to the limit of the wetland.





WHAT ARE WETLANDS?



Some wetlands are easy to identify.....



WHAT ARE WETLANDS?

.....others can be difficult and controversial





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WETLAND DEFINITION



Corps/EPA definition - for Clean Water Act Section 404 purposes:

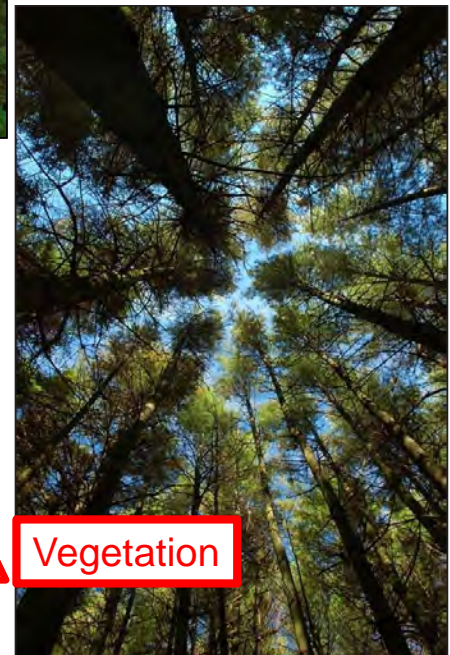
Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.



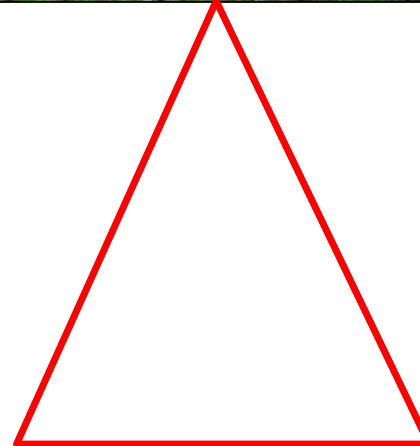
Soils



Hydrology



Vegetation





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TYPES OF PERMITS

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1. Individual (IPs)
2. Nationwide General-available across the entire United States. (NWPs)
3. Regional General-restricted to activities authorized within a specific state. (RGPs)



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NATIONWIDE PERMITS (NWPS)

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- Authorized on a nationwide basis for commonly recurring activities that have minimal cumulative adverse impacts to the environment.
- All have standard conditions and may have special and/or regional conditions.
- Some require “Notification” (written application) to the District Engineer (DE) for verification that the work meets the terms and conditions of the permit.

<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Permits/2017-Nationwide-Permits/>



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COMMON NWPS

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NWP 58: Utility Line Activities for Water and Other Substances: Activities required for the construction, maintenance, repair, and removal of utility lines for water and other substances, excluding oil, natural gas, products derived from oil or natural gas, and electricity.

NWP 13: Bank stabilization: Bank stabilization activities necessary for erosion control or prevention, such as vegetative stabilization, bioengineering, sills, rip rap, revetment, gabion baskets, stream barbs, and bulkheads, or combinations of bank stabilization techniques.

NWP 18: Minor discharges: Minor discharges of dredged or fill material into all waters of the United States.

NWP 29: Residential Development: Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision.

NWP 14: Linear Transportation Projects: Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of a linear transportation project (i.e. roads, highways, railways, trails)

NWP 3: Maintenance: The repair, rehabilitation of any previously authorized currently serviceable structure or fill

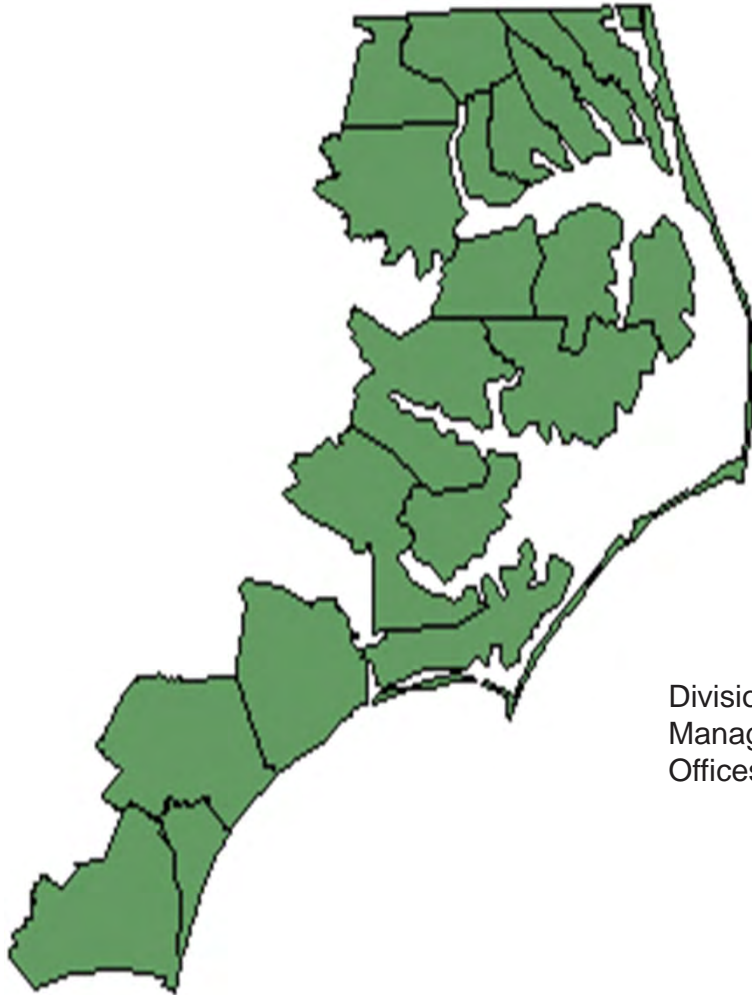


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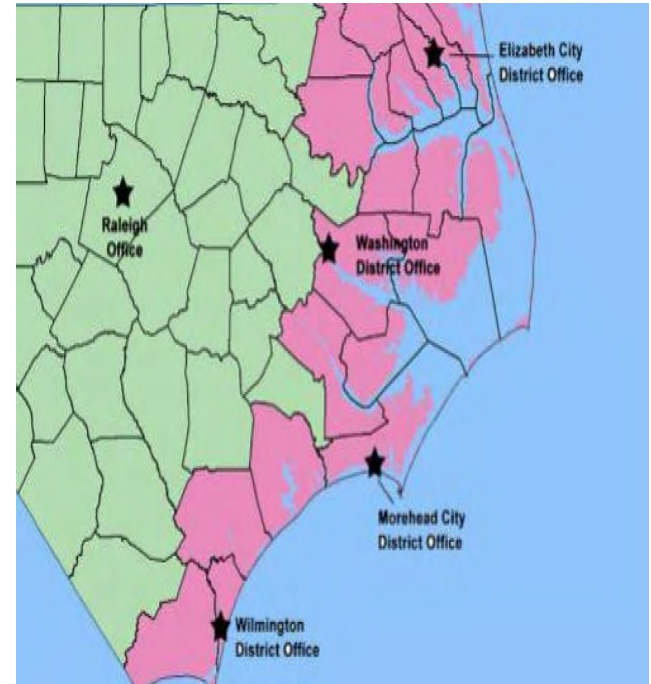
CAMA COUNTIES



- Beaufort
- Bertie
- Brunswick
- Camden
- Carteret
- Chowan
- Craven
- Currituck
- Dare
- Gates
- Hertford
- Hyde
- New Hanover
- Onslow
- Pamlico
- Pasquotank
- Pender
- Perquimans
- Tyrrell
- Washington



Division of Coastal Management Field Offices



Head Quarters in Morehead City

Elizabeth City Field Office

Washington Field Office

Morehead City Field Office

Wilmington Field Office



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AEC AND THE CORPS

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Ocean Hazard Areas

Estuarine Waters

Public Trust Waters

Coastal Wetlands

Estuarine Shoreline

Public Water Supplies

Natural and Cultural Resource Area

Most Common Encounters

Public Trust – Mirrors Section 10 any development

Coastal Wetlands – Species subject to irregular or occasional flooding only

Estuarine Shoreline – 75 feet landward

Ocean Hazard – Beach Construction Activities



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RGP 291 (CAMA, NC COASTAL AREA MANAGEMENT ACT)



TO AUTHORIZE THOSE CONSTRUCTION ACTIVITIES IN THE 20 COASTAL COUNTIES RECEIVING PRIOR APPROVAL FROM THE STATE OF NORTH CAROLINA IN THE FORM OF A COASTAL AREA MANAGEMENT ACT (CAMA) PERMIT, AND/OR A STATE DREDGE AND FILL PERMIT, AND IF REQUIRED, A WATER QUALITY CERTIFICATION, THAT ARE OTHERWISE NOT ELIGIBLE FOR FEDERAL AUTHORIZATION IN THE FORM OF A NATIONWIDE PERMIT OR ANOTHER RGP. (projects that would otherwise be processed as an Individual Permit)

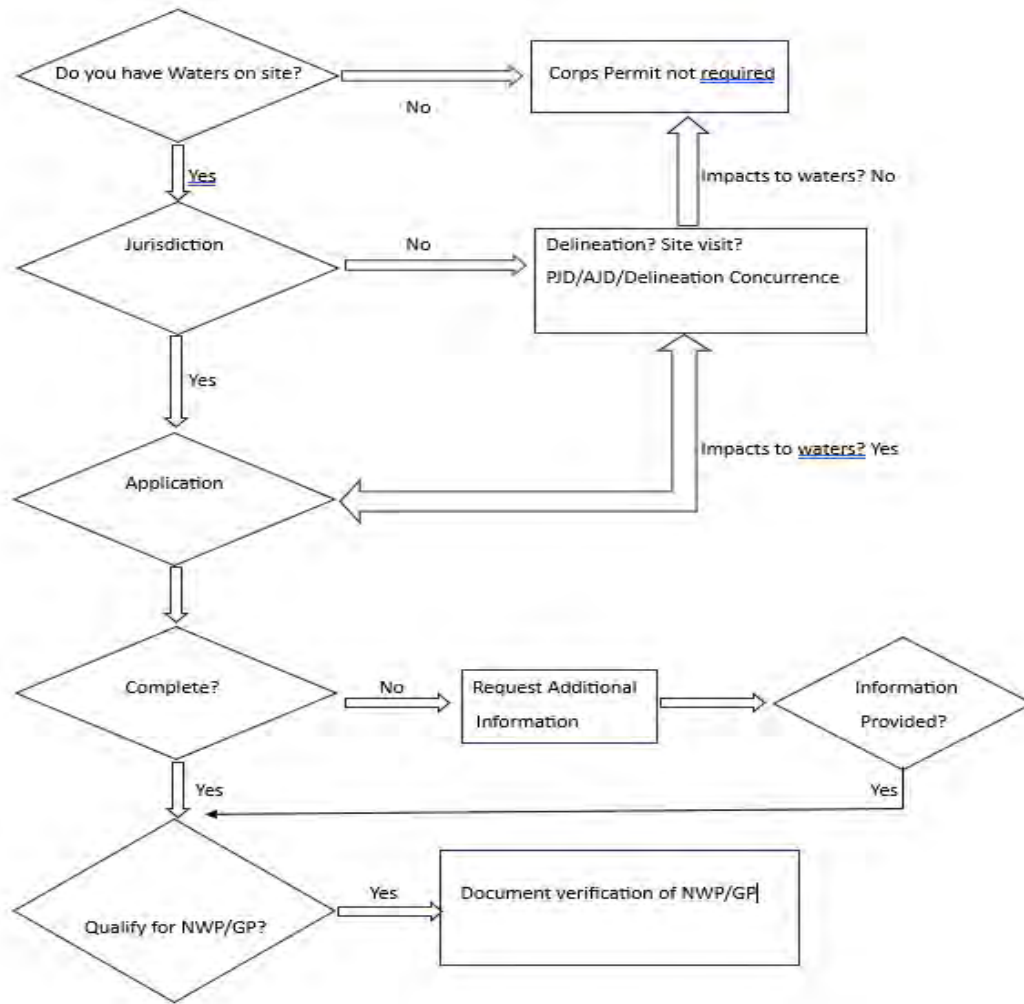
<https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Permits/Regional-General-Permits/>



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BIG PICTURE



If in doubt, call the Corps!