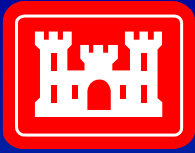


**U.S. Army Corps
of Engineers**

**U.S. ARMY CORPS OF ENGINEERS
REGULATORY DIVISION
WILMINGTON DISTRICT**

September 28, 2022

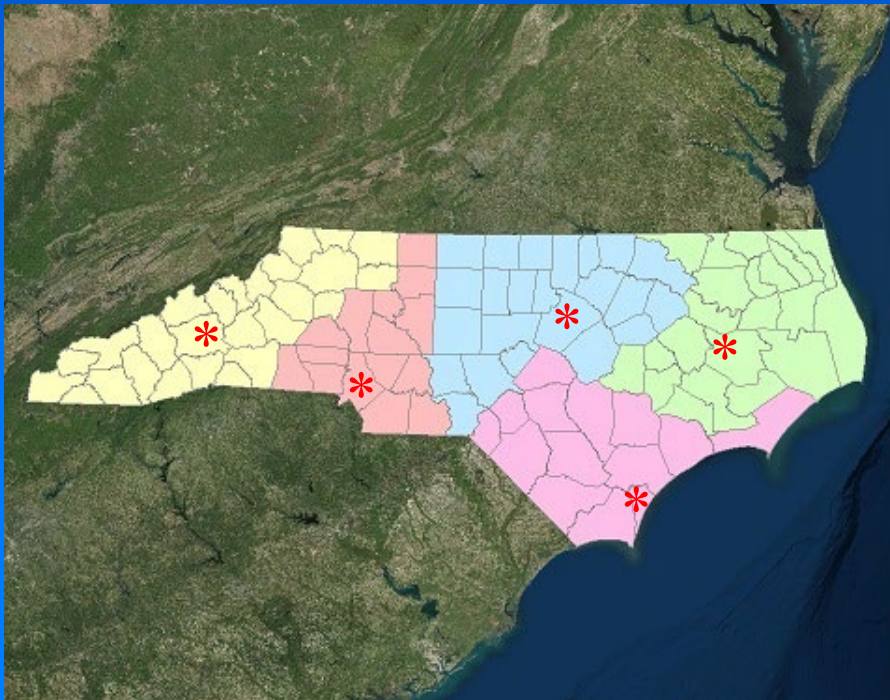
Mickey Sugg, Chief of Wilmington Regulatory Field Office









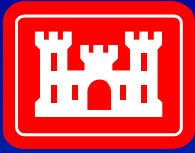
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Organization

SAW Regulatory Division's has a main office located in Wilmington and field offices located Wilmington, Washington, Raleigh, Charlotte, and Asheville.



Legend	
Corps of Engineers Wilmington District	
Regulatory Field Office - Counties	
	ASHE Asheville Field Office
	CTL Charlotte Field Office
	ILM Wilmington Field Office
	RAL Raleigh Field Office
	WASH Washington Field Office
	Regulatory Field Office



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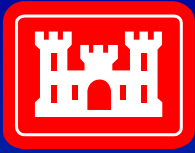
Authorities

Section 10 of the Rivers and Harbors Act (1899)

Protection of the Nations navigable waters

Section 404 of the Clean Water Act (1972)

To restore and maintain the chemical, physical, and biological integrity of the Nations waters.



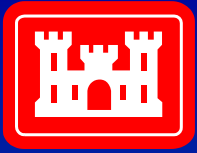
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Authorities – Section 10 (33 U.S.C. 401, et seq.)

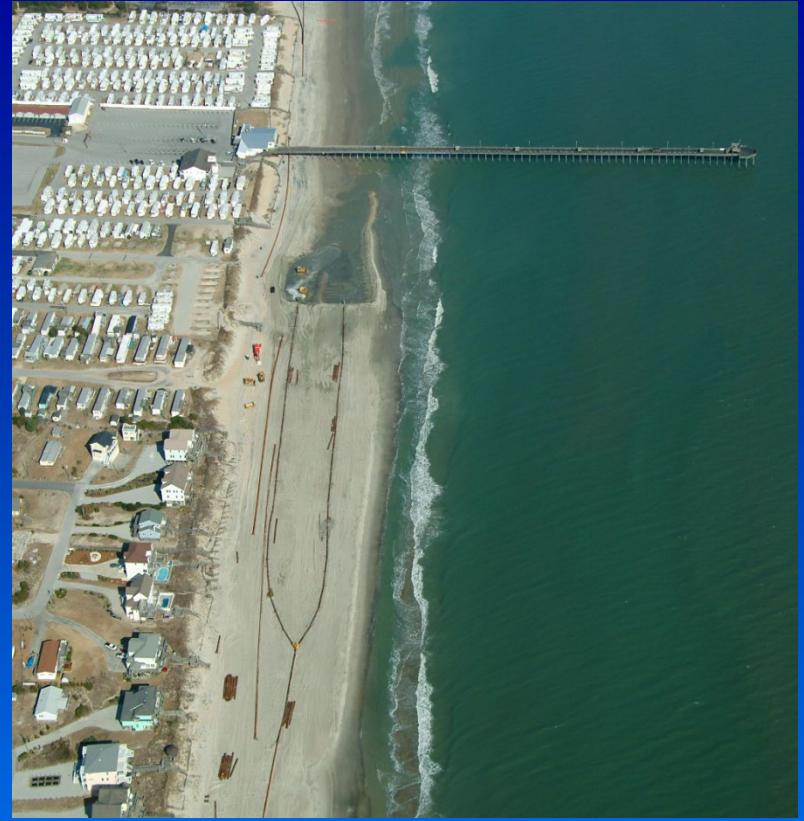
Section 10 Rivers and Harbors Act of 1899

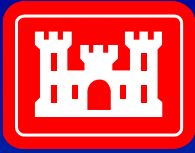
- Regulates activities that affect course, location, and navigable capacity
- Prohibits unauthorized obstruction or alteration of any navigable water of U.S.
- All work (dredging, docks, pilings, marinas, fill, etc)
- Authorizes the Secretary of the Army to issue permits in navigable waters





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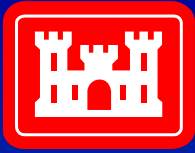




U.S. Army Corps
of Engineers
Wilmington District

Authorities- Section 10

- **Geographic jurisdiction includes all navigable waters of the U.S. defined (33 CFR Part 329) as “those waters that are subject to the ebb and flow of the tide **and/or** are presently used, or have been used in the past, or may be susceptible to use to transport interstate or foreign commerce.”**

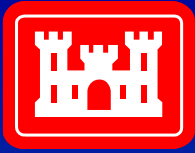


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Geographical definition cont...

Jurisdiction extends shoreward to the high tide line in tidal waters or the ordinary high-water mark in non-tidal waters and waterward to 3 nautical miles.



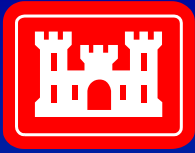


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Section 404, Clean Water Act

- **Regulates all waters of the United States, including wetlands, for the discharge of dredged and/or fill material; including mechanized land clearing**
- **Authorizes the Secretary of the Army to issue permits for the discharge of dredged or fill material.**



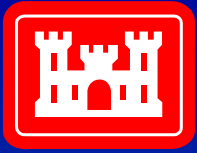


Section 404, Clean Water Act

U.S. Army Corps
of Engineers

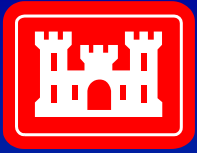
Geographic definition (33CFR 328.3 (a))

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide
- (2) All interstate waters including interstate wetlands
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - i. Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - ii. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - iii. Which are used or could be used for industrial purpose by industries in interstate commerce;
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition
- (5) Tributaries of waters identified in paragraphs (a)(1)-(4) of this section
- (6) The territorial seas
- (7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1)-(6) of this section



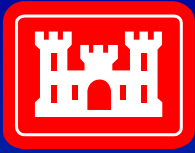
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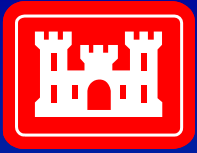


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DEFINITION OF WETLANDS

33 CFR 328.3(b)

“The term ‘wetlands’ means 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.”



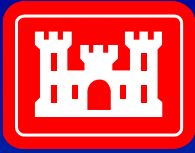
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Section 404 of the Clean Water Act

WETLANDS

- Regional Supplements & 1987 COE Wetland Delineation Manual outlines three parameters for identifying wetlands.
- wetland vegetation





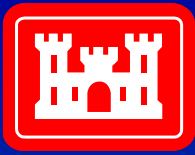
U.S. Army Corps
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Section 404 of the Clean Water Act

WETLANDS

- Regional Supplements & 1987 COE Wetland Delineation Manual outlines three parameters for identifying wetlands.
- wetland vegetation
- wetland soils





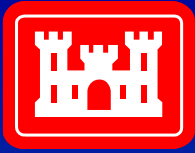
U.S. Army Corps
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Section 404 of the Clean Water Act

WETLANDS

- Regional Supplements & 1987 COE Wetland Delineation Manual outlines three parameters for identifying wetlands.
- wetland vegetation
- wetland soils
- wetland hydrology



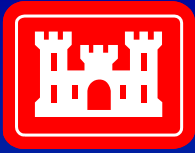


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Permitting

The Corps, in making permit decisions, must consider a range of factors including environmental impacts, socioeconomic impacts and property ownership rights, and **balance public benefits against public detriments.**



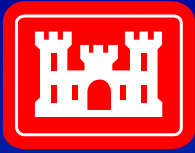


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Permitting

Types of Department of the Army Permits

1. Regional General: restricted to activities authorized within a specific state; generally did not have a notification requirement.
2. Nationwide General: for commonly recurring activities across the entire United States; activities with minimal adverse impacts, most have notification requirements.
3. Individual (Standard): for activities not eligible for Regional or Nationwide General Permits.

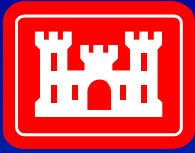


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PERMIT EVALUATION

Section 404(b)(1) Guideline Sequencing

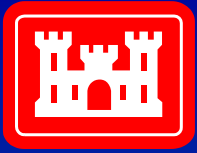
- Avoidance of wetlands
- Minimizing impacts on wetlands
- Compensatory mitigation for unavoidable impacts



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Related Laws Affecting Permit Procedures and Policy

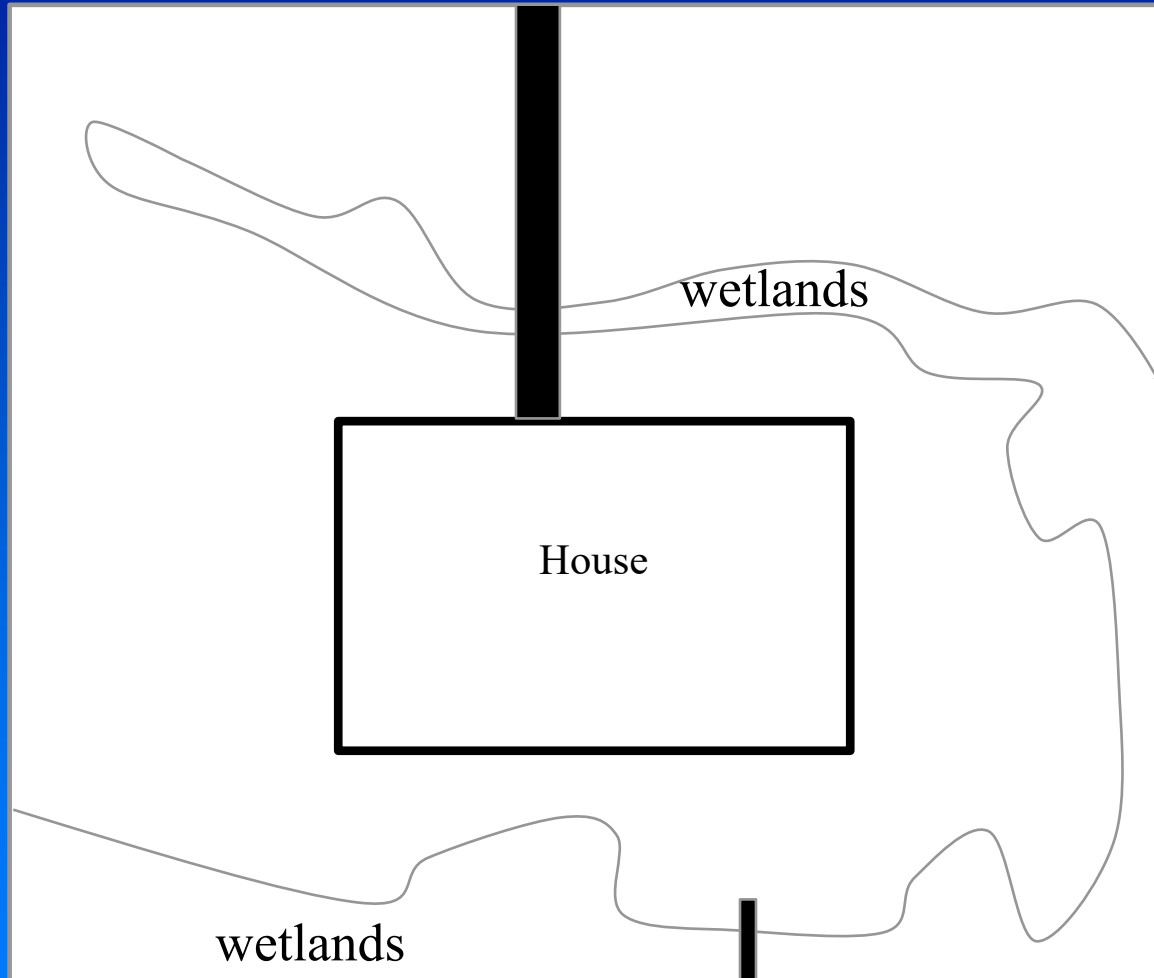
- **National Environmental Policy Act (1969)**
- **Endangered Species Act (USFWS and/or NMFS)**
- **Magnuson-Stevens Fisheries Act (NMFS)**
- **Section 401, Clean Water Act (NC Division of Water resources)**
- **Section 307, Coastal Zone Management Act (NC Division of Coastal Management)**
- **Fish and Wildlife Coordination Act (USFWS, NMFS, and NC Wildlife Resource Commission)**
- **National Historic Preservation Act (State Historic Preservation Office)**



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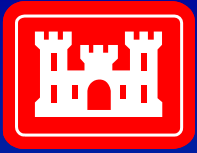
Lot 1

Waterview Drive



— AIWW —



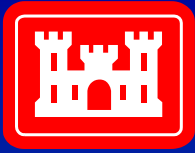


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Enforcement

When an individual discharges dredged or fill material in waters of the US (or does any work in navigable waters) without a permit, the Corps has authority to require remedial action, including restoration.





U.S. Army Corps
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Wilmington Regulatory Homepage

[https://www.saw.usace.army.mil/Missions/
Regulatory-Permit-Program/](https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/)

County POC List

[https://www.saw.usace.army.mil/Missions/
Regulatory-Permit-Program/Contact/](https://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Contact/)

- Onslow & Pender: Tom Charles
- New Hanover: Brad Shaver
- Brunswick: Gary Beecher