

U.S. ARMY CORPS OF ENGINEERS – SHORELINE WORKSHOP



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Chief
Regulatory Branch
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US Army Corps
of Engineers®





REGULATORY PROGRAM AUTHORITIES



Section 10 - Rivers and Harbors Act of 1899.
Construction and dredging
(Navigable Waters of the US)



Section 404 – Clean Water Act.
Discharge of dredged and fill material
(All Waters of the US)





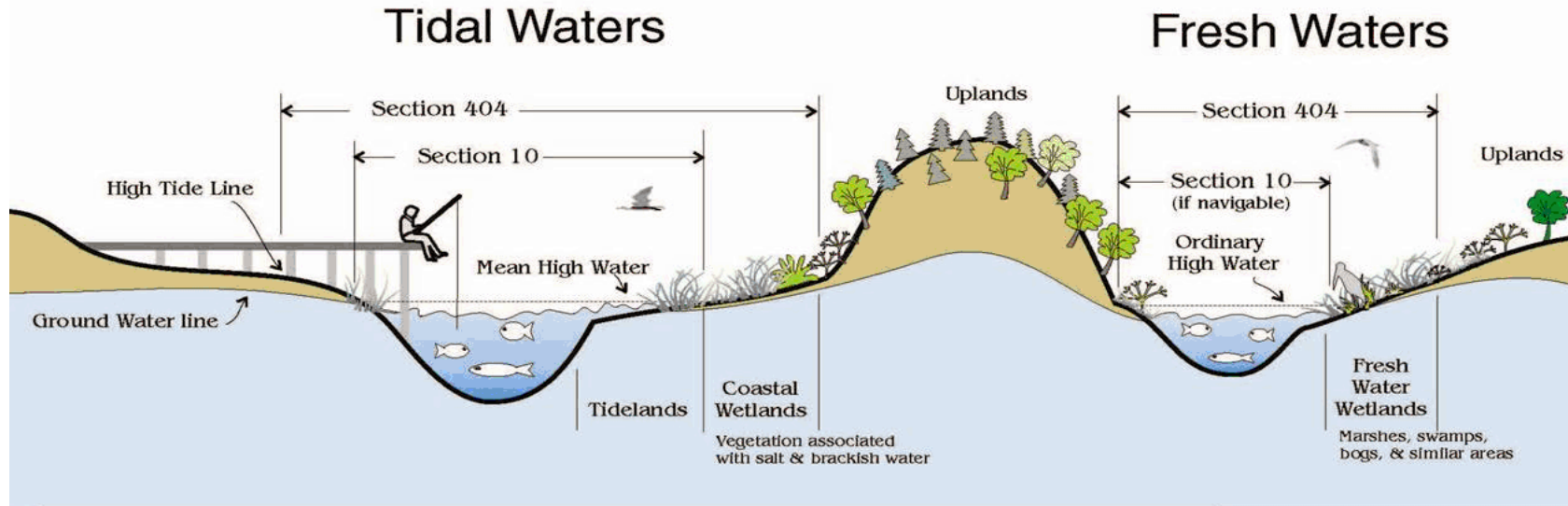
Corps Statutory Authorities



- Under **Section 10** of the Rivers and Harbors Act, a Corps permit is required to do any work in, over or under a 'Navigable Water of the U.S.' Waterbodies have been designated as 'Navigable Waters of the U.S.' based on their past, present or potential use for transportation for interstate commerce.
- Under **Section 404** of the Clean Water Act, a Corps permit is required for the discharge of dredged or fill material into waters of the U.S. Many waterbodies (lakes, rivers, streams) and wetlands in the nation are waters of the U.S. and are subject to the Corps regulatory authority.

CORPS JURISDICTION

CORPS OF ENGINEERS REGULATORY JURISDICTION



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|---|--|---|---|
| <p>Typical examples of regulated activities</p> | <p>Section 103
Ocean Disposal of Dredged Material

Ocean discharges of dredged material</p> | <p>Section 404
Discharge of Dredged or Fill Material (all waters of the U.S.)

All filling activities, utility lines, outfall structures, road crossings, beach nourishment, riprap, jetties, some excavation activities, etc.</p> | <p>Section 10
All Structures and Work (navigable waters)

Dredging, marinas, piers, wharves, floats, intake / outtake pipes, pilings, bulkheads, ramps, fills, overhead transmission lines, etc.</p> |
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Ordinary High Water Elevations:
 Lake Erie 573.4' IGLD 1985
 Lake Ontario 247.3' IGLD 1985



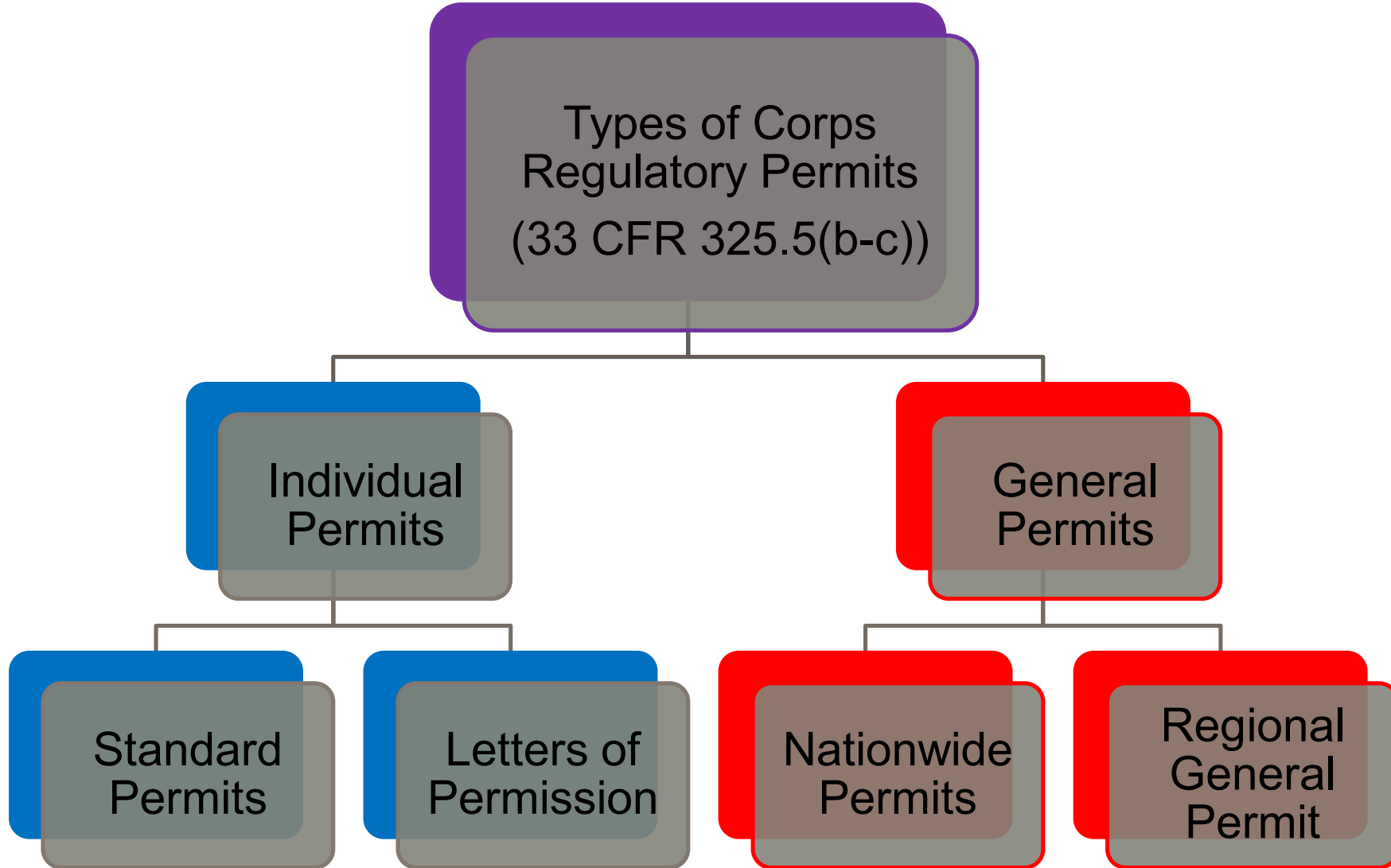
PERMITS:



- Examples of activities or structures requiring permits in Lake Erie, Lake Ontario, the Saint Lawrence River, and associated rivers (i.e. Cattaraugus Creek, Buffalo River, Genesee River, Oswego River)
 - Docks/Decks
 - Boathouses
 - Riprap/Stone revetments
 - Bioengineered protective structures
 - Breakwalls/Jetties
 - Seawalls
 - Dredging



TYPES OF PERMITS





PERMITS

TYPES OF INDIVIDUAL PERMITS



Standard Individual Permit (SP):

- Generally reserved for projects with potential for substantial environmental impacts
- Public Notice
- Coordination with involved agencies, interested parties, and the general public
- Full public interest review (PIR)
- Target processing time ~120 days from receipt of a complete application



PERMITS

TYPES OF INDIVIDUAL PERMITS



Letter of Permission

- Used on a case-by-case basis
- Minor individual or cumulative impacts on the environment or navigation
- No appreciable opposition
- Abbreviated coordination and documentation
- Can be used for minor Section 10 activities (docks, maintenance dredging)
- Can be used for some Section 404 activities (open lake or near shore placement of dredged material)
- Target processing time ~120 days from receipt of a complete application



PERMITS

GENERAL PERMITS



Authorize activities that are similar in nature and cause only minimal individual and cumulative environmental impacts.

- Established categories of activities
- Greatly reduced evaluation times (~60 days from receipt of a complete application)



PERMITS

TYPES OF GENERAL PERMITS

- **Regional Permits (RP)** – developed by the District Commander (DC) for particular categories of activities specific to a region.
- **Nationwide Permits (NWP)** – Authorized nationwide for commonly recurring activities having minimal cumulative adverse impacts to the aquatic environment.
- **Programmatic General Permits (PGP)** – developed by the DC to provide Corps authorization to minor activities adequately covered by state law; “one stop shopping”.



PERMITS



➤ **Nationwide Permit Examples**

➤ Nationwide Permits (NWP) 3, 13, 19

➤ Nested w/DEC GP 0-20-004

➤ NWPs may also be used separate from the DEC GP

➤ Nationwide Permit No. 3 – repair, rehab or replacement of currently serviceable structures or fills; minor deviations allowed; provides for structures or fill damaged as a result of storms, floods, or other discrete events

➤ Nationwide Permit No. 13 – bank stabilization for erosion control; > 500 linear feet and 1 cy of material per running ft of bank; no work in wetlands

➤ Nationwide Permit No. 19 – dredging of no more than 25 cy of material; no work in wetlands



PERMITS



➤ Regional Permit Examples

➤ Regional Permit 87-000-01 Open Pile Docks

- No more than 100' waterward
- No more than 150' total length
- Deck no more than 240 square feet
- At least 10' from the property line
- Cannot be constructed parallel to the shoreline
- Some need individual consistency concurrence from DOS

➤ Regional Permit 86-000-1 Timber Crib Docks

- Same length/dimension requirements
- Cribs open faced
- Total length of cribs cannot exceed 50% of the dock length
- Need individual WQC from DEC
- Some need individual consistency concurrence from DOS



PERMITS



DEC GP 0-020-004

Projects that qualify for the General Permit will also qualify for the USACE Nationwide Permit (NWP) No. 3, 13, and/or 19 and have received Coastal Consistency Certification from the New York State Department of State (NYS DOS).

All GP applications must be submitted to the DEC who will determine if the GP applies. If the GP applies, **no coordination with the USACE or DOS is required except for the following circumstances, as certain activities may require USACE pre-construction notification or approval under the Federal Endangered Species Act.**

Before starting work, contact the USACE by sending a copy of the GP application package to: LRB.NewYork.RegActions@usace.army.mil for approval for any project that involves the following activities:

- a.) Tree removal in: all Towns in Jefferson County; in the Towns of Sandy Creek and Richland, Oswego County; and in the Towns of Hammond, Morristown and Oswegatchie, St. Lawrence County.
- b.) Activities in federally-regulated wetlands in the Towns of Huron and Wolcott, Wayne County.
- c.) Activities in federally-regulated wetlands in Cayuga and Oswego Counties.
- d.) Activities within sandy shorelines in the Towns of Sandy Creek and Richland, Oswego County.
- e.) Activities within federally-regulated wetlands or sandy shorelines in the Towns of Henderson and Ellisburg, Jefferson County.
- f.) Projects that involve the placement of stone below the mean high-water line in excess of an average of one cubic yard per running foot of shoreline. Note for 1(f): The GP application package must also be sent to the NYS DOS along with a Federal Coastal Assessment Form for concurrence.

To ensure permit compliance, please review the terms and conditions of the USACE Nationwide Permits 3, 13 & 19, which contains updated DEC Water Quality Certification and DOS Coastal Consistency information for use with the GP.



REQUIRED APPROVALS



Section 401 Water Quality Certification (Section 401 of CWA)

- Required for any activity involving a discharge into waters (Section 404)
- Issued by State (DEC) or other Certifying Authority (Seneca Nation, St. Regis Mohawk)
- One year time limit, usually takes significantly less time
- Requires 30 day coordination with USEPA for potential impacts to neighboring jurisdictions



REQUIRED APPROVALS (CONT'D)



Coastal Zone Consistency

- Required for any permitted activity within the State designated Coastal Zone under the Coastal Zone Management Act
- Issued by State (NYSDOS)
- Six month time limit, usually takes significantly less time

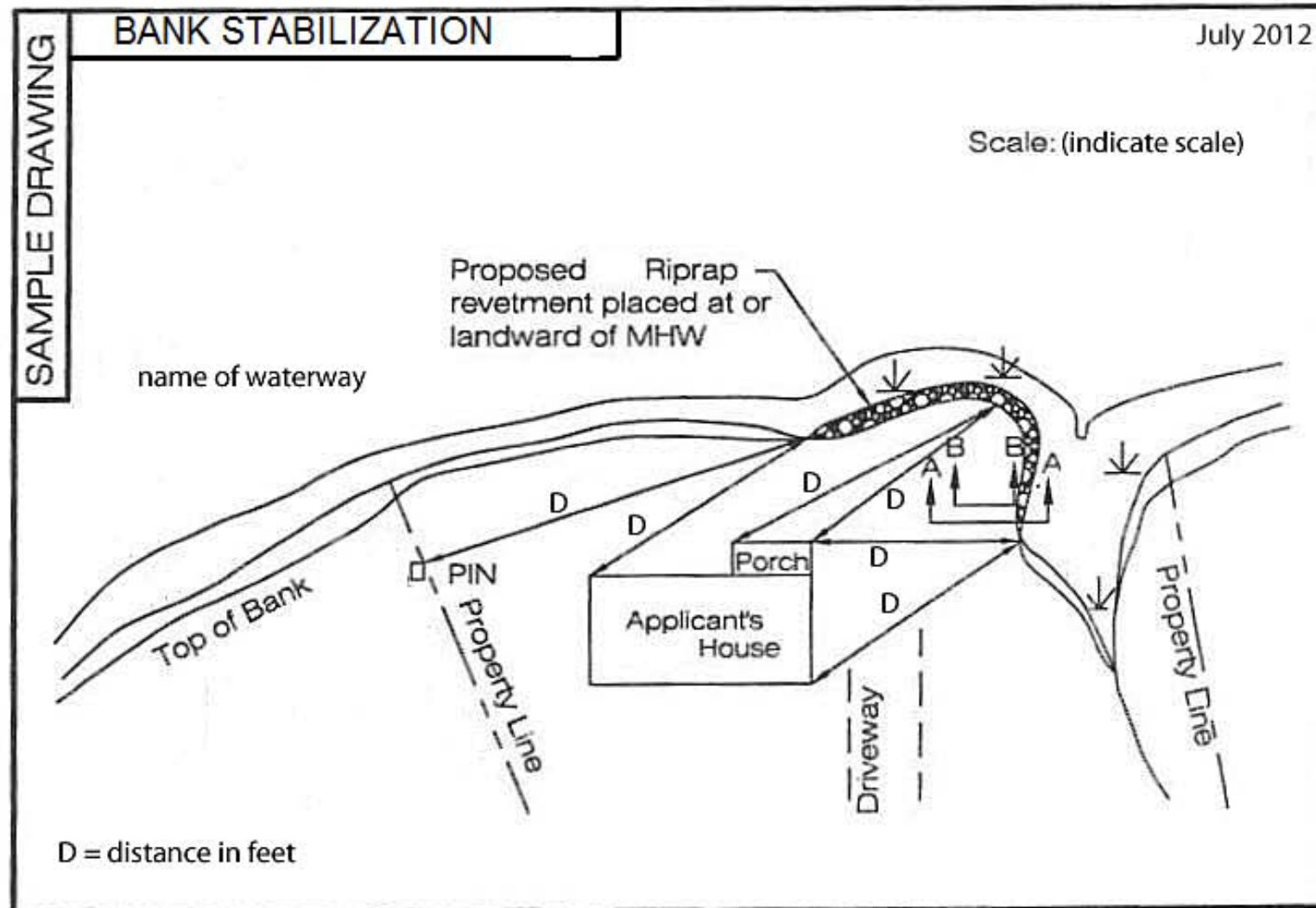


Required Information

- Complete Joint Application for Permit
 - Owner/Applicant/Agent contact information (include email!)
 - Property address
 - Total area of impact (square feet or acres) below OHW
 - Total volume of dredged/fill material
 - Sign the application!
- Drawings/Maps
 - General Location Map
 - Plan View
 - Cross Section
- Submit via email!!
lrb.regulatory.newyork_actions@usace.army.mil
- Website:
<https://www.lrb.usace.army.mil/Missions/Regulatory/>



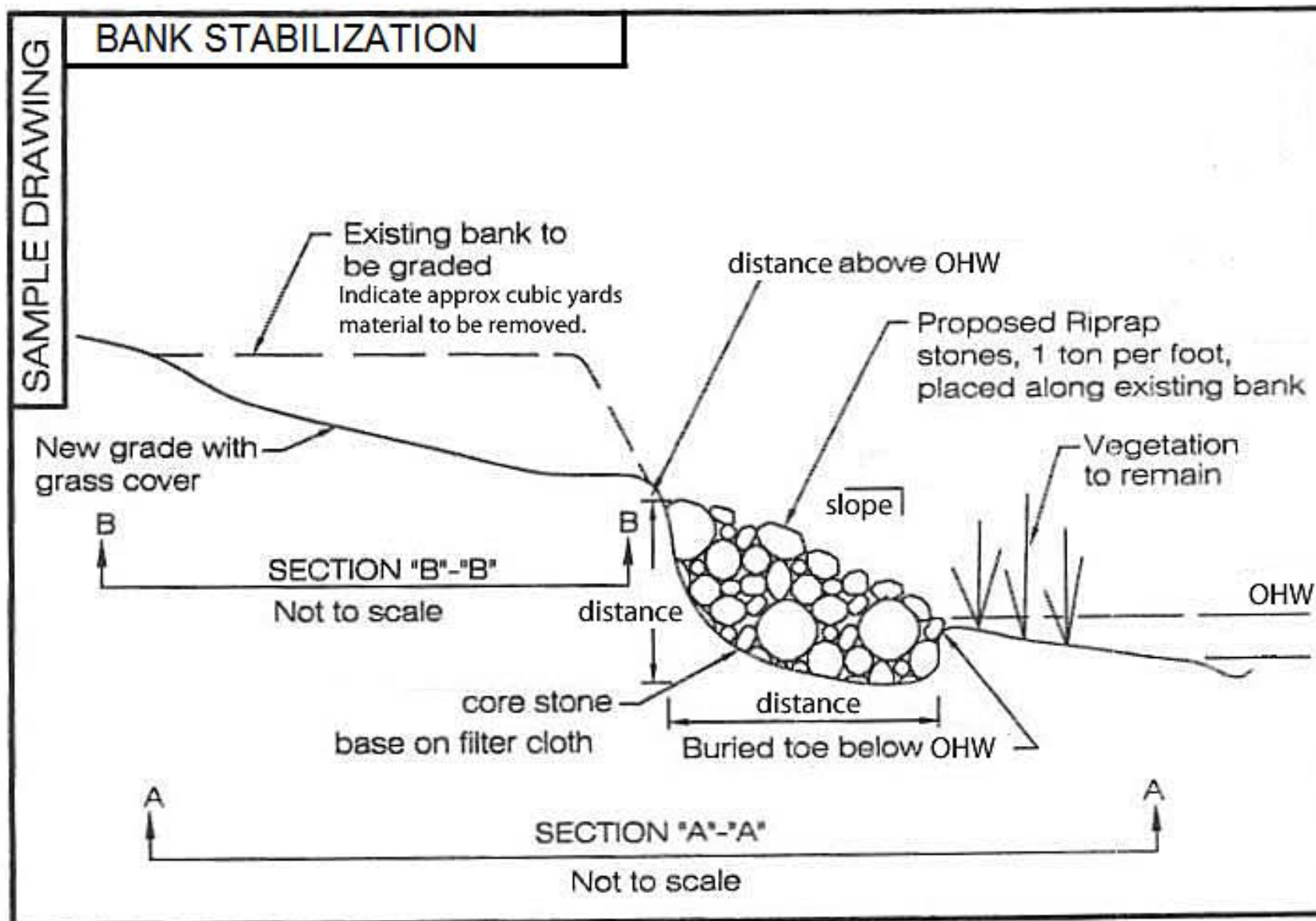
SAMPLE DRAWINGS



Provide dimensions for all structures (length, width, height), water depths where appropriate, and North arrow.

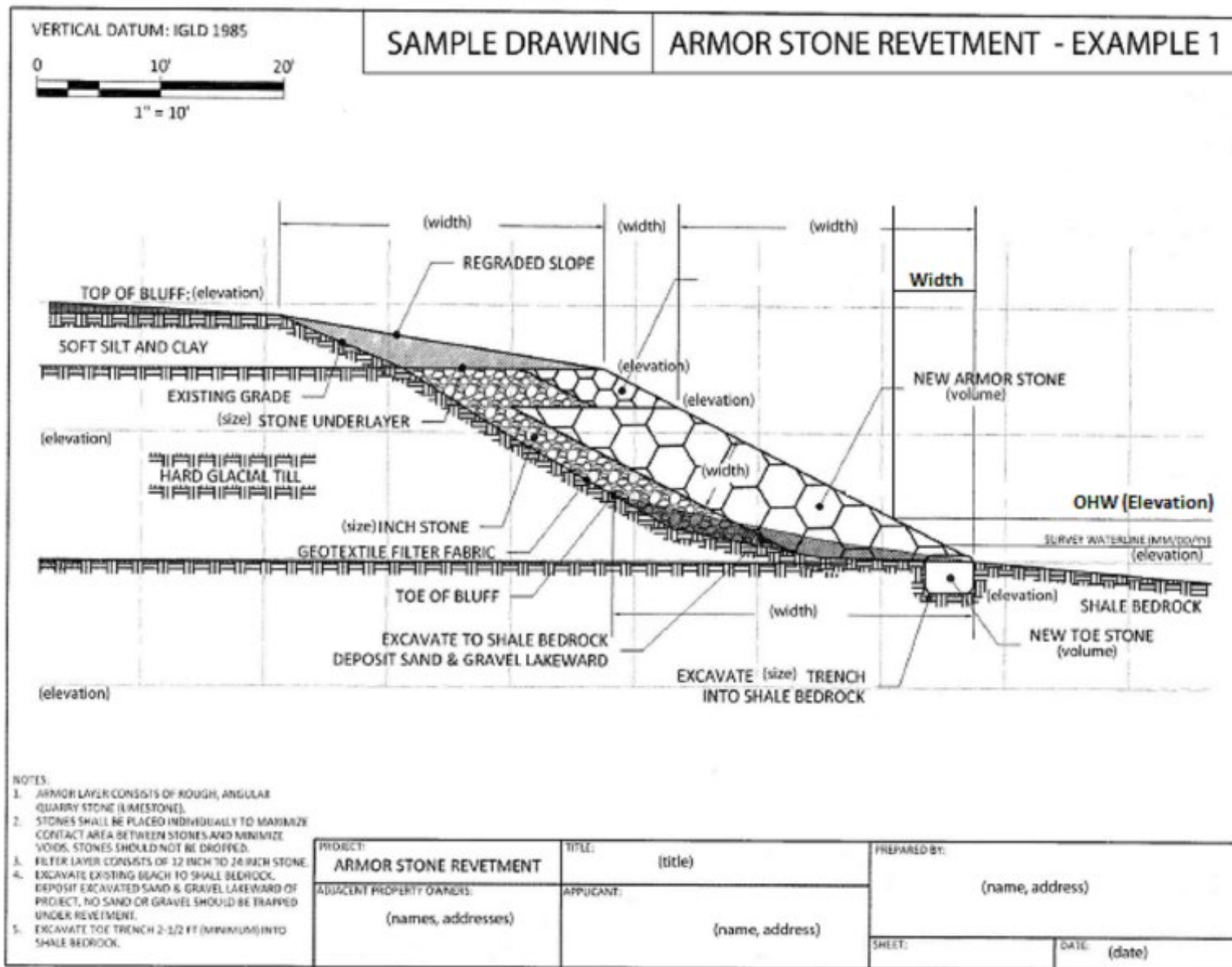


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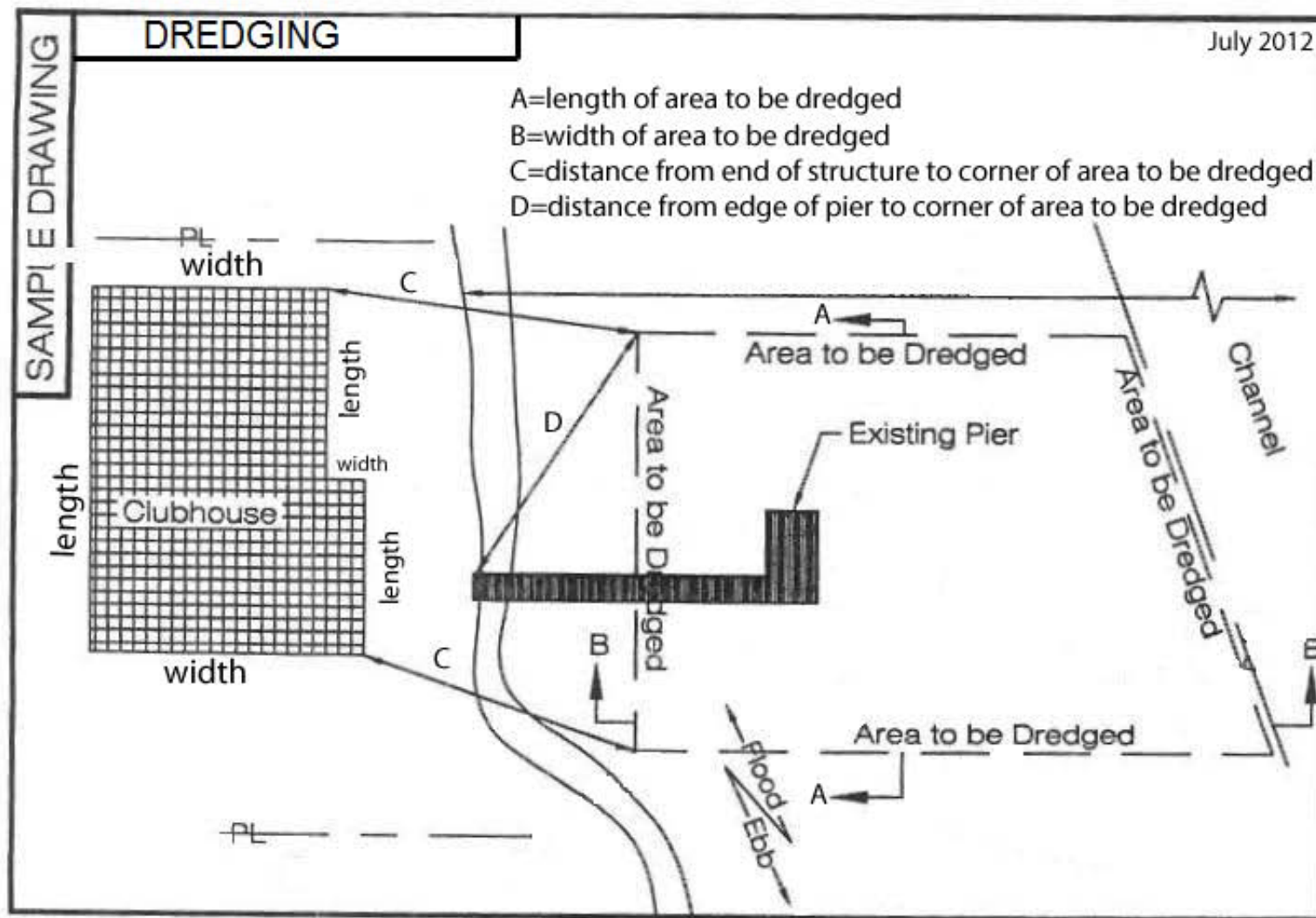


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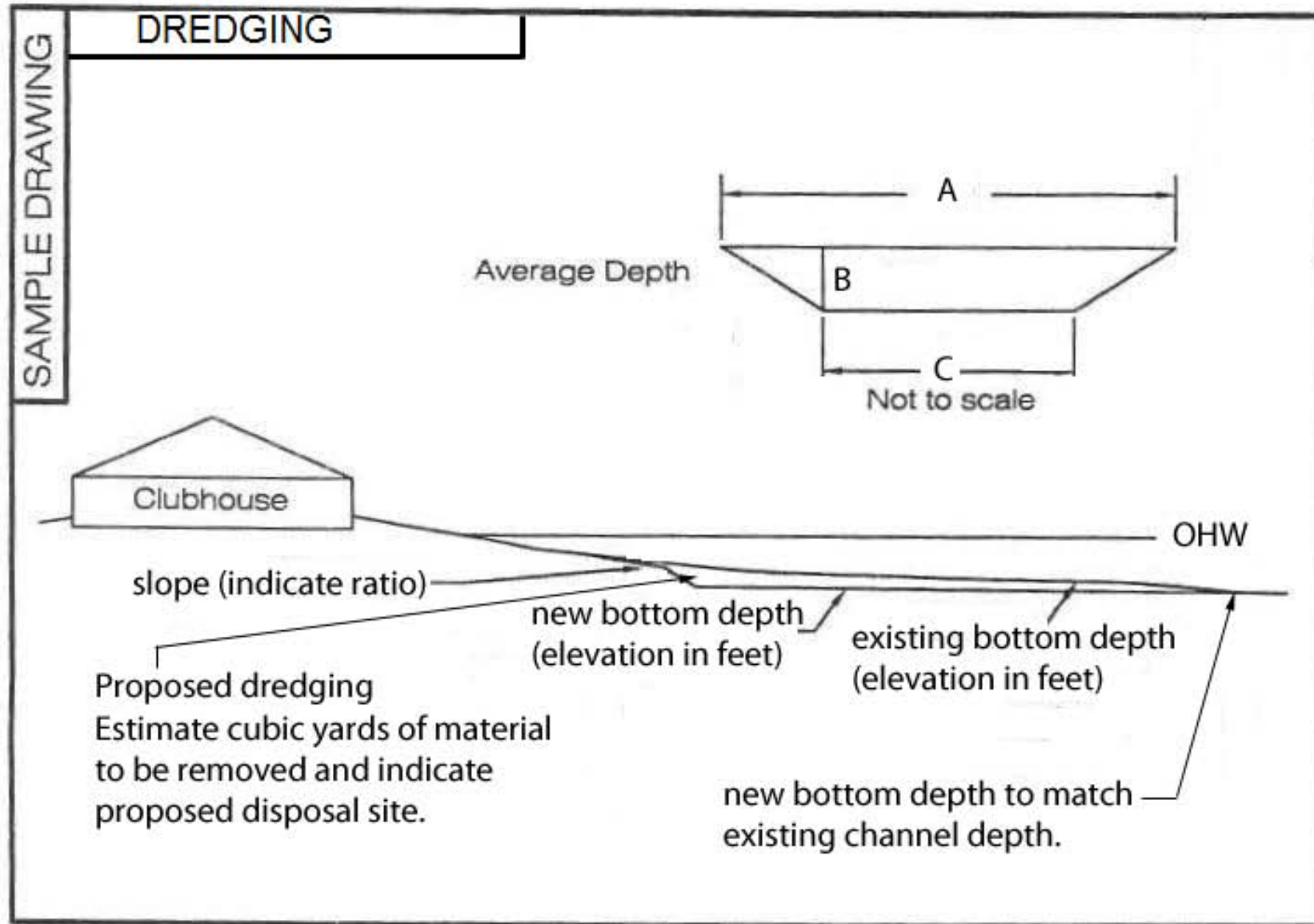
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SAMPLE DRAWINGS





QUESTIONS?

