

U.S. Army Corps of Engineers  
Regulatory Program

# Obtaining Permits

This brochure offers general information of a non-technical nature on the U.S. Army Corps of Engineers permit program in the Savannah District. It is not intended to be a complete description of the permit program. A complete explanation of the program may be found in the regulations - Title 33 of the Code of Federal Regulations, Parts 320 through 331 - available at the Savannah District office and at: [http://www.usace.army.mil/regulatory/Policy\\_Procedures.html#RegProgReg](http://www.usace.army.mil/regulatory/Policy_Procedures.html#RegProgReg)

Answers to technical questions, and detailed information about aspects of the program pertaining to your geographical area and proposed activity, may also be obtained from the Savannah District office. For additional information, application forms or brochures, write:

U.S. Army Corps of Engineers, Savannah District,  
Regulatory Division

100 W. Oglethorpe Ave.  
Savannah, GA 31401-3640

Phone: (912) 652-5347 or 1-800-448-2402 (toll free)  
Facsimile: (912) 652-5995

Website:  
<http://www.sas.usace.army.mil/Regulatory>



*Planning a residential or commercial site development?*



*Want to build a boat dock or marina?*



US Army Corps  
of Engineers  
Savannah District

## Planning to Build? Get Your Permit First.

If you are planning to build, excavate or place fill in any waters of the United States, including wetlands, you must first obtain a permit from the U.S. Army Corps of Engineers (USACE). Such activities planned for areas in Georgia that are within the jurisdiction of the Savannah District (see back cover for boundaries map) must be permitted by the Savannah District office before construction can begin. Application forms, instructions and other assistance will be provided by USACE personnel upon request or via our website: <http://www.sas.usace.army.mil/Regulatory>

State and local governments should also be contacted for required authorizations. It's best to apply for all permits at the same time, and as early in the planning process as possible.

## Typical Activities Requiring Permits

- Construction of structures such as piers, wharves, docks, dock houses, boat hoists, boathouses, floats, dolphins, marinas, boat ramps, marine railways, bulkheads and backfill.
- Any construction of revetments, groins, breakwaters, levees, dams, dikes, berms and weirs.
- Placement of wires, cables or pipes in or over the water, construction of intake and outfall structures.
- Dredging, excavation and depositing of fill and dredged material.
- Placement of riprap, road fills and stormwater facilities.
- Transport of dredged material for the purpose of dumping into ocean waters.
- Construction of developments such as subdivisions, apartment complexes, single-family houses, shopping centers, industrial facilities and schools.

## Exempt Activities

The following activities are exempt from regulation under Section 404 of the Clean Water Act, provided the work meets the criteria outlined at Title 33 Code of Federal Regulations, Part 323.4:

- Ongoing silvicultural activities that meet the Best Management Practices as established by the Georgia Forestry Commission (GFC). GFC can be contacted by calling toll free 1-800-GATREES.
- Agricultural activities, such as irrigation canals, irrigation or stock ponds and farm roads. Such projects should be coordinated with your local Natural Resources Conservation office and/or the Corps of Engineers prior to construction.



# Mission Statement

The mission of the U.S. Army Corps of Engineers (USACE) Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The USACE evaluates permit applications for essentially all construction activities that occur in the Nation's waters, including wetlands. USACE permits are also necessary for any work, including construction and dredging, in the Nation's navigable waters. The USACE balances the reasonably foreseeable benefits and detriments of proposed projects, and makes permit decisions that recognize the essential value of the Nation's aquatic ecosystems to the general public, as well as the property rights of private citizens who want to use their land. During the permit process, the USACE considers the views of other Federal, state and local agencies, interest groups, and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development, and growth of the economy, while offsetting authorized impacts to the waters of the United States. The adverse impacts to the aquatic environment are offset by mitigation requirements, which may include restoring, enhancing, creating and preserving aquatic functions and values. The USACE strives to make its permit decisions in a timely manner that minimizes impacts to the public.



## Coordination

Applications are coordinated with concerned Federal, state and local agencies; adjoining property owners; other interested parties, and the public as appropriate. The major Federal, state and local coordinating agencies are:



US Department of Interior, Fish and Wildlife Service



National Oceanic Atmospheric Administration, National Marine Fisheries Service



Environmental Protection Agency



United States Coast Guard

## State and Local Agencies

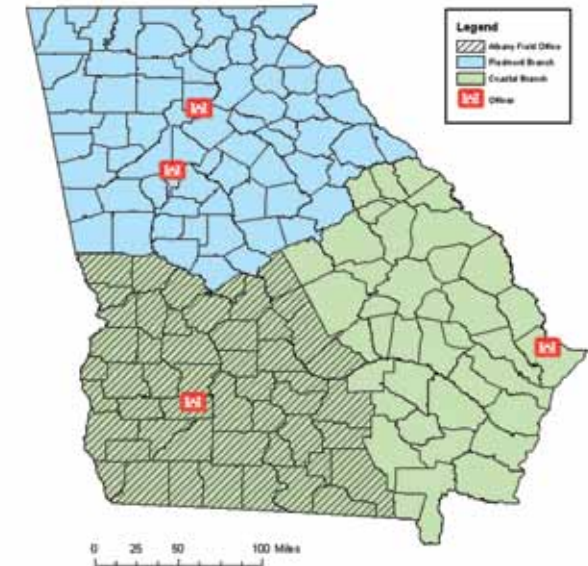
- Georgia State Clearinghouse (Office of Planning and Budget)
- Georgia Department of Natural Resources
- Various city and county agencies

## General Public

We maintain a list of about 800 groups, organizations, and individuals that have requested copies of our public notices for review and comment. If you would like to be placed on this mailing list, please submit a written request indicating whether you would like a paper copy of the public notice or an electronic notification by email of public notice postings. You must include your mailing address and/or email address, as appropriate, and indicate whether you want to receive all notices in Georgia, or just those in specific counties. Public notices are currently posted on our website.





## Savannah District, Regulatory Division




### Savannah District Regulatory Division Savannah District Coastal Branch

100 W. Oglethorpe Ave.  
Savannah, GA 31401-3640  
Phone: (912) 652-5347 or 1-800-448-2402 (toll free)  
Facsimile: (912) 652-5995

 **Albany Field Office**  
1104 Westover Blvd., Unit 9  
Albany, GA 31707  
Phone: (229) 430-8566  
Facsimile: (229) 430-8569

 **Savannah District Piedmont Branch**  
The Plaza Suite 200  
1590 Adamson Parkway  
Morrow, GA 30260-1763  
Phone: (678) 422-27HF  
Facsimile: (678) 422-2734

 **Lake Lanier Field Office**  
Location: 1025 Buford Dam Road  
Mail: P.O. Box 528  
Buford, GA 30515  
Phone: (770) 421-1000  
Facsimile: (770) 421-0442

## Building Without a Permit

It is against Federal law for work to begin before obtaining required permits. Both the property owner and contractor may be held liable for a violation. Savannah District personnel monitor activities in waters within the state of Georgia to assure compliance with permit activities.



### Wetland Violations



### Penalties for Working without a Permit may include:

- Removal of work and restoration of area at the violator's expense.
- A fine, up to \$50,000 per day, for each violation.
- Up to two years in prison.
- Notice of violation on property title.
- Mitigation for temporal impacts.



## Other Statutes Affecting Corps of Engineers Regulatory Program:

- **NATIONAL ENVIRONMENTAL POLICY ACT of 1969**, defining national policy to encourage productive harmony between man and his environment, evaluated through environmental assessments and impact statements.
- **FISH AND WILDLIFE COORDINATION ACT of 1956**, requiring the USACE to coordinate permit applications with State and Federal fish and wildlife agencies.
- **NATIONAL HISTORIC PRESERVATION ACT of 1966**, requiring coordination on activities that may affect historic and archaeological resources preservation.
- **COASTAL ZONE MANAGEMENT ACT of 1972**, insuring compliance of activities with a state's coastal zone management program.
- **ENDANGERED SPECIES ACT of 1973**, ensuring protection of endangered and threatened species.
- **CLEAN WATER ACT, Section 401**, requiring state water quality certification of activities which could result in the discharge of pollutants into waters of the United States.



### Endangered Species

### Cultural Resources



## STEP 1 - Jurisdictional Determination

The first step in our application process is determining if we have jurisdiction over the proposed activity.

### Limits of Jurisdiction

#### Section 10

The geographic jurisdiction of the Rivers and Harbors Act of 1899 includes all navigable waters of the United States which are 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." This jurisdiction extends seaward to include all ocean waters within a zone three nautical miles from the coast line (the territorial seas). Activities requiring Section 10 permits include structures (e.g., piers, wharves, breakwaters, bulkheads, jetties, weirs, transmission lines) and work such as dredging or disposal of dredged material, or excavation, filling, or other modifications to the navigable waters of the United States.

#### Section 404

The Clean Water Act uses the term "navigable waters" which is defined [Section 502(7)] as "waters of the United States, including the territorial seas." Thus, Section 404 jurisdiction is defined as encompassing Section 10 waters plus their tributaries and adjacent wetlands and isolated waters where the use, degradation or destruction of such waters could affect interstate or foreign commerce. Activities requiring Section 404 permits are limited to discharges of dredged or fill materials into the waters of United States. These discharges include return water from dredged material disposed of on the upland and generally any fill material (e.g., rock, sand and dirt) used to construct fast land for site development, roadways, erosion protection, etc.

#### Section 103

The geographic scope of Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 is those waters of the open seas lying seaward of the baseline from which the territorial sea is measured. Along coastlines this baseline is generally taken to be the low water line.

## Applicable Laws

- **RIVERS AND HARBORS ACT of 1899**, Sections 9 and 10, which prohibit unauthorized construction in or over navigable waters of the United States.
- **CLEAN WATER ACT of 1977**, Section 404, governing discharge of dredged or fill material in waters of the United States.
- **MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT of 1972**, Section 103, regulating transportation of dredged material for the purpose of dumping into ocean waters.

## How to Obtain a Jurisdictional Determination

**Section 10** - If you are proposing work in or over tidal waters of the United States you will need a Section 10 permit. To determine if a non-tidal stream is navigable, you will have to contact the Savannah District Regulatory Division for a determination.

**Section 404** - If your project site is over two acres in size, you will need to hire an environmental consultant to delineate the wetlands on the site in accordance with the 1987 Corps of Engineers Wetland Delineation Manual. You or your consultant will then need to submit the findings to the Savannah District Regulatory Division for verification. Once verified, the jurisdictional boundaries will need to be surveyed in order to provide a final verification of the delineation. For smaller sites, a request can be submitted to the Savannah District to perform the delineation.

## STEP 2 - Determination of Type of Permit Required

If a permit is required, the type of permit needed will be determined by the USACE.

## Types of Permits

### General Permits (GP)

GPs are issued for projects that are substantially similar in nature and cause only minimal individual and cumulative environmental impacts. The two types of GPs are Nationwide Permits and Regional Permits.

### Nationwide Permits (NWP)

NWPs cover projects such as bank stabilization, linear transportation projects, utility lines and detention/retention ponds, provided impacts are within the impact thresholds of each NWP and the project complies with the conditions of the NWP. The NWPs and Regional Conditions can be found on our website at [http://www.sas.usace.army.mil/Nationwide\\_Permits.htm](http://www.sas.usace.army.mil/Nationwide_Permits.htm).

### Regional Permits (RP)

RPs are issued by each District to cover projects of minimal individual and cumulative environmental impacts not covered by NWPs. Current RPs can be found on our website at [http://www.sas.usace.army.mil/Regional\\_Permits.htm](http://www.sas.usace.army.mil/Regional_Permits.htm). One RP issued in the Savannah District is RP 83 for private docks.

**RP 83** (administered by the Georgia Department of Natural Resources (GADNR)) covers fixed walkways, fixed docks, boat hoists, connecting ramps, floating docks and piling, and screened dock houses which meet certain specifications. For further information, please call GADNR at (912) 264-7218.

### Letter of Permission (LOP)

LOP is a type of permit issued through an abbreviated processing procedure which includes coordination with Federal and state fish and wildlife agencies as required by the Fish and Wildlife Coordination Act, and a public interest evaluation, but without the publishing of an individual public notice. An LOP can be issued when the proposed work would be minor, would not have significant individual or cumulative impacts on environmental values, and should encounter no appreciable opposition.

### Individual Permits (IP)

Projects considered to have more than minimal impact on the environment require an IP. Early coordination saves time, resources, and money. Pre-application meetings, which are attended by various coordinating agency representatives, are held in our Morrow and Savannah offices in alternating months. See our website for dates, times, locations and contact information at [http://www.sas.usace.army.mil/Individual\\_Permits.htm](http://www.sas.usace.army.mil/Individual_Permits.htm).

## Preapplication Coordination

Coordination consultation can involve one or several meetings between an applicant, USACE staff, interested resource agencies (Federal, state, or local), and sometimes the interested public. The basic purpose of such meetings is to allow informal discussions concerning the pros and cons of a proposal before an applicant makes irreversible commitments of resources (funds, detailed designs, etc.). The process is designed to provide the applicant with an assessment of the viability of some of the more obvious alternatives available to accomplish the project, to discuss measures for reducing the impacts of the project, and to inform the applicant of the factors the USACE must consider in its decision making process.

## Formal Review

Once a complete application is received, the formal review process begins. USACE districts operate under what is called a project manager system, with one individual who is responsible for handling an application from receipt to final decision. The project manager prepares a public notice, evaluates the impacts of the project and all comments received, negotiates necessary modifications of the project if required, and drafts or oversees drafting of appropriate documentation to support a recommended permit decision. The permit decision document includes a discussion of the environmental impacts of the project, the findings of the public interest review process, and any special evaluation required by the type of activity, such as compliance determinations with the Section 404(b) (1) Guidelines or the ocean dumping criteria.

## STEP 3 - Processing Permits

Once the type of permit is determined, the following procedures should be followed to obtain a permit decision.

### Nationwide Permits (NWP)

A Pre-Construction Notification (PCN) Form must be used to apply for use of a NWP. This form can be downloaded from our website at: [http://www.sas.usace.army.mil/PCN\\_Form](http://www.sas.usace.army.mil/PCN_Form). Once the PCN is determined to be complete, it will be coordinated with the appropriate Federal and State agencies for comment. Decisions are usually made in less than 45 days.

### Regional Permits (RP)

The procedures for submittal of an application for each RP are outlined in that particular RP. Most require that we be notified of proposed use at least 30 days prior to your proposed start date. To use RP 83 for dock construction in the coastal counties, you must submit an application to the Georgia Department of Natural Resources.

### Individual Permits (IP)

The basic form of authorization used by USACE districts is the IP. Processing such permits involves evaluation of individual and project specific applications in what can be considered three steps: pre-application consultation (for major projects), formal project review, and decision making. Application forms can be downloaded at <http://www.sas.usace.army.mil/form19.rtf>.

## Permit Decision

Of great importance to the project evaluation is the USACE public interest balancing process. The public benefits and detriments of all factors relevant to each case are carefully evaluated and balanced. Relevant factors may include conservation, economics, aesthetics, wetlands, cultural values, navigation, fish and wildlife values, water supply, water quality, and any other factors judged important to the needs and welfare of the people. The following general criteria are considered in evaluating all applications:

- The relevant extent of public and private needs;
- Where unresolved conflicts of resource use exist, the practicability of using reasonable alternative locations and methods to accomplish project purposes; and
- The extent and permanence of the beneficial and/or detrimental effects the proposed project may have on public and private uses to which the area is suited.
- A permit cannot be granted for a proposal that is inconsistent with the best interest of the public.
- Not all sites are appropriate for all projects.

## Compensatory Mitigation

Compensatory mitigation is generally required for any impacts in excess of 0.1 acre of wetlands and/or 100 linear feet of stream. The goal of compensatory mitigation is to achieve no net loss of functions and values of waters of the United States. Savannah District's Standard Operating Procedure for the Calculation of Compensatory Mitigation for Impacts to Wetlands, Openwater and Streams (SOP) is used for the calculation of mitigation for projects impacting less than 10 acres of wetlands. The most recent draft of the SOP can be found on our website at <http://www.sas.usace.army.mil/Regulatory>

## Mitigation Banking

Numerous commercial mitigation banks have been developed across Georgia. Applicants can purchase wetland and/or stream mitigation credits from approved banks that service an impact area. Refer to the USACE's website for information on mitigation banks, coverage areas, and contact information at <http://www.sas.usace.army.mil/Permits.htm>.