

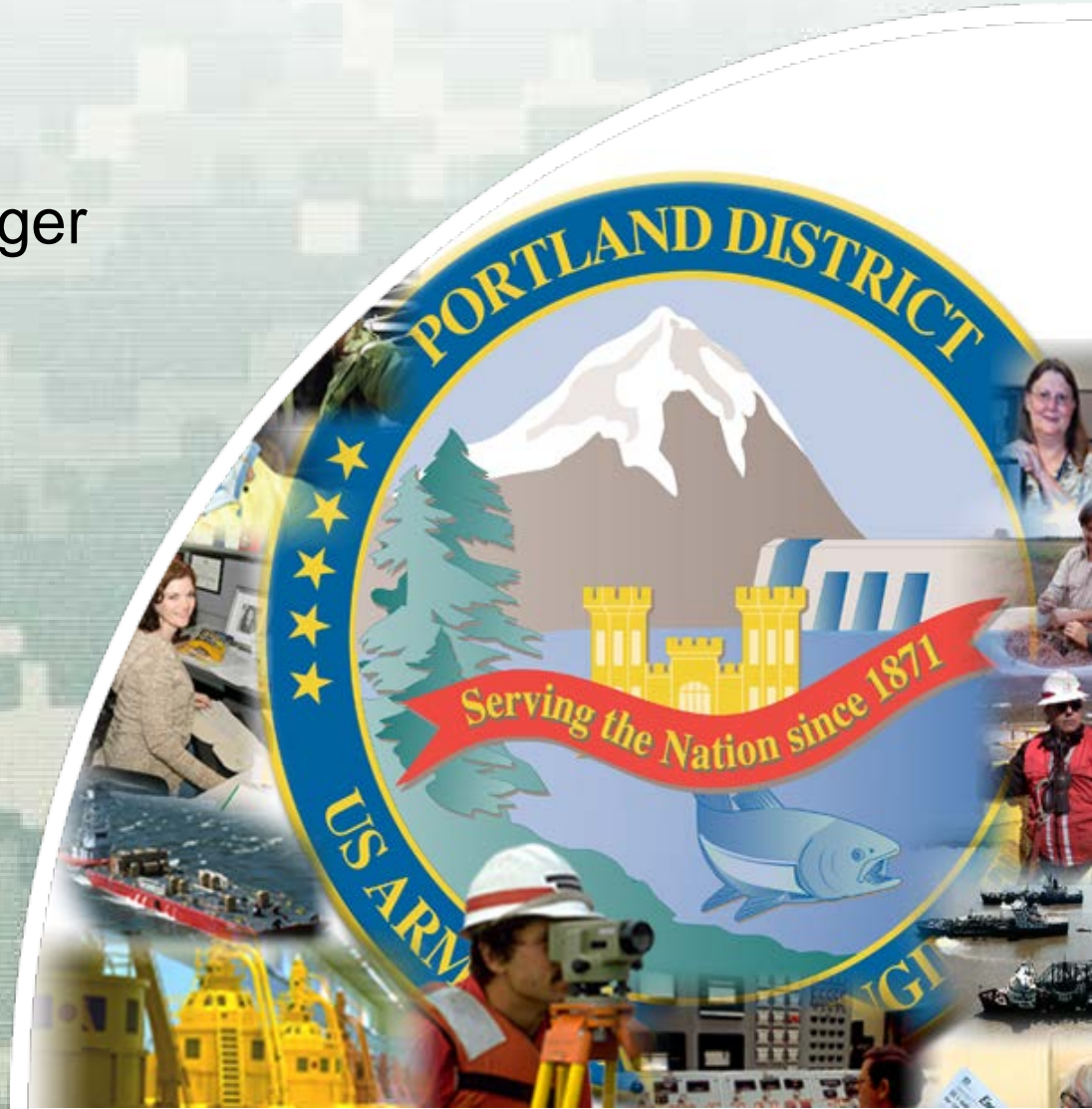
Nationwide Permits

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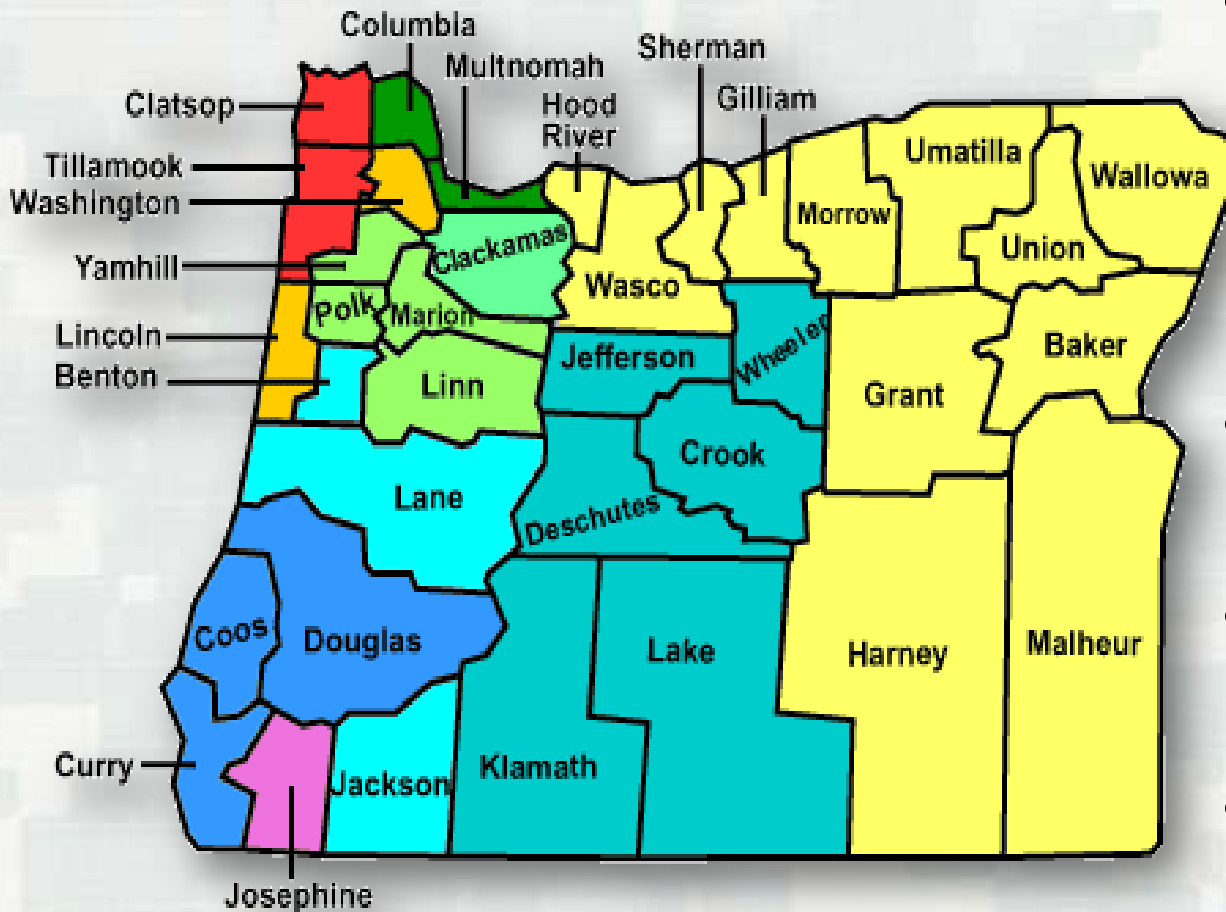


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US Army Corps of Engineers
BUILDING STRONG®



Regulatory



- Administers Corps Regulatory Program in Oregon and for Washington ports on Columbia River
- Section 10 of Rivers and Harbors Act
- Section 404 of Clean Water Act
- Approximately 3000 actions per year



Current issues

- Proposed Rule: Definition of “Waters of the United States” under the Clean Water Act
- The “Interpretive Rule” for exemptions was withdrawn February 2, 2015. The Corps will not revisit past decisions. Future actions will still be evaluated under current exemption or permitting standards.



Exemptions

- Exemptions listed in 33 CFR 323.4.
 - ▶ Six categories of exempt activities
 - ▶ Recapture provisions detailed in 33 CFR 323.4 (c)
- The Corps retains authority for all tidal and navigable waters under Section 10 of the Rivers and Harbors Act



Section 404(f)(2) of the CWA provides that discharges are not exempt if:

- ▶ the activity represents a "new use" of the wetland
- ▶ the activity would result in a "reduction in reach / impairment of flow or circulation" of waters of the United States



Nationwide permits

- U.S. Army Corps of Engineers can verify general permits to authorize activities that have minimal individual and cumulative adverse environmental effects
- Issues for all Nationwide permits:
 - ▶ Federally-listed endangered or threatened species
 - ▶ Historic properties and cultural resources
 - ▶ Federally-designated wild and scenic rivers



Nationwide Permit 33

- Temporary construction, access and dewatering
 - ▶ Access roads
 - ▶ Cofferdams
 - ▶ Dewatering of construction sites



Nationwide Permit 27

- Aquatic habitat restoration, establishment and enhancement activities
 - ▶ Installation, removal, and maintenance of small water control structures, dikes, and berms
 - ▶ Placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels



Nationwide Permit 13

- Bank stabilization activities necessary for erosion prevention
 - ▶ No material is placed in excess of the minimum needed for erosion protection
 - ▶ The activity is no more than 500 feet in length along the bank
 - ▶ The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line



Nationwide Permit 3

- Maintenance

- ▶ Repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit
- ▶ Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation or replacement of the structure



Access Roads
NWP 33

Large Wood Placement
NWP 27

Streambank Stabilization
NWP 13

Culvert Replacement
NWP 3



Hints:

- Describe the project in its entirety.
- Break down the project to blocks of activities. Be specific about fill amounts and acres of impacts.
- Every access point should be identified as a site
- State if you are building a new road, using an existing road, or accessing without removing vegetation.
- Show how you avoided or minimized the impacts.



Questions?

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