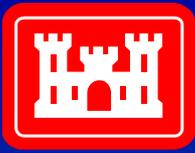


U.S. Army Corps
of Engineers

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

September 19, 2023

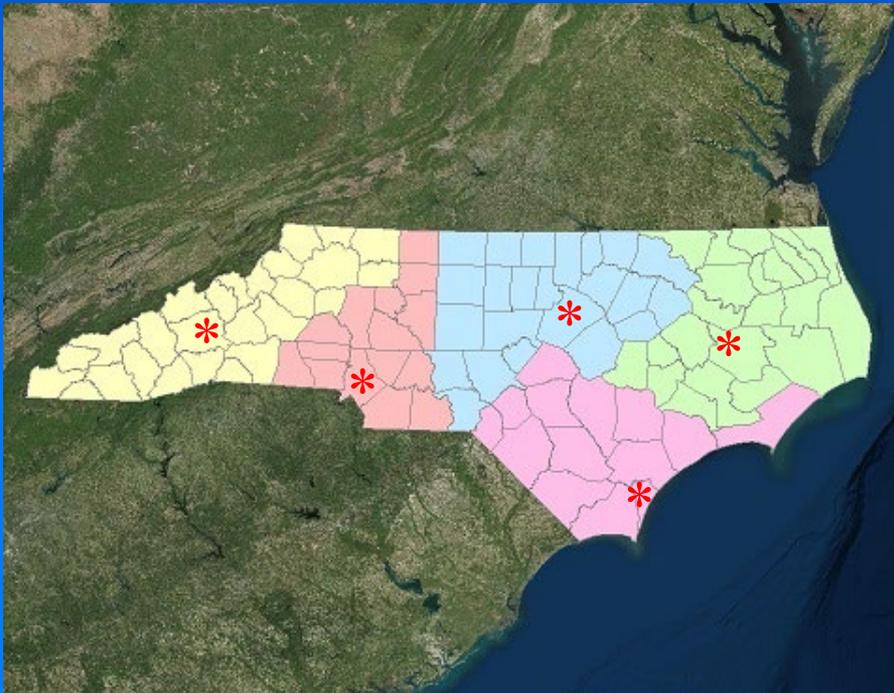
Mickey Sugg, Chief of Wilmington Regulatory Field Office



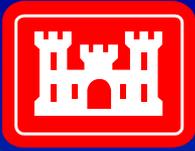
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Organization

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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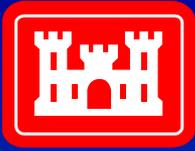
Authorities

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.



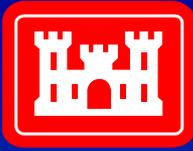
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Authorities – Section 10 (33 U.S.C. 401, et seq.)

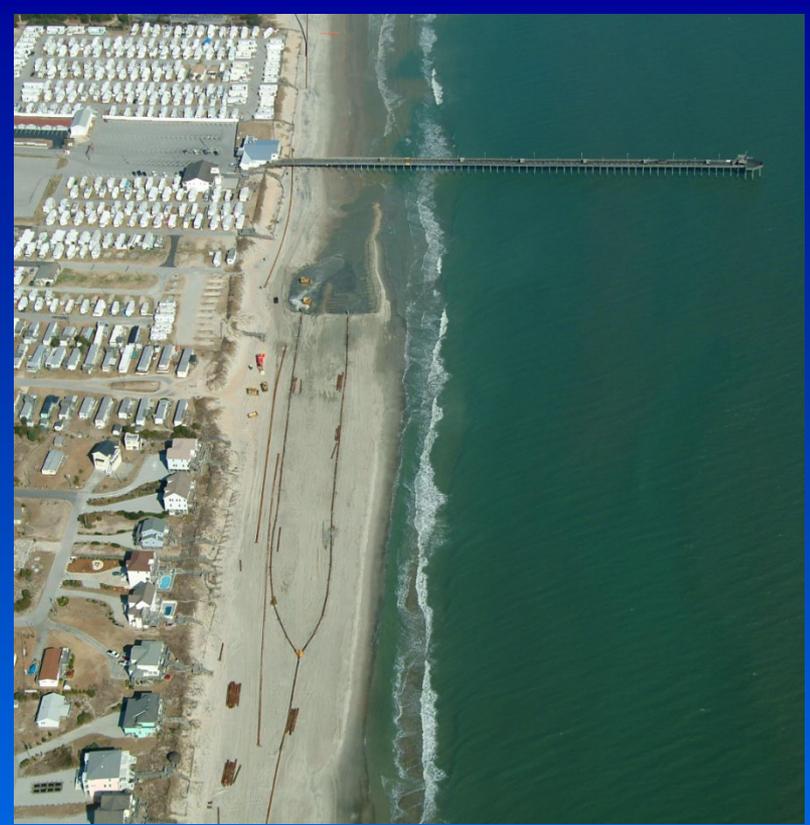
Section 10 Rivers and Harbors Act of 1899

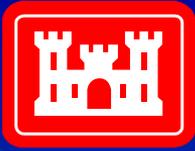
- Regulates activities that affect course, location, and navigable capacity
- Prohibits unauthorized obstruction or alteration of any navigable water of U.S.
- All work (dredging, docks, pilings, marinas, fill, etc)
- Authorizes the Secretary of the Army to issue permits in navigable waters





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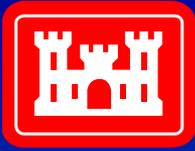




U.S. Army Corps
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Wilmington District

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.”**

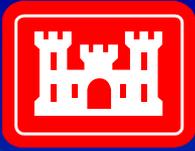


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Geographical definition cont...

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.



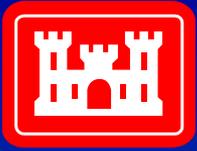


U.S. Army Corps
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Section 404, Clean Water Act

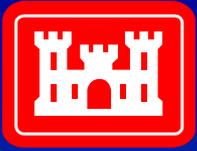
- **Regulates all waters of the United States, including wetlands, for the discharge of dredged and/or fill material; including mechanized land clearing**
- **Authorizes the Secretary of the Army to issue permits for the discharge of dredged or fill material.**





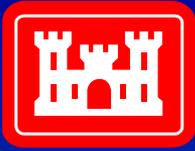
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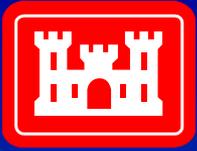


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DEFINITION OF WETLANDS

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





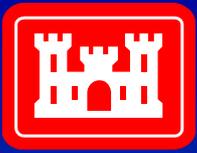
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Section 404 of the Clean Water Act

WETLANDS

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





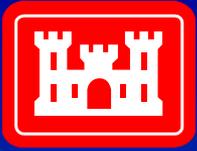
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Section 404 of the Clean Water Act

WETLANDS

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

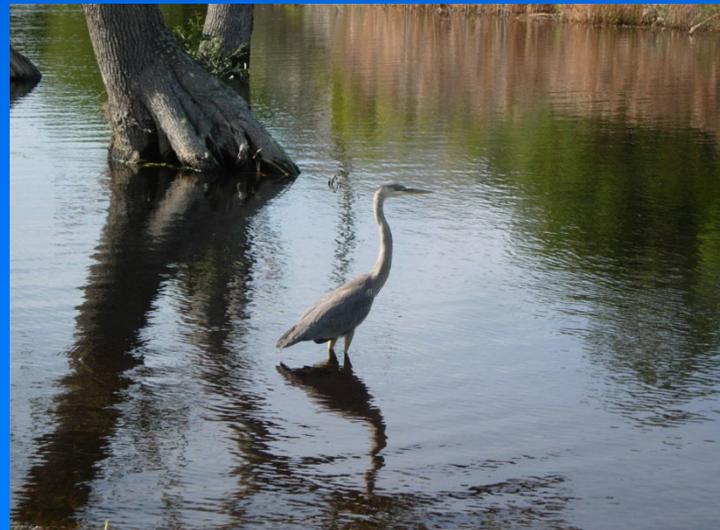


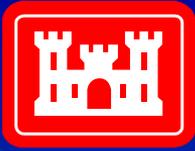


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Wilmington District

Functions of Creeks, Streams, & Wetlands

- Water storage and flood control
- Sediment & pollutant removal
- Clean water for human consumption
- Wildlife habitat
- Food chain support
- Food production



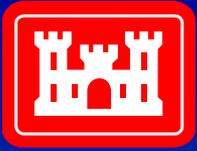


**U.S. Army Corps
of Engineers**
Wilmington District

Benefits of Creeks, Streams, & Wetlands (con't.)

- Storm surge protection
- Silviculture (Logging)
- Aesthetics
- Educational purposes
- Recreational Activities-
canoeing, fishing, hunting,
bird watching...



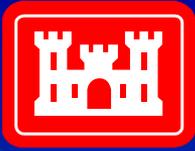


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Permitting

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.**



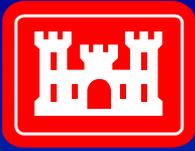


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Permitting

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.

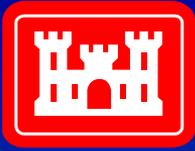


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PERMIT EVALUATION

Section 404(b)(1) Guideline Sequencing

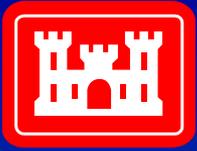
- Avoidance of wetlands
- Minimizing impacts on wetlands
- Compensatory mitigation for unavoidable impacts



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Related Laws Affecting Permit Procedures and Policy

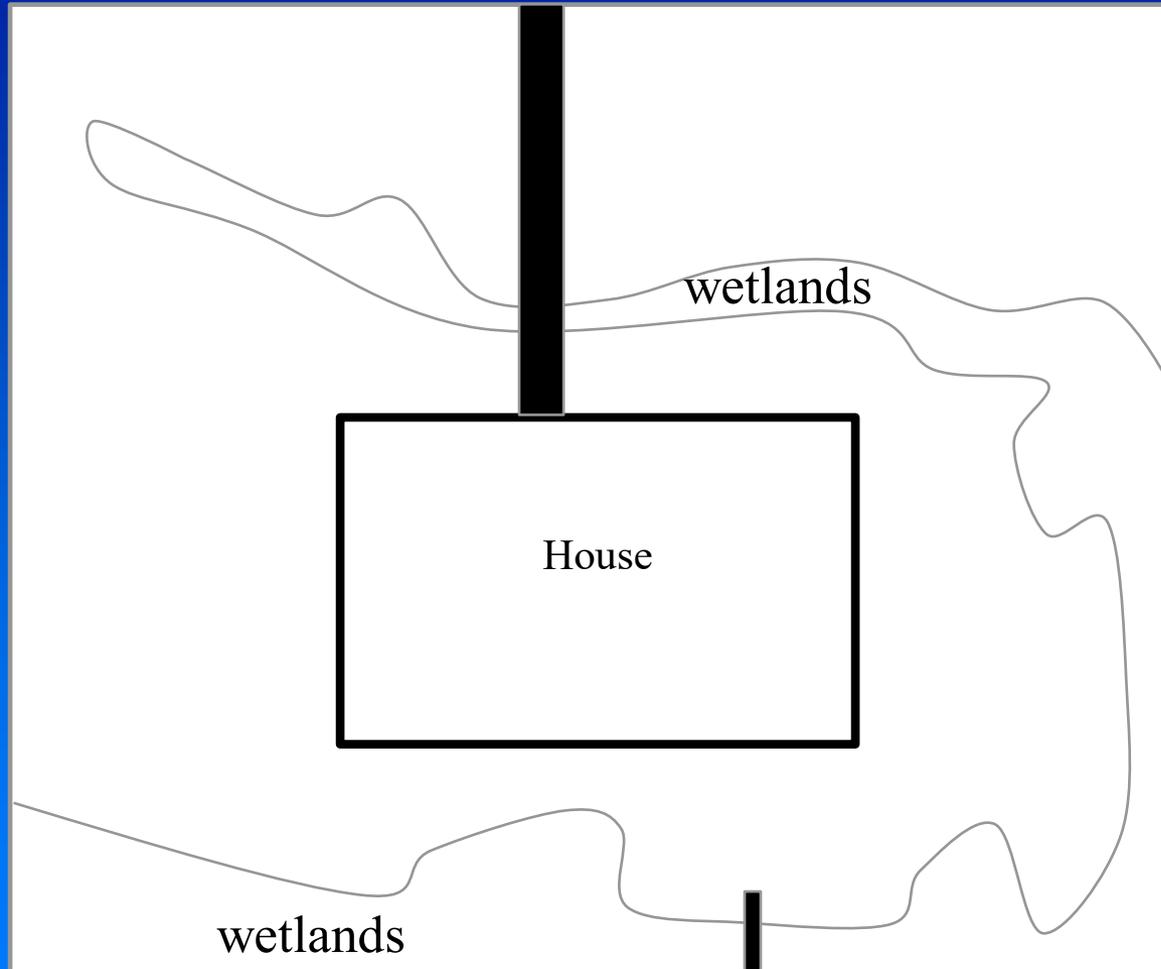
- **National Environmental Policy Act (1969)**
- **Endangered Species Act (USFWS and/or NMFS)**
- **Magnuson-Stevens Fisheries Act (NMFS)**
- **Section 401, Clean Water Act (NC Division of Water Resources)**
- **Section 307, Coastal Zone Management Act (NC Division of Coastal Management)**
- **Fish and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



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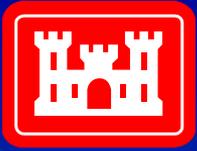
Lot 1

Waterview Drive



— AIWW —



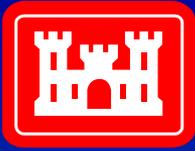


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Enforcement

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
of Engineers

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/)

- Brunswick Co: David Moose, 910-251-4810
- New Hanover Co: Brad Shaver, 910-251-4611