

Frequently Asked Questions

Various questions are often asked about the regulatory program. It is hoped that these answers will help you to understand the program better.

Q. When should I apply for a Corps permit?

A. *Since two to three months is normally required to process a routine application involving a public notice, you should apply as early as possible to be sure you have all required approvals before your planned commencement date. For a large or complex activity that may take longer, it is often helpful to have a "pre-application consultation" or informal meeting with the Corps during the early planning phase of your project. You may receive helpful information at this point which could prevent delays later. When in doubt as to whether a permit may be required or what you need to do, don't hesitate to call a district regulatory office.*

Q. I have obtained permits from local and state governments. Why do I have to get a permit from the Corps of Engineers?

A. *It is possible you may not have to obtain an individual permit, depending on the type or location of work. The Corps has many general permits which authorize minor activities without the need for individual processing. Check with your Corps district regulatory office for information on general permits. When a general permit does not apply, you may still be required to obtain an individual permit.*

Q. What will happen if I do work without getting a permit from the Corps?

A. *Performing unauthorized work in waters of the United States or failure to comply with the terms of a valid permit can have serious consequences. You would be in violation of Federal law and could face stiff penalties, including fines and/or requirements to restore*

the area. Enforcement is an important part of the Corps regulatory program. Corps surveillance and monitoring activities are often aided by various agencies, groups, and individuals, who report suspected violations. When in doubt as to whether a planned activity needs a permit, contact the nearest district regulatory office. It could save a lot of unnecessary trouble later.

Q. How can I obtain further information about permit requirements?

A. *Information about the regulatory program is available from any Corps district regulatory office. Information may also be obtained from the water resource agency in your state.*

Q. Why should I waste my time and yours by applying for a permit when you probably won't let me do the work anyway?

A. *Nationwide, only three percent of all requests for permits are denied. Those few applicants who have been denied permits usually have refused to change the design, timing, or location of the proposed activity. When a permit is denied, an applicant may redesign the project and submit a new application. To avoid unnecessary delays pre-application conferences, particularly for applications for major activities, are recommended. The Corps will endeavor to give you helpful information, including factors which will be considered during the public interest review, and alternatives to consider that may prove to be useful in designing a project.*

Q. What is a wetland and what is its value?

A. *Wetlands are areas that are periodically or permanently inundated by surface or ground water and support vegetation adapted for life in saturated soil. Wetlands include swamps, marshes, bogs and similar areas. A significant natural resource, wetlands serve important functions relating to fish and wildlife; food chain production; habitat; nesting; spawning; rearing and resting sites for aquatic and land species; protection of other areas from wave action and erosion; storage areas for storm and*

... wetlands, natural recharge areas where ground and surface water are interconnected; and natural water filtration and purification functions. Although individual alterations of wetlands may constitute a minor change, the cumulative effect of numerous changes often results in major damage to wetland resources. The review of applications for alteration of wetlands will include consideration of whether the proposed activity is dependent upon being located in an aquatic environment.

Q. How can I design my project to eliminate the need for a Corps permit?

A. *If your activity is located in an area of tidal waters, the best way to avoid the need for a permit is to select a site that is above the high tide line and avoids wetlands or other waterbodies. In the vicinity of fresh water, stay above ordinary high water and avoid wetlands adjacent to the stream or lake. Also, it is possible that your activity is exempt and does not need a Corps permit or that it has been authorized by a nationwide or regional general permit. So, before you build, dredge or fill, contact the Corps district regulatory office in your area for specific information about location, exemptions, and regional and nationwide general permits.*

Q. What are allowable work windows and what restrictions apply?

A. *Allowable work windows were developed for the Phase 1 Programmatic Biological Evaluation for the State of Washington for Salmonid Species Listed or Proposed by the National Marine Fisheries Service and U.S. Fish and Wildlife Service under the Endangered Species Act, issued on October 13, 2000, and revised May 30, 2001. These work windows also serve as a general guideline for activities not authorized by the Phase 1 programmatic consultation. Observance of these windows avoids or greatly minimizes the effects from construction on federally listed or proposed fish species by authorizing construction on listed fish during migration and spawning. When applicants apply for a permit, they may request a variation or waiver of the work*

window under certain conditions. Please see our work window website for details on the information needed for the Corps to evaluate the impact of doing work outside the allowable work window.

Point of Contact: Regulatory Reception or
Contact a Specific Staff Member

Phone: (206)
764-3495

Email:
MARNE.A.PACKER@USACE.ARMY.MIL