

U.S. Army Corps of Engineers

Regulatory Program

Mission, Authority, and Permitting.

Laban C. Lindley

Team Leader

Indianapolis Regulatory Office

Louisville District

August 22, 2018



US Army Corps of Engineers
BUILDING STRONG®



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Objectives

- Provide an overview of:
 - ▶ Corps Regulatory Mission & Authority.
 - ▶ Jurisdiction.
 - ▶ Permitting/Mitigation.



Corps Regulatory Mission

- To protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible, and balanced permit decisions.



Section 10 Rivers and Harbors Act

- To protect navigable capacity for commerce.
- Requires authorization for any structure or work in, over, under, or affecting the course, location, or condition of any navigable water of the United States.



Section 404 Clean Water Act

- Restore and maintain the physical, chemical, and biological integrity of the Nation's aquatic resources.
- Requires authorization for the discharge of dredged or fill material into any "waters of the U.S." (WOUS), including wetlands.

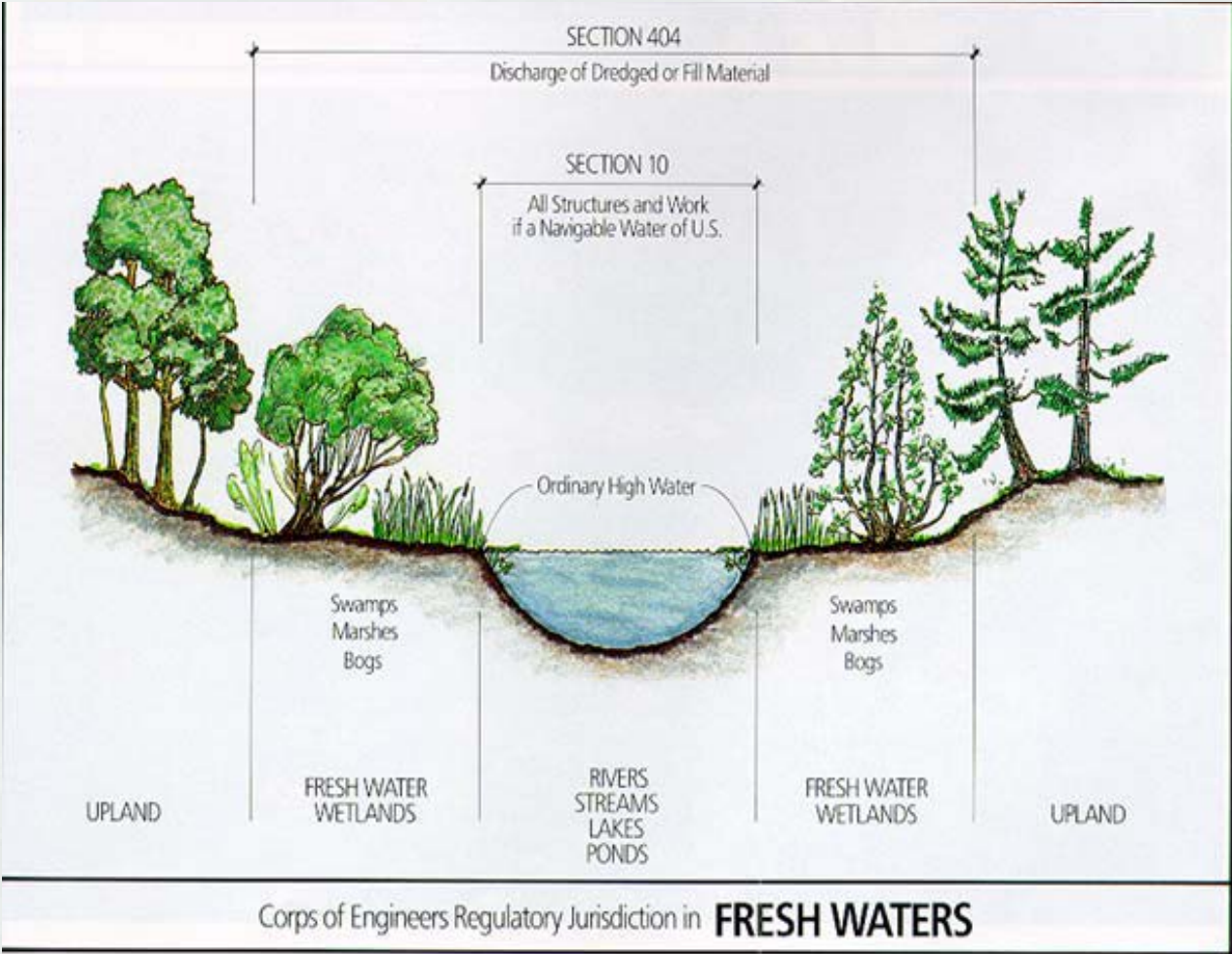


Section 404 Clean Water Act

- Fill material includes, but not limited to: rock, sand, soil, clay, plastics, construction debris, wood chips, mining or excavation overburden, and materials used to create any structure in “waters of the U.S.” Does NOT include trash or garage.



Limits of Jurisdiction





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Wetlands

- Wetlands are areas that are inundated or saturated by surface or groundwater 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 soils conditions.



Permitting

- General permits – Nationwide, Regional, and Programmatic General Permits.
 - ▶ For activities that are similar in nature and result in minimal impact to the aquatic environment.



Permitting

- Indiana RGP.
 - ▶ Categories: Bank Stabilization, New construction (Residential, Commercial, Industrial), Transportation, Boat Ramps, Minor Discharges, Agriculture Activities, Mining Activities.
 - ▶ Maximum limitations:
 - 1.0 acre and/or 1,500 linear feet.
 - ▶ Mitigation:
 - Loss of greater than 0.10 acre and/or 300 linear feet.
 - More than minimal individual or cumulative impact.



Permitting

- Standard Permit.
 - ▶ Highest level of Department of Army permit review (within District).
 - ▶ Public notice/comment period.
 - ▶ Full public interest review.
 - ▶ NEPA environmental assessment.
 - ▶ Alternatives Analysis/404b1 guidelines compliance.



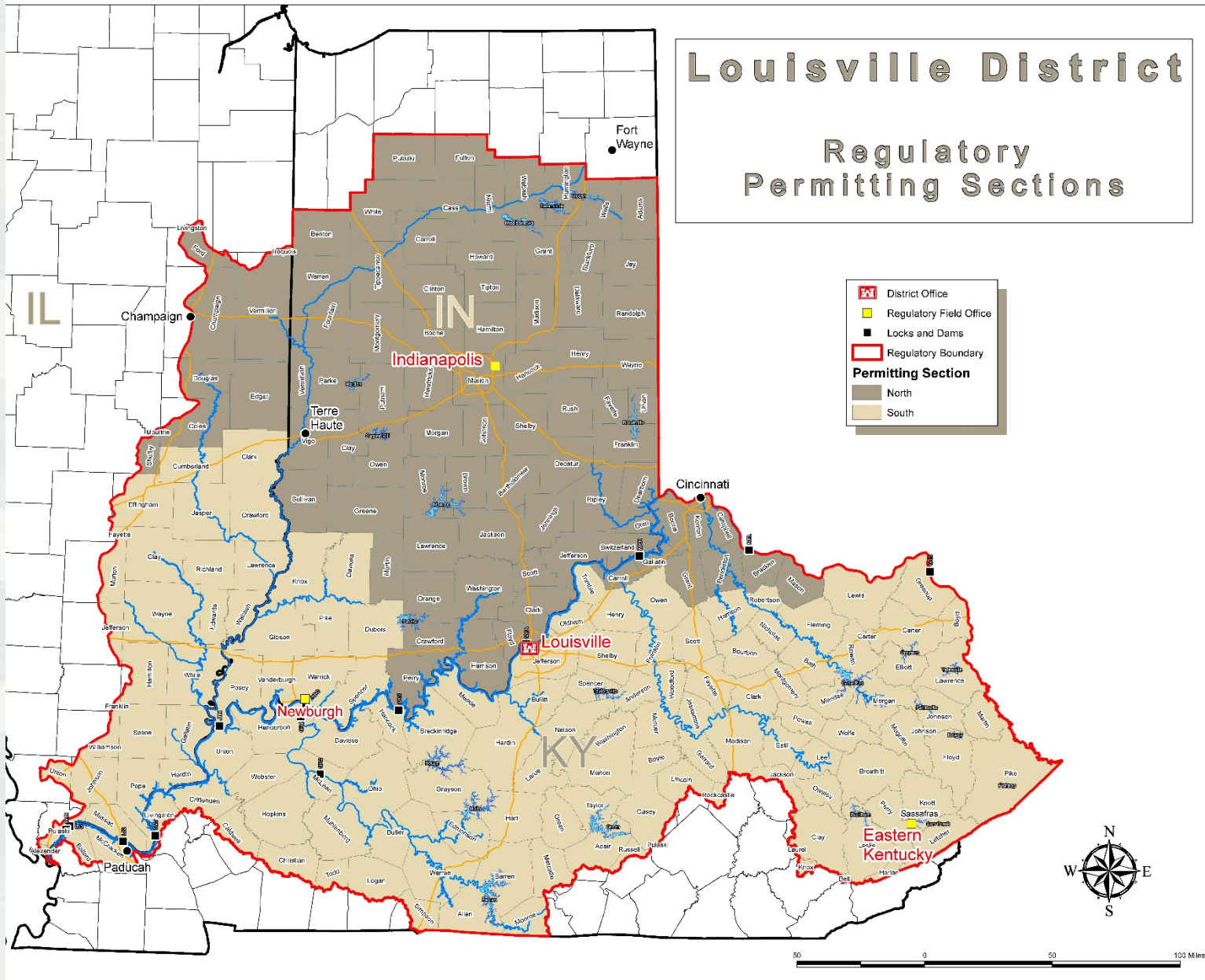
Mitigation

- To ensure that the impacts to the aquatic environment are minimal, both individually and cumulatively.
- Includes avoidance, minimization, rectifying, reducing, or compensating for impacts.
- Types of Compensatory Mitigation:
 - ▶ Mitigation Bank.
 - ▶ In-Lieu Fee.
 - ▶ Permittee-responsible (watershed approach, on-site, or off-site).
 - Aquatic habitat restoration, establishment, enhancement, and/or preservation.



Louisville District

Regulatory Permitting Sections



Questions?

Laban C. Lindley
Team Leader
Indianapolis Regulatory Office
Louisville District Corps of Engineers
8902 Otis Avenue, Suite S106B
Indianapolis, IN 46216

317-543-9424

Laban.c.lindley@usace.army.mil

Louisville District Webpage: <https://www.lrl.usace.army.mil/Missions/Regulatory.aspx>

USACE Headquarters Webpage: <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/>

