

# USACE HONOLULU DISTRICT REGULATORY PROGRAM OVERVIEW

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# WHAT DO WE DO?

- **Review** Dept of the Army (DA) “Corps” **Permit** applications for certain work/activities in waters of the U.S.



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# REGULATORY MISSION STATEMENT

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



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# AUTHORITIES

## Section 10 of the River and Harbors Act of 1899

Governs structures and work in, over, and under navigable waters.

(In the Honolulu District navigable waters are waters subject to the ebb and flow of the tide.)

## Section 404 of the Clean Water Act

Regulates the placement of dredged or fill material into waters of the United States.



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# JURISDICTION

## TIDAL WATERS

**SECTION 10** requires a permit for work in navigable waters

**SECTION 404** requires a permit for discharge of material into any waters of the U.S.

## FRESH WATERS

### SECTION 404

SECTION 404

SECTION 10

SECTION 404

SECTION 10

TIDAL  
WETLANDS

WETLANDS

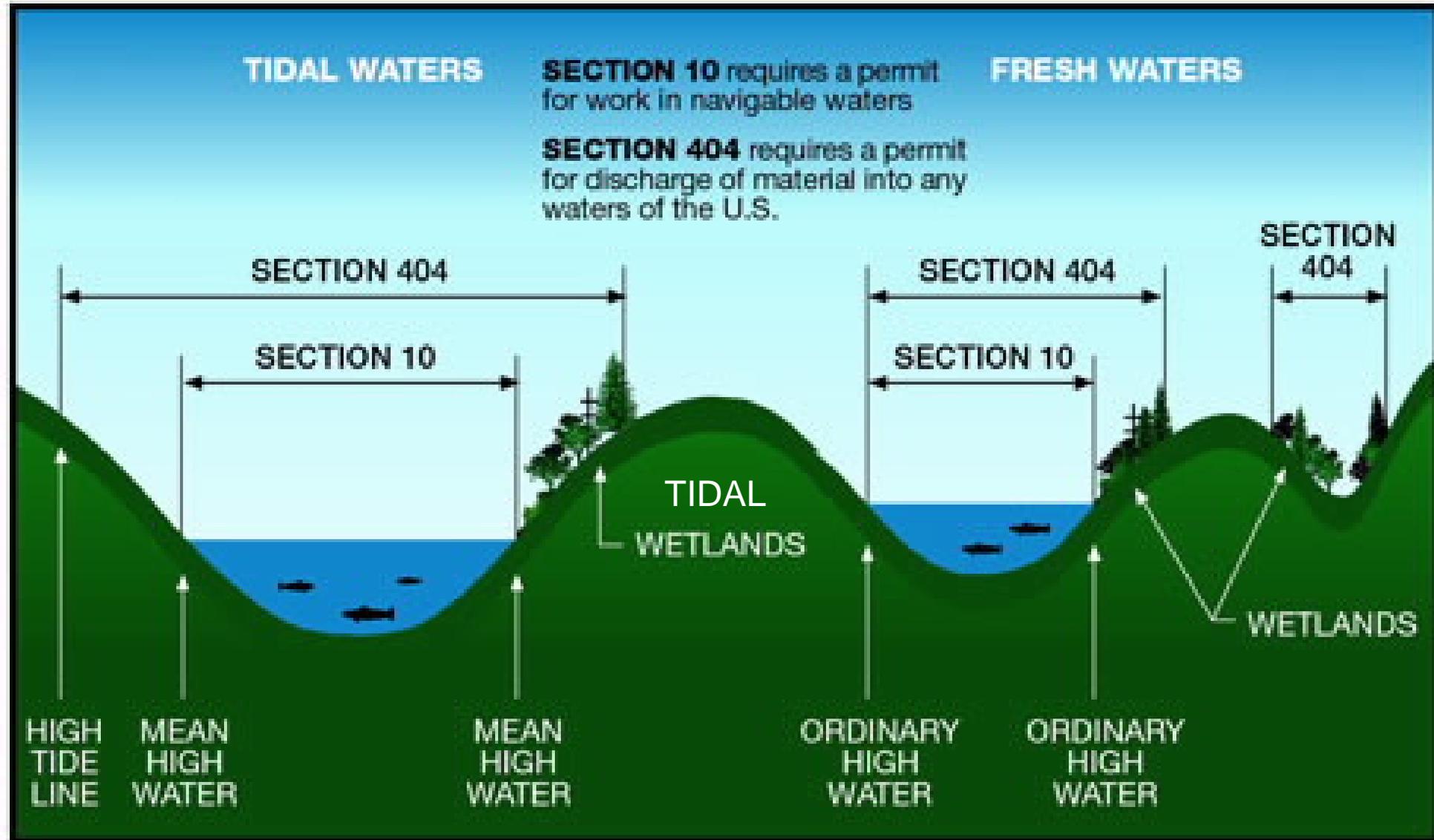
HIGH  
TIDE  
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MEAN  
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MEAN  
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WATER

ORDINARY  
HIGH  
WATER

ORDINARY  
HIGH  
WATER



# GEOGRAPHIC JURISDICTION – TYPES OF WATERS OF THE U.S.

- 1. Traditionally Navigable Water (TNW)
- 2. Relatively Permanent Water (RPW)
- 3. **Non-RPW\***
- 4. Abutting and **Adjacent\*** Wetlands



**\*Significant nexus- To demonstrate a physical, chemical, or biological connection to TNW**



# NOT CONSIDERED WATERS OF THE U.S.

1. Isolated Wetlands
2. Upland drainages
3. Non-RPW's and adjacent wetlands without a significant nexus
4. Waste treatment systems:
  - E.g. lagoons and treatment ponds, etc.



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# TYPES OF PERMITS

## General Permits

- Nationwide Permits
  - 151 actions completed in the last 12 months
  - Most common action is a NWP 3 Maintenance
- Regional General Permits
- Corps typical processing time is 60 days

## Standard Permits

- Individual Permits
- Letters of Permission
- Corps typical processing time is 120 days



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# WHEN DO YOU NEED A PERMIT?

- In TIDAL waters (ocean, harbor, stream mouth, etc.)
  - STRUCTURES AND WORK
    - Examples: Construction or installation of piers, wharves, bulkheads, dolphins, marinas, ramps, floats, overhanging decks, buoys, boat lifts, intake structures, outfall pipes, and cable or pipeline crossings.
      - Dredging and excavation.
      - Overhead transmission lines, tunnels, or directional bore holes. (**Section 10**, Rivers & Harbors Act of 1899)



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# WHEN DO YOU NEED A PERMIT?

In **TIDAL & FRESH** waters  
(Tidal waters, streams, channels,  
drainage ditches, wetlands, etc.)

- **DISCHARGE OF FILL,  
DREDGED, OR  
EXCAVATED MATERIAL**
  - temporary AND permanent
  - Examples: sandbag berm for stream diversion, mechanized pushing of sediment in unlined stream, construction of in-water access/staging, mechanized veg removal that disturbs roots
  - **(Section 404 & Section 10 overlap)**



# NO PERMIT REQUIRED

1. Activities in uplands
2. Non-regulated Activities
3. Section 404(f) Exemptions (Does not apply to work in Section 10 Waters)



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## NWP-3 MAINTENANCE

**Key Points:** repair, rehabilitate, removal or replacement of previously authorized serviceable structure or fill

### **NWP-3 allows**

- minor deviations
- Removal of accumulated sediments limited to the minimum necessary to restore the waterway but cannot extend farther than 200 feet in any direction and must be disposed of at upland location
- Authorizes temporary structures, fills and work

**NWP-3 DOES NOT allow:** maintenance dredging for purpose of navigation or new stream channelization or stream relocation projects



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# MAINTENANCE EXEMPTIONS

- Exemption: No Permit Required under Section 404 only\*
  - IF: no change to character, scope or size of original fill design
  - Examples:
    - Debris/sediment removal using a bulldozer that pushes sediment around an existing concrete lined channel to remove → No Permit Required
    - Replacing dislodged stones from breakwater to restore to previous design → No Permit Required
  - \*However, **PERMIT REQUIRED UNDER SECTION 10 IF MAINTENANCE WORK IS IN TIDAL WATERS**



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# HOW TO GET A PERMIT

Online Application at:

<http://www.poh.usace.army.mil/Missions/Regulatory/>

- Submit via email to  
**CEPOH-RO@usace.army.mil**
- Questions? Call: **808-835-4303**

**\*\*PRE-APPLICATION CONSULTATION  
MEETING\*\***



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# Questions?



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