



REGULATORY PROGRAM PERMIT REQUIREMENTS FOR EMERGENCY FLOOD REPAIR WORK

U.S. ARMY CORPS OF ENGINEERS

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Flooding is the most common natural disaster in the United States. During flood emergencies, the U.S. Army Corps of Engineers will do all they can to streamline permit coordination with other federal, state and local agencies and the public. If you need assistance during a flood event, first contact your local emergency management agency. People who want to do in-water work for flood protection and repair flood damage following flooding may need to obtain a Department of the Army (DA) permit for their work. However, some limited repair and maintenance activities do not require a permit.



The Walla Walla District of the U.S. Army Corps of Engineers administers the Regulatory Program in the State of Idaho under Section 404 of the Clean

Water Act and Section 10 of the Rivers and Harbors Act of 1899. Under these laws, a permit is required for most construction activities in waterways and wetlands. These include lakes and ponds, as well as intermittent and perennial rivers, streams, and creeks. The following information describes if a DA permit is required for common flood protection and repair work in Idaho.

Placement of Fill: A DA permit is required for placing dredged (excavated) or fill material below the ordinary high water mark of a waterway or in wetlands which includes the redistribution of material from bulldozing. Fill material must be clean, free of toxic pollutants, and not consist of trash, debris, car bodies, asphalt, broken concrete, etc.

Work in Uplands: The Corps does not need to be contacted for work conducted above the ordinary high water mark and outside of wetland areas. A DA permit is not required to place sandbags in uplands around a house or other structure that is threatened by floodwater, or constructing dikes or levees above the ordinary high water mark and outside of wetland areas.

Removal Activities: Permits are not required (section 404 waters only) when front-end loaders, or similar bucket-type equipment, are used for emergency removal of gravel, fallen trees and other minor debris that may cause bank erosion or flooding, provided the excavated material is placed in an upland. Removal activities conducted with a bulldozer or removal of large debris piles, however, may require a permit and should be coordinated with our Regulatory staff. Wholesale channel clearing, cleaning, and relocation most likely will require an individual permit application and such activities are discouraged. In addition, high flow channels and wetlands, which can carry or store floodwaters, should not be blocked off. All material removed must be disposed of in an upland location and not disposed of in waterways or wetlands. Work within a section 10, traditional navigable water requires a permit for any activity conducted over, within, and under.



Exemptions: Certain types of work are exempt from permit requirements unless located in navigable waters. Among these is repair of existing dikes, dams, levees, riprapped banks, breakwaters, causeways, bridge abutments, and roadways damaged by recent flooding, if there is no change from the original design.

In addition to the exempt activities listed above, there are several nationwide permits that authorize minor activities in waterways. Nationwide Permit 13 "Bank Stabilization" authorizes bank protection projects such as placing rock riprap or bioengineering methods along a riverbank or

shoreline. To qualify for this nationwide permit, the rock or bio-material must be placed at the point of erosion. Nationwide Permit 3 "Maintenance" authorizes the excavation of gravel and debris in the immediate vicinity (not farther than 200 feet) of bridges, culverts or other structures to restore the waterway to the approximate dimensions that existed when the structure was built. The excavated material must be disposed of in an upland location where it cannot reenter the waterway. If you are unsure that your work qualifies for a nationwide permit, it is recommended that you contact your local Corps Regulatory office.

It is important to remember that work projects proposed in areas where federally listed endangered or threatened species occur are not authorized until consultation is completed with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service. In emergency situations, this process may be expedited by using emergency consultation procedures. There also may be regional and water quality certification conditions that apply. A free information packet that explains permit requirements and an application form is available on the Corps' website at www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/Joint-Application-for-Permit.

The Idaho Department of Water Resources (IDWR) may also require a permit for work below the ordinary high water mark of perennial streams and rivers. For their permit requirements, contact their office in Coeur d'Alene at 208-762-2800, in Boise at 208-287-4800, or in Idaho Falls at 208-525-7161. The Corps of Engineers and IDWR will cooperate to expedite permit applications for all flood work.

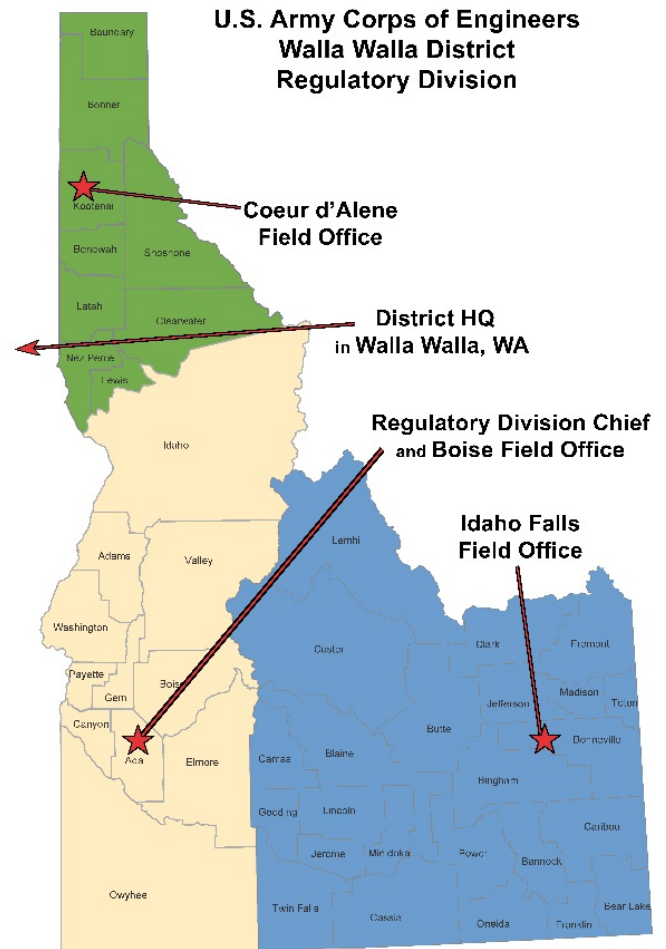
Because of the variety and complexity of potentially applicable state and federal requirements, we recommend contacting the Corps Regulatory office nearest you for information about permit requirements relating to your specific situation. Regulatory project managers are located in field offices in Coeur d'Alene, Boise, and Idaho Falls, as well as our office at the District Headquarters in Walla Walla, Washington. Our staff makes every effort to expedite required permits. Many Regulatory issues can be resolved by telephone, some with little or no paperwork. In some cases, a Regulatory project manager may be available to meet on-site to inspect problems and discuss permit requirements.

For work in Boundary, Bonner, Kootenai, Shoshone, Benewah, Latah, Clearwater, Nez Perce, and Lewis counties, contact the Coeur d'Alene Regulatory Office at 208-433-4474, 208-433-4476, or 208-433-4475. The Regulatory Office in Coeur d'Alene is located at 1910 Northwest Boulevard, Suite 210.

For work in Idaho, Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, and Owyhee counties, contact the Boise Regulatory Office at 208-433-4462, 208-433-4470, 208-433-4469, or 208-433-4471. The Regulatory Office in Boise is located at 720 East Park Boulevard, Suite 245.

For work in Camas, Blaine, Minidoka, Cassia, Gooding, Lincoln, Jerome, Twin Falls, Lemhi, Custer, Butte, Clark, Fremont, Jefferson, Madison, Teton, Bingham, Bonneville, Power, Oneida, Bannock, Caribou, Franklin, and Bear Lake counties, contact the Idaho Falls Regulatory Office at 208-522-1645 or 208-522-1676. The Regulatory Office in Idaho Falls is located at 900 North Skyline Drive, Suite A.

For more information about the Corps' administration of the Regulatory Program in Idaho, visit our webpage at www.nww.usace.army.mil/Business-With-Us/Regulatory-Division.



**U.S. ARMY CORPS OF ENGINEERS – WALLA WALLA DISTRICT
REGULATORY DIVISION**

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