

# Permitting Considerations for Reservoir Habitat Improvements

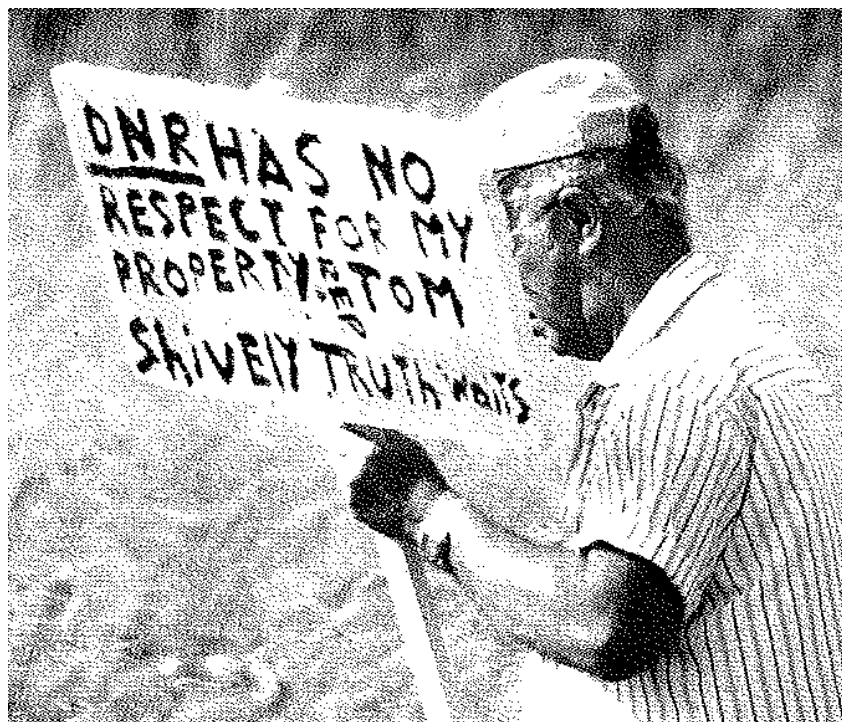
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# Locust Creek Logjam Deadlocks Dialogue



May 7, 2010

Subject: Excess flooding in Linn County Missouri, Due to DNR & Pershing State Park.

Dear Mr. President,

Hello, and my husband and I think you are doing a great job and we commend you on your accomplishments. I am extremely excited about the health

# OBJECTIVES

1. Bring awareness to potential permitting issues associated with habitat projects (eg. Rock, vegetation, and brush piles)
2. Guide you to helpful resources
3. Streamline your planning process

# Why worry about permitting?

## 1. Water is valuable.



# Why worry about permitting?

1. Water is valuable.
2. Water is vulnerable.





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# Why worry about permitting?

1. Water is valuable.
2. Water is vulnerable.
3. It's the law and it has consequences.



# Why worry about permitting?

1. Water is valuable.
2. Water is vulnerable.
3. It's the law and it has consequences.
4. It forces important conversations.

# Permitting Issues

- Water quality
- Navigation hazards and safety
- Fill in wetlands
- Species of conservation concern
- Historic preservation

# “How did the Army get involved ?”

- Rivers and Harbors Act of 1899 (protects navigation)
  - Prohibits unauthorized obstructions to navigation
  - Regulates work in and structures over/under/through navigable waters
- Section 404 of the Clean Water Act (protects the resource)
  - Regulates the discharge of dredged and or fill material into all waters of the United States, including wetlands

# The Federal Clean Water Act

- Section 401- Requires a state water quality certification (Often triggered by the 404 application)
- Section 404 – Requires a permit before dredged or fill material may be discharged into waters of the United States.
- Standard permits include:
  - Individual Permit
  - Letter of Permission

- Regional General Permits
  - #8 for Boat Ramps and Minor Facilities
- Nationwide Permits



# 2017 Nationwide Permits

- **NWP 4 – Fish and Wildlife Harvesting, Enhancements, and Attraction Devices and Activities**

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- **NWP 13 – Bank Stabilization**

# 2017 Nationwide Permits

- NWP 4 – Fish and Wildlife Harvesting, Enhancements, and Attraction Devices and Activities.
- NWP 13 – Bank Stabilization
- **NWP 27 – Aquatic Habitat Restoration, Enhancement and Establishment Activities**



# 2017 Nationwide Permits

- NWP 4 – Fish and Wildlife Harvesting, Enhancements, and Attraction Devices and Activities: Not applicable to habitat projects!
- NWP 13 – Bank Stabilization
- NWP 27 – Aquatic Habitat Restoration, Enhancement and Establishment Activities
- **NWP 53 – Removal of Low-Head Dams**

# 2017 Nationwide Permits

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- NWP 27 – Aquatic Habitat Restoration, Enhancement and Establishment Activities
- NWP 53 – Removal of Low-Head Dams
- **NWP 54 - Living Shorelines**

# U.S. Army Corps of Engineers (USACE), Fort Worth District Pre-Application Meeting Request



<b>Box 1 Basic Project Information</b>		Date:
Project Name:		
City	County	State
Total Size of Property in Acres	Latitude (NAD 83, DD.ddddd)	Longitude (NAD 83, -DD.ddddd)
<b>Box 2 Property Owner Name</b>		Email
Mailing Address		Phone
<b>Box 3 Applicant Name</b>		Email
Mailing Address		Phone
<b>Box 4 Agent Name</b>		Email
Mailing Address		Phone
<b>Box 5 Information Required to Accompany Request - check as much information as is available:</b>		
Project Description: Provide a brief summary of the proposed project including development plans, size in acres, potential impacts to Waters of the U.S., existing land use/cover, etc.:		
Project Purpose:		
Accurate Location Maps (from County map, USGS Quad Sheet, Aerial Photos, etc.) Map of the Project Site Conceptual Site Plans for the Overall Development Approximate acreage of wetland impact:            acres. Approximate linear feet of stream impact:           linear feet. Impact Type: (e.g., Forested Wetland, Emergent Wetland, Intermittent Stream, etc.) Pre-Application Meeting Agenda		



# Species of Conservation Concern

Endangered Sp (ESA)  
or  
Invasive SP



# State Issues

- Section 401 of the Clean Water Act (requires a State Water Quality Certification)
- Approved Aquatic Species List
- State Historic Resources (SHPO)
- Drinking water regulations



# Federal and State Listed Species in Texas

In Texas, animal or plant species of conservation concern may be listed as threatened or endangered under the authority of the U.S. Endangered Species Act (ESA). Species may be listed as state threatened or endangered and not federally listed. The status of the species within Texas. A federal listing means a species is in danger of extinction throughout all or a significant portion of its range. Federal listings encompass several other states or nations.

Candidate species are those organisms the U.S. Fish and Wildlife Service (USFWS) has sufficient information on to propose listing under the ESA but development of a proposed listing regulation is precluded by other higher priority listing activities. Candidate species receive no statutory protection. The links below provide information on species moving through the federal listing process.

[Species Protection Basics](#)

[Private Landowner Tools](#)

[Private Lands D](#)

## Nongame and Rare Species Program

- Home
- Texas Conservation Action Plan
- [Federal and State Listed Species](#)
- Species of Greatest Conservation Need

## All Federal and State Listed Animal and Plant Species

- [Federally Listed, State Listed, and Candidate Species in Texas \(02.15.2018\)](#)

## Species Pending Federal Review in Texas

- [Overview of Species Pending Federal Review in Texas \(03.12.2018\)](#)

## Federal and State Listed Species by Taxonomic Group



[Home](#) > [Project Review](#) > National Historic Preservation Act

# National Historic Preservation Act

**eTRAC**

*electronic THC review and compliance*

## New eTRAC system for streamlined reviews

The [National Historic Preservation Act](#) (NHPA) of 1966, as amended, requires that federal agencies take into account the effects of their undertakings on historic properties. In addition to direct actions of the federal government, federal undertakings are projects involving a permit or license, funding, or other assistance or approval from a federal agency. Section 106 of the NHPA and its implementing regulations at [36 CFR Part 800](#) lay out review procedures that ensure historic properties are considered in federal planning processes.

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- [M](#)
- [Anti](#)
- [Find](#)  
[Pres](#)
- [How](#)

# Local Issues







Questions?

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