



**US Army Corps
Of Engineers**

Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Information Paper

Permit Requirements for Emergency
Flood Repair Work

April 11, 2006

This year's snow pack may increase the possibility for minor flooding this spring. 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 permit for their work. However, some limited repair and maintenance activities do not require a permit. The purpose of this notice is to tell you what minor activities do not need our permit and how to get a permit from the Corps of Engineers if one is needed. An application form and other permit information may be obtained by visiting our Internet web site at: <http://www.nww.usace.army.mil/html/offices/op/rf/rfhome.htm> .

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.

During flood emergencies, we will do all we can to streamline permit coordination with other federal, state and local agencies and the public. We have a staff of eight project managers located in field offices in Coeur d'Alene, Boise, and Idaho Falls as well as our District office in Walla Walla. The following information describes our permit requirements for common flood protection and repair work in Idaho. We are also available to answer your questions on specific projects not mentioned below. In some cases, we are available to meet on-site to inspect problems and discuss permit requirements.

- A Corps permit is required for placing dredged (excavated) or fill material below the ordinary high water mark of a waterway or in wetlands. A Corps permit is also required for bulldozing gravel or other material below the ordinary high water mark or in wetlands.
- The Corps does not need to be contacted for work conducted above the ordinary high water mark and outside of wetland areas. A Corps permit is not required to place sandbags in uplands around a house or other structure that is threatened by floodwater, or to construct dikes or levees above the ordinary high water mark and outside of wetland areas.
- Permits are not required 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. In general, debris should not be disposed in the waterway, high flow

channels or wetlands. Removal activities conducted with a bulldozer or removal of large debris piles, however, require a permit and should be coordinated with our Regulatory staff. Wholesale channel clearing, cleaning and relocation most likely require an individual permit application and is 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 in waterways or wetlands.

- 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 authorizes bank protection projects such as placing rock riprap along a riverbank or shoreline. To qualify for this nationwide permit, the rock must be placed at the point of erosion. Nationwide Permit 3 authorizes the excavation of gravel and debris in the immediate vicinity (not further 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 a location where it cannot reenter the waterway. However, 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 or the National Marine Fisheries Service. In emergency situations however, this may be expedited by using emergency consultation procedures. In addition, there may be regional and water quality certification conditions that may apply. Because of this, we recommend that you contact us for permit requirements relating to your specific situation. Your questions may be answered over the telephone with little or no paperwork. We will make every effort to expedite required permits. A free information packet that explains permit requirements and an application form is available on the Corps Internet web site. For further information or to request this packet, please contact the Corps office nearest you as listed below.

For work in Boundary, Bonner, Kootenai, Shoshone, and Benewah counties, contact Mr. Gregg Rayner, Mr. Mike Doherty, or Ms. Beth Reinhart at the Coeur d'Alene Regulatory Office at 208-765-7256, 208-765-7237, or 208-765-7440, respectively. Their address is Coeur d'Alene Regulatory Office, Corps of Engineers, 3815 Schreiber Way, Coeur d'Alene, Idaho 83814-8363.

For work in Latah, Nez Perce, Lewis, Clearwater, and Idaho counties contact Mr. Duane Mitchell at the Walla Walla District Office at 509-527-7156. His address is at the top of this public notice.

For work in Adams, Valley, Washington, Payette, Gem, Boise, Canyon, Ada, Elmore, and Owyhee counties, contact Mr. Greg Martinez or Mr. Eric Gerke at the Boise Regulatory Office at 208-345-2154 or 208-345-2286, respectively. The address is Boise Regulatory Office, Corps of Engineers, 304 North 8th, Room 140, Boise, Idaho 83702-5802.

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 Mr. Rob Brochu or Mr. James Joyner at the Idaho Falls Regulatory Office at 208-522-1645 or 208-522-1676, respectively. Their address is Idaho Falls Regulatory Office, Corps of Engineers, 900 Skyline Drive, Suite A, Idaho Falls, Idaho 83402-1718.

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 208-769-1450, Boise at 208-334-2190, Twin Falls at 208-736-3033, or Idaho Falls at 208-525-7161. The Corps of Engineers and IDWR will cooperate to expedite permit applications for all flood work.

/signed/
A. Bradley Daly
Chief, Regulatory Division