

Activities Requiring Department of the Army Permits

The following listed activities, given in 33 CFR Parts 320 - 330, normally require Department of the Army (DA) permits. Applicable authorities are shown in italics following each listed activity. Certain specific categories of activities may be exempted or permitted by nationwide general permits or regional general permits. For information regarding exemptions, nationwide permits, or regional permits, contact the applicable Office shown below.

1. Dikes and/or dams in navigable waters of the United States. *Section 9, Section 404*
2. Structures and/or work in or affecting navigable waters of the United States. *Section 10*
3. The discharge of dredged or fill material into waters of the United States. *Section 404*
4. Structures or work outside the limits of navigable waters of the U. S., if these activities affect the course, location, or condition of the waterbody in such a manner as to impact on its navigable capacity. *Section 10*
5. The transportation of dredged material for the purpose of dumping it in ocean waters. *Section 103*
6. A tunnel or other structure or work under or over a navigable water of the United States. *Section 9 or 10*
7. The construction of artificial islands, installations, and other devices on the seabed, to the seaward limit of the outer continental shelf, pursuant to the Outer Continental Shelf Lands Act as amended. *Section 10*
8. Structures for small boats including; piers, boat docks, moorings, platforms and similar structures in navigable waters of the United States. *Section 10*
9. Aids to navigation, including fixed and floating aids, in a navigable water of the United States. *Section 10*
10. A canal or other artificial waterway is subject to regulation if it constitutes a navigable water of the United States, or if it is connected to navigable waters of the United States in a manner which affects their course, location, condition, or capacity, or if at some point in its construction or operation it results in an effect on the course, location, condition, or capacity of navigable waters of the United States. *Section 10*
11. The connection to navigable waters of the United States. *Section 10*
12. Power transmission lines crossing navigable waters of the United States unless those lines are part of a water power project subject to the regulatory authorities of the Department of Energy under the Federal Power Act of 1920. *Section 10*
13. Structures in navigable waters of the United States associated with seaplane operations. *Section 10*
14. The landing or operation of submarine cables when the activity affects navigable waters of the United States or involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of dumping it into ocean waters. *Section 10, Section 404*
15. The construction, operation, maintenance, or connection of facilities at the borders of the United States which affects the navigable waters of the United States or involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of dumping it into ocean waters. *Section 10, Section 404*
16. Structures located within shipping safety fairways and anchorage areas established by the U. S. Coast Guard. The Department of the Army will grant no permits for the erection of structures in areas designated as fairways, except that district engineers may permit temporary anchors and attendant cables or chains for floating or semisubmersible drilling rigs to be placed within a fairway under certain conditions. *Section 10*
17. If any discharge of dredged or fill material resulting from the exempted activities listed in 33 CFR Part 323.4 paragraphs (a)(1)-(6) contains any toxic pollutant listed under section 307 of the CWA such discharge shall be subject to any applicable toxic effluent standard or prohibition, and requires a DA permit. *Section 404*
18. Any discharge of dredged or fill material into waters of the United States incidental to any of the exempted

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activities identified in 33 CFR Part 323.4 paragraphs (a)(1)-(6) must have a DA permit if it is part of an activity whose purpose is to convert an area of the waters of the United States into a use to which it was not previously subject, where the flow or circulation of waters of the United States may be impaired or the reach of such waters reduced. Where the proposed discharge will result in significant discernible alterations to flow or circulation, the presumption is that flow or circulation may be impaired by such alteration. For example, a permit will be required for the conversion of a cypress swamp to some other use or the conversion of a wetland from silvicultural to agricultural use when there is a discharge of dredged or fill material into waters of the United States in conjunction with construction of dikes, drainage ditches or other works or structures used to effect such conversion. A conversion of a Section 404 wetland to a non-wetland is a change in use of an area of waters of the United States. A discharge which elevates the bottom of waters of the United States without converting it to dry land does not thereby reduce the reach of, but may alter the flow or circulation of, waters of the United States. *Section 404*

Notes and Definitions

Bridges and causeways above or in Navigable Waters of the United States may require a Section 9 permit from the U. S. Coast Guard in addition to a Section 404 permit from the Army Corps of Engineers. It is advisable to contact both of these agencies for a determination of permit requirements.

Dredged material is defined at 33 CFR 323 to mean material that is excavated or dredged from waters of the U. S.

Discharge of dredged material is defined at 33 CFR 323 to mean any addition of dredged material into, including any redeposit of dredged material within, the waters of the United States. The term includes, but is not limited to, the following:

- (i) the addition of dredged material to a specified discharge site located in waters of the United States;
- (ii) the runoff or overflow from a contained land or water disposal area; and
- (iii) any addition, including any redeposit, of dredged material, into waters of the United States which is incidental to any activity, including mechanized land clearing, ditching, channelization, or other excavation.

The term does not include certain specified discharges and activities (see 33 CFR 323 for listing and discussion).

Fill material is defined at 33 CFR 323 to mean any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a waterbody. The term does not include any pollutant discharged into the water primarily to dispose of waste.

Section 9 means Section 9 of the Rivers and Harbors Act of 1899.

Section 10 means Section 10 of the Rivers and Harbors Act of 1899.

Section 404 means Section 404 of the Clean Water Act (CWA).

Section 103 means Section 103 of the Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972.

For further information or to obtain an application form contact:

For Activities in South Carolina

The U. S. Army, Corps of Engineers
Charleston District
P. O. Box 919
Charleston, South Carolina 29402

For Activities in Georgia

The U. S. Army, Corps of Engineers
Savannah District
P. O. Box 889
Savannah, Georgia 31402

For Activities in North Carolina

The U. S. Army, Corps of Engineers
Wilmington District
P. O. Box 1890
Wilmington, North Carolina 28402

For Activities in Florida

The U. S. Army, Corps of Engineers
Jacksonville District
P. O. Box 4970
Jacksonville, Florida 32201