

Pond Management: The Corps' Perspective

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US Army Corps of Engineers
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Q: What is the Corps' role pond management?



A: If a pond is determined to be **jurisdictional** and **regulated** by the Corps, then **certain activities** conducted in the pond may require **authorization** from the Corps.



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Corps Permit Authorities

■ **Section 10** of the Rivers and Harbors Act

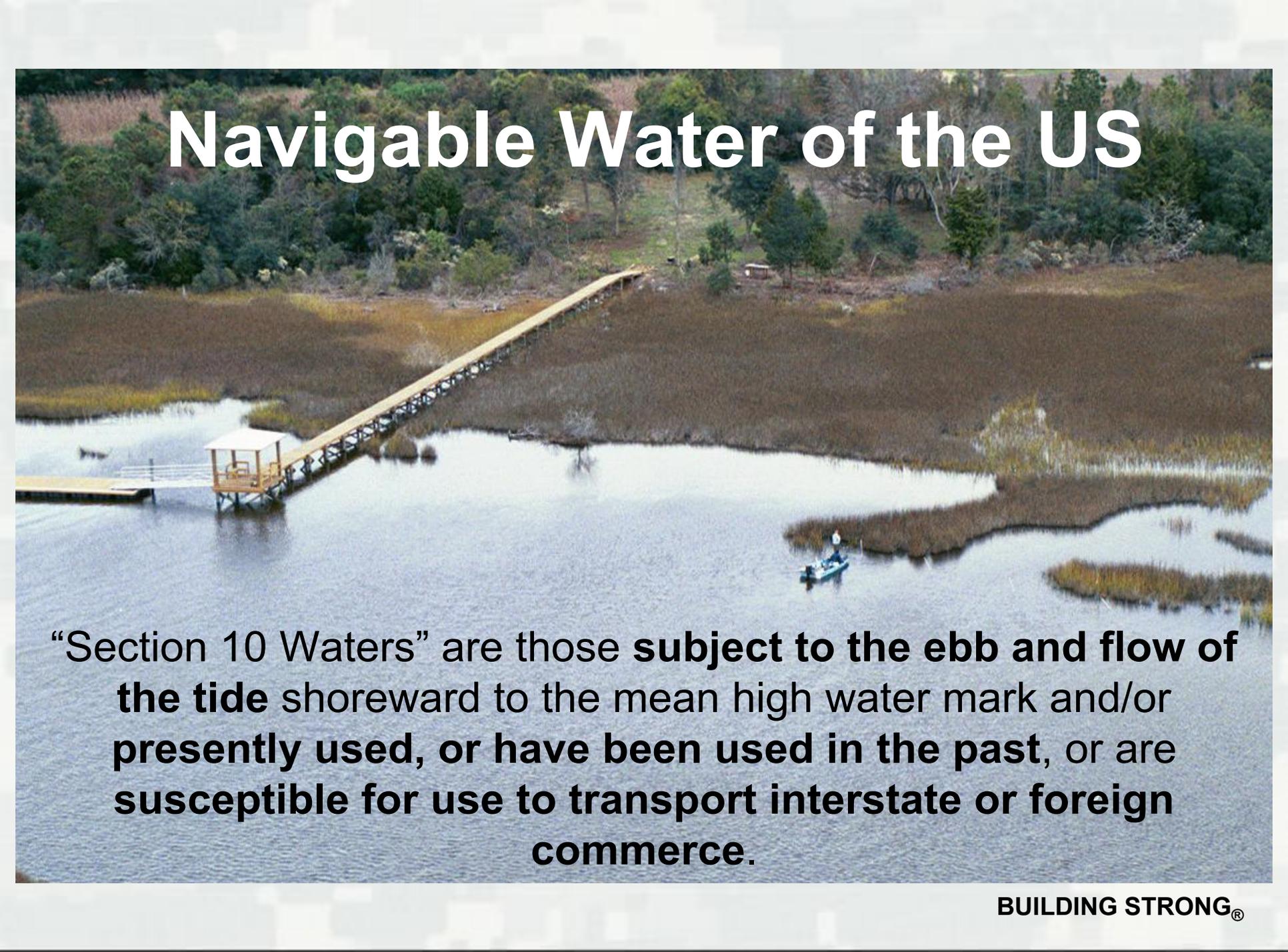
- ▶ Requires a Department of the Army Permit for any structure or work that affects the **course, location, condition, or capacity** of any **navigable water of the United States**.

■ **Section 404** of the Clean Water Act

- ▶ authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits, after notice and opportunity for public hearing, for the **discharge of dredged or fill material into the waters of the United States** at specified disposal sites.



Navigable Water of the US



“Section 10 Waters” are those **subject to the ebb and flow of the tide** shoreward to the mean high water mark and/or **presently used, or have been used in the past, or are susceptible for use to transport interstate or foreign commerce.**

Waters of the US

“Section 404 Waters” include:

- (1) Navigable waters of the US
- (2) All interstate waters including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, **wetlands**, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds...
- (4) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (5) Tributaries of waters identified in paragraphs (s)(1) through (4) of this section;
- (6) The territorial sea;
- (7) **Wetlands** adjacent to waters



Q: How do I know if a pond is regulated by the Corps?

A: Obtain a **Jurisdictional Determination (JD)** from the Corps.



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A **Jurisdictional Determination** (JD) is a two step process of

- ▶ 1) identifying and locating wetlands and waters of the US on a site and
- ▶ 2) determining if those areas are regulated by the Corps under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act



To Obtain a JD from the Corps:

- A property owner or agent acting on behalf of a property owner must submit a **Jurisdictional Determination Request Form** with the following information:
 - ▶ Accurate Location Map
 - ▶ Copy of survey plat or tax map of property
- The Request must be mailed or hand-delivered to the Corps



U.S. Army Corps of Engineers – Charleston District - Regulatory Division
JURISDICTIONAL DETERMINATION REQUEST
For Identifying Waters of the U.S., Including Wetlands and Tributaries

Project Name: _____ Date: _____

County: _____

Total Acreage of Tract: _____

Property Owner : _____

Address: _____

Address: _____

Phone: _____

Email: _____

Agent: _____

Address: _____

Address: _____

Phone: _____

Email: _____

Information Required to Accompany Request - Check the items submitted - forward as much information as is available. At a minimum, the first two items must be forwarded:

- Accurate Location Maps (from County Map, USGS Quad Sheet, etc.)
- Survey Plat or Tax Map of the Property in Question
- Soil Survey Sheet (from USDA-NRCS) or Aerial Photo (from County Assessor's Office or other source).
Property boundaries should be shown on the soil survey / photo.
- Topographic Survey
- Conceptual Site Plan for the Overall Development
- Description of the proposed use of the property (residential, commercial, industrial, silvicultural, agricultural, etc.)
- Status of the project (on-going site work for development, development in planning stages, no plans at this time, etc.)

Type of Determination Requested - Choose one:

- Preliminary – Preliminary determinations will identify whether wetlands or other waters are present on the site and will presume that they are jurisdictional. This type of determination is likely to be made more quickly and require less information be submitted.
- Approved – Approved determinations will identify whether wetlands or other waters are present on the site and will include a determination of their jurisdictional status. This type of determination is likely to take longer and require more detailed information be submitted.

IMPORTANT NOTE: Legible printed name and signature required. The person signing this form must be the present property owner or have the specific authority of the property owner to authorize Corps of Engineers employees or their agents to enter onto the property for on-site investigations if such is deemed necessary. Do not sign this form unless you are the owner, or have the specific authority of the property owner.

PRINTED NAME of person signing this form, below: _____

Signature of Property Owner or Authorized Agent: _____

HQ and South Branch
69-A Hagood Avenue
Charleston, SC 29403
843-329-8044

Northeast Branch
1949 Industrial Park Rd, Room 140
Conway, SC 29526
843-365-4239

Northwest Branch
1835 Assembly St., Room 865-B1
Columbia, SC 29201
803-253-3444

Copies of this form may be obtained at: http://www.sac.usace.army.mil/assets/pdf/regulatory/permits/request_jurisdictional_determination_form.pdf



Q: What type of activities are regulated by the Corps?

A: Activities that involve the **discharge or placement of fill material** such as dirt or rocks, into a jurisdictional area.



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Q: What activities are NOT typically regulated by the Corps?

A: Excavation as long as the material is disposed of in an upland & no discharge of material occurs (does not apply to Section 10 waters)

- cutting or mowing of vegetation
- non-mechanized clearing (leaving roots intact in soil)
- removal of vegetation with herbicides



Q: What happens if the pond is jurisdictional but the activity is NOT regulated?

A: Then no authorization from the Corps is required for the work. A **No Permit Required** letter may be requested.



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To Obtain a NPR from the Corps:

- Submit a letter to the Corps requesting a **No Permit Required** letter and include the following information:
 - ▶ Contact information
 - ▶ Location map of the project area
 - ▶ Written description of the activity
 - ▶ Drawings if applicable/available
- The Corps will provide a letter confirming that the activity is not regulated and no permit is required or will indicate that a permit is necessary.



- The two common types of permits that may apply to pond management activities are **Nationwide Permits** and **Standard Permits**.

- Nationwide Permits (NWP) authorize specific activities such as Maintenance (NWP 3) and Minor Discharges (NWP 18).

- Standard Permits are issued on a case by case basis for projects that do not qualify for any other type of permit.



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For Construction of New Ponds/Impoundments



First Step- Get a JD



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To apply for a Permit from the Corps:

- A property owner or agent (acting on behalf of a property owner) can submit a **Joint Federal and State Permit Application Form** for the proposed project.
- The Corps will review the proposed project and determine what type of permit will be required.





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Corps Contact Information

www.sac.usace.army.mil

Charleston Office: 843-329-8044

Conway Office: 843-365-4239

Columbia Office: 803-253-3444

General Questions- request to speak to the
“Project Manager of the Day”



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Questions?



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