

DREDGING AND PERMITTING: **SECTION 404 OF THE CLEAN WATER ACT**

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SECTION 404 OF THE CLEAN WATER ACT

Authorizes the discharge of dredged or fill material into a waters of the US



JURISDICTION

Geographic Jurisdiction

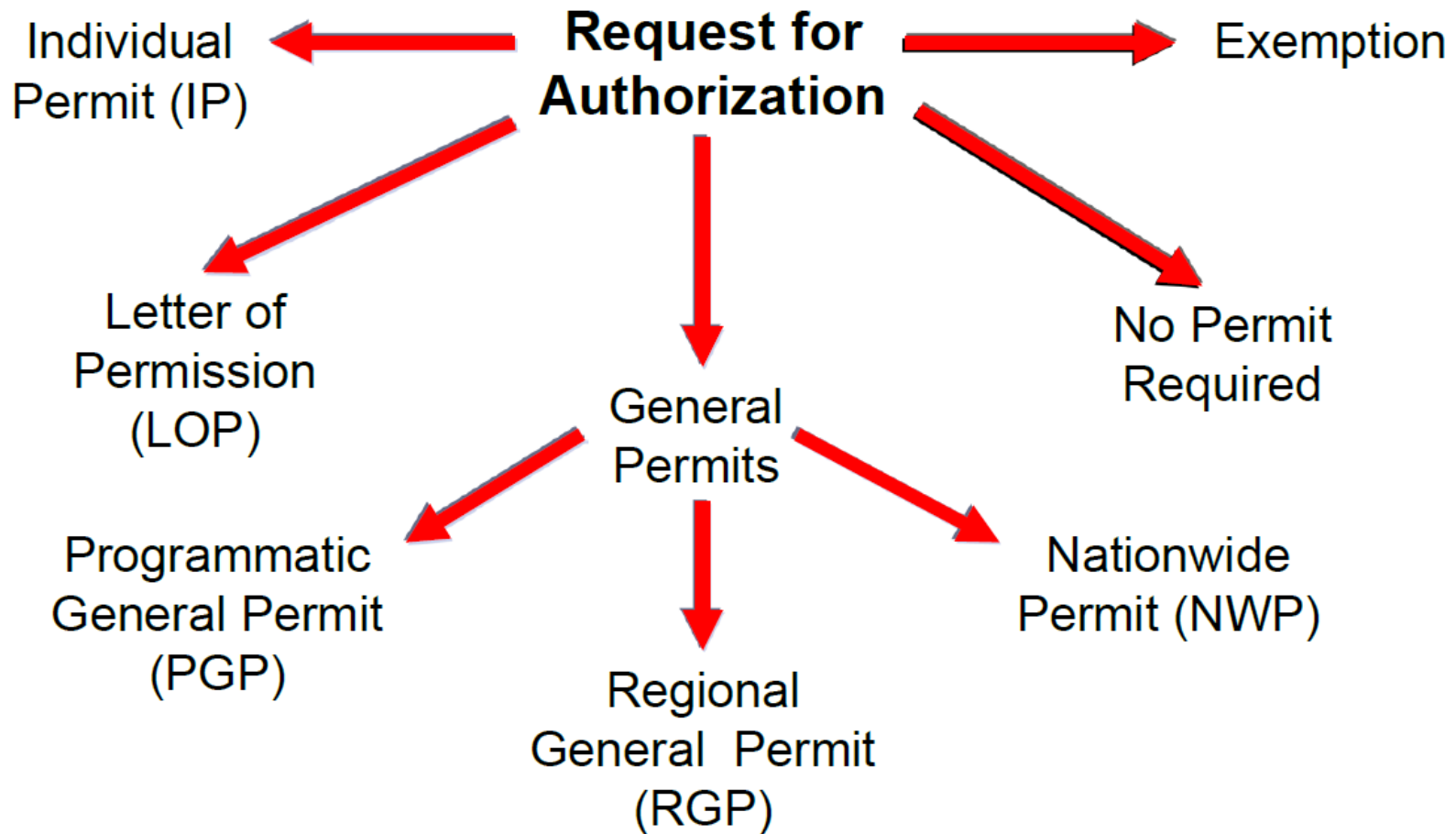
- Streams, wetlands, lakes, ponds, ditches/canals
- Rapanos Guidance
- Isolated Waters
- Preamble Waters

Regulatory Jurisdiction

- Based on activity
- Triggered by placement of fill material
- Exemptions



Section 404 Permit Structure



NO PERMIT REQUIRED

Excavation

- No placement of fill material
- Excavated material removed and placed in uplands
- No temporary fill for dewatering or access
- No pushing, stockpiling or reshaping material
- Incidental fallback
- Example: Strontia Springs

Regulatory Jurisdiction

- Based on activity
- Triggered by placement of fill material
- Exemptions



INDIVIDUAL PERMIT

- Public Notice
- Purpose
- Water Dependency
- Rebuttable Presumption
- 404(b)(1) guidelines
- Sequencing
- Alternatives Analysis
- LEDPA
- Compensatory Mitigation



IP PROJECT PURPOSE

Maintenance/Restoration of Volume

- Fairly straightforward
- Limited scope
- Sight specific
- Limited number of alternatives to consider due to cost
- #1 issue – wetland impacts

Water Supply

- Expanded volume
- Expanded scope
- Much larger range of alternatives
- Off-site/no fill alternatives in play



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Questions?

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