



The mission of the Corps of Engineer’s regulatory program is to protect the nation’s aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities occurring in the nation’s waters and wetlands. Corps permits are also necessary for any work, including dredging, in the nation’s navigable waters. The Corps makes permit decisions that recognize the essential value of the nation’s aquatic ecosystems, as well as the property rights of citizens who want to use their land. During the permit process, the Corps considers the views of other federal, state and local agencies, interest groups and the general public. The results of this careful public interest review are fair and equitable decisions that allow reasonable use of private property, infrastructure development and growth of the economy, while offsetting the authorized impacts to the waters of the United States. The adverse impacts to the aquatic environment are offset by mitigation requirements, which may include restoring, creating and preserving aquatic functions and values.

Section 10, Rivers and Harbors Act of 1899

The St. Paul District regulates structures and work in navigable waters of the United States under Section 10 of the Rivers and Harbors Act of 1899 and the discharge of dredged or fill material in waters of the U.S. under Section 404 of the Clean Water Act for the states of Minnesota and Wisconsin. With more than 10,000 lakes in Minnesota and a like number in Wisconsin, the district’s Section 404 permit program is second in the Corps of Engineers for its physical size. The office averages around 6,000 jurisdictional determinations each year.

Under Section 10, a Corps permit is required to do any work in, over or under a navigable water of the United States. Water bodies have been designated as navigable waters of the United States based on their past, present or potential use for transportation of interstate commerce. These waters include many of the nation’s larger rivers and lakes. Under this act, activities such as dredging and the construction of docks, bulkheads and utility lines may require a Corps’ review to ensure they will not cause an obstruction to navigation, and they are not contrary to the public interest.

Section 404, Clean Water Act

Under Section 404, a Corps' permit is required for the discharge of dredged or fill material into waters of the United States. Most water bodies and wetlands in the nation are subject to the Corps' Section 404 regulatory authority. Regulated discharges include filling wetlands for development, grading or pushing material around or within a wetland, disturbing wetland soil during land clearing, etc. The general rule is that for an activity to receive a 404 permit, it must comply with the Environmental Protection Agency's Section 404(b)(1) guidelines. These guidelines require the activity be the least environmentally damaging alternative that is feasible and that adverse impacts are avoided, then minimized and then compensated for (such as creating or restoring wetlands to replace those that would be filled). Activities must not be contrary to the public interest, as determined by federal guidelines. Early in 2000, the St. Paul District replaced all Corps' Section 404 nationwide permits across Minnesota and Wisconsin with a combination of statewide regional general permits and letter-of-permission evaluation procedures.

Obtaining a Corps Permit

Contact the Corps' regulatory officer for the county where the project is located as early as possible in the planning process. For a listing of regulatory officers, contact the Corps' at (651) 290-5375. The officer will provide further information and guidance on obtaining a permit.