



US Army Corps
Of Engineers®
Walla Walla District

REGULATORY Pocket Guide

2017

FOREWORD

The Department of the Army's Regulatory Program is one of the oldest in the Federal government. The Corps of Engineers has been regulating certain activities to protect waterways since 1890. Initially, the program served a straight forward purpose: to protect and maintain the navigable capacity of the nation's waters.

Changing public needs, evolving policy, court decisions, and new statutory mandates have changed several aspects of the program, including breadth, complexity and authority.

The Regulatory Program covers a wide variety of aquatic resources, including rivers, streams, wetlands, tidal waters, reefs, shellfish beds and oceans. The permit evaluation process results in permit decisions that balance the need for proposed development with protection of the nation's aquatic environment.

REGULATORY PROGRAM MISSION

The mission of the U.S. Army Corps of Engineers Regulatory Program is to protect the nation's aquatic resources, while allowing reasonable development, through fair, flexible, and balanced permit decisions.

DID YOU KNOW?

The Walla Walla District's Regulatory boundary covers the State of Idaho and consists of:

- A land area of 83,557 square miles
- Water surface area of 880 square miles
- 3,500 miles of river, more than any other state in the contiguous U.S.
- 93,000 miles of rivers and streams
- 8,941 named rivers and streams
- 1,478 named springs
- More than 2,000 lakes - 1,228 are named
- 3.3 million acres of irrigated land
- Threatened and endangered species, including salmon, steelhead, white sturgeon, bull trout, snail species, Canada lynx, grizzly bear, and caribou

Information from idwr.idaho.gov,
species.idaho.gov, and visitidaho.org.

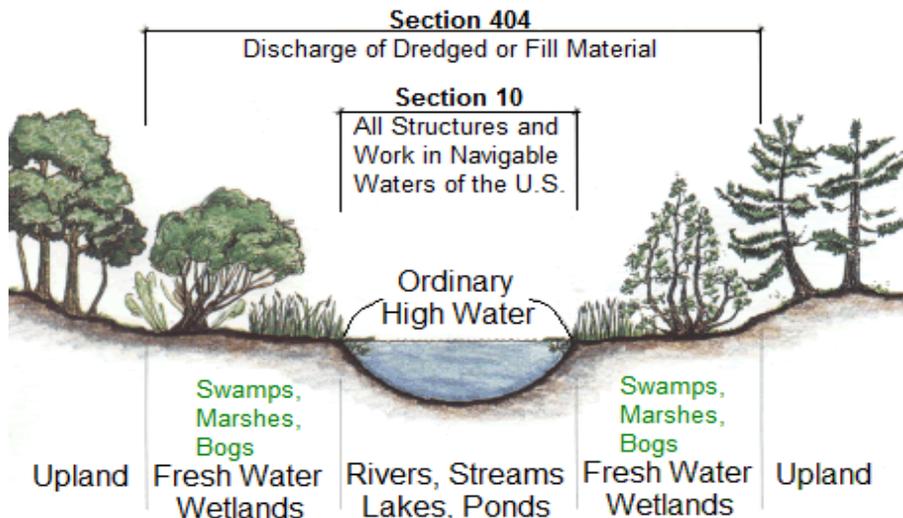
REGULATORY AUTHORITY

The Walla Walla District, Corps of Engineers is responsible for administering the Regulatory program in the State of Idaho. Project managers located in Regulatory offices across the state process permit applications for work that occurs in waters of the United States that are regulated by the Corps under:

1. Section 10 of the Rivers and Harbors Act (1890 & 1899)
2. Section 404 of the Clean Water Act

Examples of areas that may be within Corps jurisdiction:

- Rivers, streams, lakes, and ponds
- Swamps, marshes, and bogs
- Wetlands, including seasonally-saturated forested and non-forested wetlands



WATERS OF THE UNITED STATES

Waters of the United States include traditional navigable waterways, all wetlands adjacent to traditional navigable waters, non-navigable waters that are relatively permanent, and wetlands that directly abut such tributaries. Tributaries that flow intermittently and receive water from natural streams and lakes and that divert water to streams and creeks are considered jurisdictional waters of the United States. Non-relatively permanent waters are also waters of the United States, if they have a significant nexus to traditional navigable waters.

For more information visit our website at:
www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/

49 Slough, a water of the U.S.



TYPES OF PERMITS

Individuals seeking authorization pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act are required to submit a permit application to receive a determination from the Corps. Authorization can fall within several types of permits, but the two most common are general and individual permits.

GENERAL PERMITS

General permits include nationwide and regional permits. Activities that occur under a certain acreage or linear foot threshold and are determined to have minimal effect on the environment, both individually and cumulatively, may fall under a general permit. General permits are re-evaluated at least every five years, with a public notice requesting comments.

Pend Oreille River



INDIVIDUAL PERMITS

This type of permit is required for projects that exceed thresholds established in nationwide or regional general permits. Individual permits take longer to process since there is often more than a minimal effect on the environment.

For Standard Individual Permits, a public notice is issued to solicit comments from the public and other Federal, State, Tribal, and local agencies.

Based on public comments, policy, and potential environmental impacts, the project may be authorized as originally submitted or with modifications, including mitigation. The project may also be denied based on environmental impacts or because the project is determined to be contrary to the overall public interest.

WHAT IF I DID WORK WITHOUT A PERMIT?

Contact your local Regulatory Office to determine next steps. Often, work can be authorized under a general permit or an after-the-fact individual permit. Mitigation or restoration may be required. Depending on the magnitude of impacts, including impacts to threatened or endangered species, or critical habitat, a more formal enforcement process may be required.

WHO SHOULD APPLY FOR A PERMIT?

Anyone planning to work in or discharge dredged or fill material into waters of the United States, including wetlands, may require a permit from the Corps of Engineers. This includes any person, firm, or Federal, Tribal, State, or local government agency.

JOINT APPLICATION FOR PERMIT

The permit application outlines the purpose of the proposed project and what environmental impacts will occur. Project managers use this information to determine what type of permit authorization is required.

To fill out the application, you will need the following information:

- Location: latitude/longitude, driving directions
- A description of the project, including purpose and need
- Mitigation plan, or explain why mitigation is not needed
- A list of previously issued authorizations
- Required drawings: location map, cross section
- Applicant signature(s)

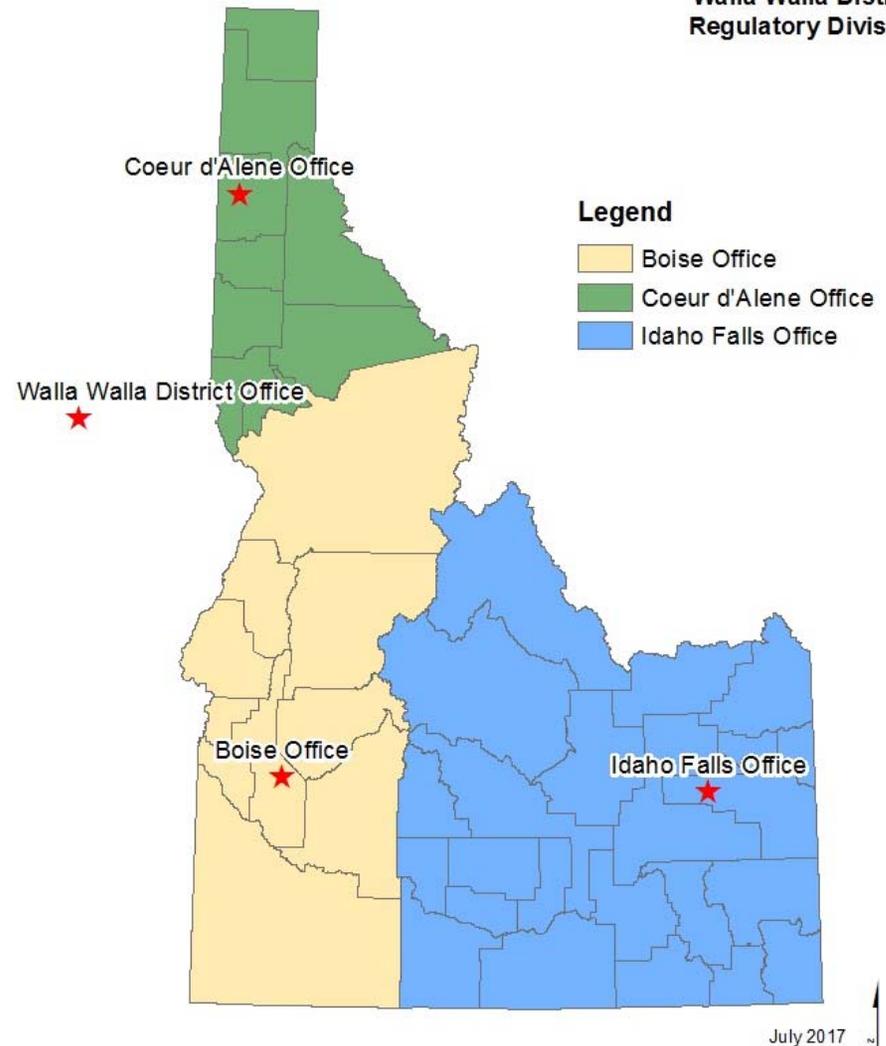
You can find the Joint Application for Permit on our website at:

www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/

Office Boundary Map



U.S. Army Corps of Engineers
Walla Walla District
Regulatory Division



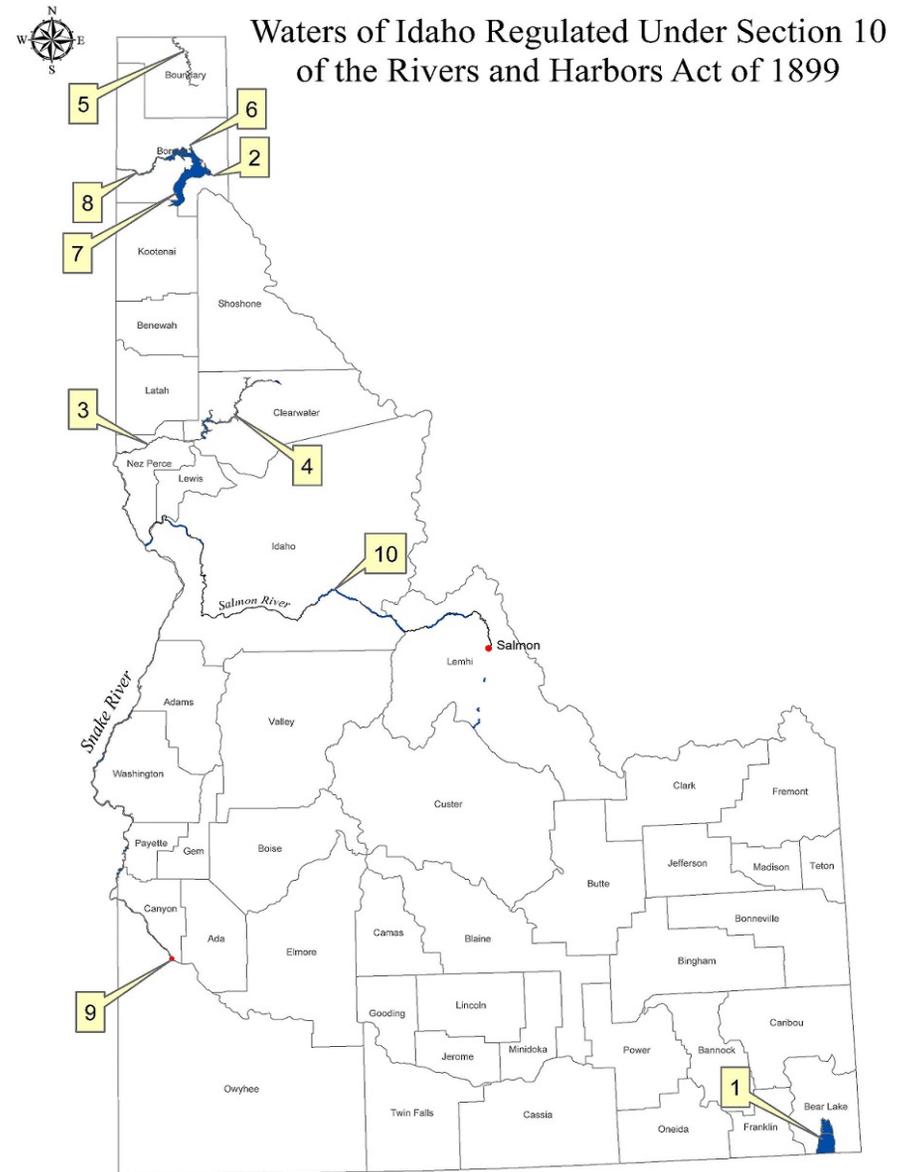
See end of pocket guide for office contact information

SECTION 10 WATERS

The Corps of Engineers has jurisdictional authority over section 10, navigable waters, in Idaho.

There are currently 10 navigable waters in Idaho:

1. **Bear Lake**
2. **Clark Fork River** - mouth upstream to river mile 4.0
3. **Clearwater River** - confluence with the Snake River to river mile 40.5
4. **North Fork Clearwater River** - confluence with Clearwater River, including Dworshak Reservoir, upstream to river mile 57.9
5. **Kootenai River** - Bonners Ferry to the Canadian border
6. **Pack River** - mouth upstream to river mile 1.5
7. **Lake Pend Oreille** - Albeni Falls Dam to elevation 2062.5 NGVD (National Geodetic Vertical Datum)
8. **Pend Oreille River** - Idaho/Washington border, upstream to Albeni Falls Dam
9. **Snake River** - Idaho/Washington border to river mile 45.5
10. **Salmon River** - confluence with the Snake River to the City of Salmon, river mile 259



June 1, 2016

WHAT IS A WETLAND?

The Corps and the Environmental Protection Agency (EPA) define wetlands as: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

A major aspect of the Regulatory program is to determine which areas qualify for protection as wetlands. The Corps' 1987 Wetlands Delineation Manual is the federal manual for identifying and delineating wetlands. In addition, the Walla Walla District Regulatory office uses the Arid West Regional Supplement and the Mountain West Regional Supplement.

Soda Creek ITD Wetland
Mitigation Site



Photo credit: idaholands.org

Hyatt Hidden Lakes Reserve
Mitigation Bank



Photo credit: City of Boise

MITIGATION

Compensatory mitigation attempts to recapture aquatic resource functions lost through project impacts and may be required for certain Corps authorizations. Mitigation ensures that environmental impacts are avoided and minimized wherever possible.

Methods of providing compensatory mitigation include aquatic resource restoration, establishment, enhancement, and in certain circumstances, preservation of existing aquatic habitat and wetlands.

AGENCY PARTNERS

Throughout the permitting process, the Corps of Engineers coordinates with other Federal, State, Tribal, and local agencies, including:

- U.S. Environmental Protection Agency
- U.S. Fish & Wildlife Service
- National Marine Fisheries Service
- Tribal Governments
- Natural Resource Conservation Service
- Idaho Department of Water Resources
- Idaho Department of Lands
- Other State fish, wildlife, and parks agencies

FOR MORE INFORMATION, VISIT US ONLINE

Corps of Engineers, Walla Walla District
[www.nww.usace.army.mil/Business-With-Us/
Regulatory-Division/](http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/)

State of Idaho, Dept. of Environmental Quality
deq.idaho.gov/contact-us.aspx

State of Idaho, Department of Lands
www.idl.idaho.gov/contact.html

State of Idaho, Department of Water Resources
www.idwr.idaho.gov/contact-us.html

CONTACT US

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Walla Walla District Office

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Coeur d'Alene Field Office

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433-4476

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(208)

Idaho Falls Field Office

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