

Permitting Recreational Ponds

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US Army Corps of Engineers
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CORPS OF ENGINEERS REGULATORY PROGRAM

- The Corps evaluates permit applications for essentially all construction activities that occur in Waters of the United States (including streams and wetlands).
- The mission of the Corps of Engineers Regulatory Program is to protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible, and balanced permit decisions.
- Examples of these activities include, but are not limited to, ponds, bulkheads, docks, utility lines, excavation, roads, residential and commercial developments, etc.



DO I NEED A PERMIT TO BUILD A POND?

- Typically, a permit is required for construction of a recreational pond.
- If a stream or wetland within the jurisdiction of the Corps will be **filled and/or impounded to create a pond**, you need to contact the Corps about permit.



DO I NEED A PERMIT TO BUILD A POND?

- There are some pond building activities that may not require a Department of the Army permit. These include ponds for:
 - ▶ farming or silviculture activities,
 - ▶ “excavation only” ponds, and
 - ▶ ponds constructed in upland areas that have no discharge into wetlands or streams.

- Farming and Silviculture exempted ponds will require:
 - ▶ NRCS letter verifying land use status.
 - ▶ NRCS calculation worksheets demonstrating appropriate pond size for specific water needs.
 - ▶ Demonstration of avoidance and minimization of impacts to streams.



WHAT IS THE PROCESS TO OBTAIN A CORPS PERMIT?

- **You should submit a complete permit application to the Corps to start the permit process. Applications may be downloaded from our website at www.sam.usace.army.mil/rd/ .**
- **After review by a Corps project manager, additional information may be required (wetland delineation and jurisdictional determination).**



WHAT NEEDS TO BE SUBMITTED?

- Complete Application Form
- Project description and statement of the project's **purpose, need, and intended use.**
- Statement of how you **avoided and minimized impacts to the wetlands and streams and a mitigation plan if these are impacted**
- Location map with the project footprint/area depicted.
- Drawing showing the overall project area with wetland acreage/stream lengths impacts measured and shown.
 - ▶ Plan view drawing (drawing from a bird's eye view) of the project with dimensions in feet
 - ▶ Cross-sectional drawing (drawing looking from the side) of the project with dimensions in feet
- All drawings must be submitted on 8.5 X 11 paper in black and white.
- Threatened and endangered species and cultural resources surveys may be required depending on location and size of pond.

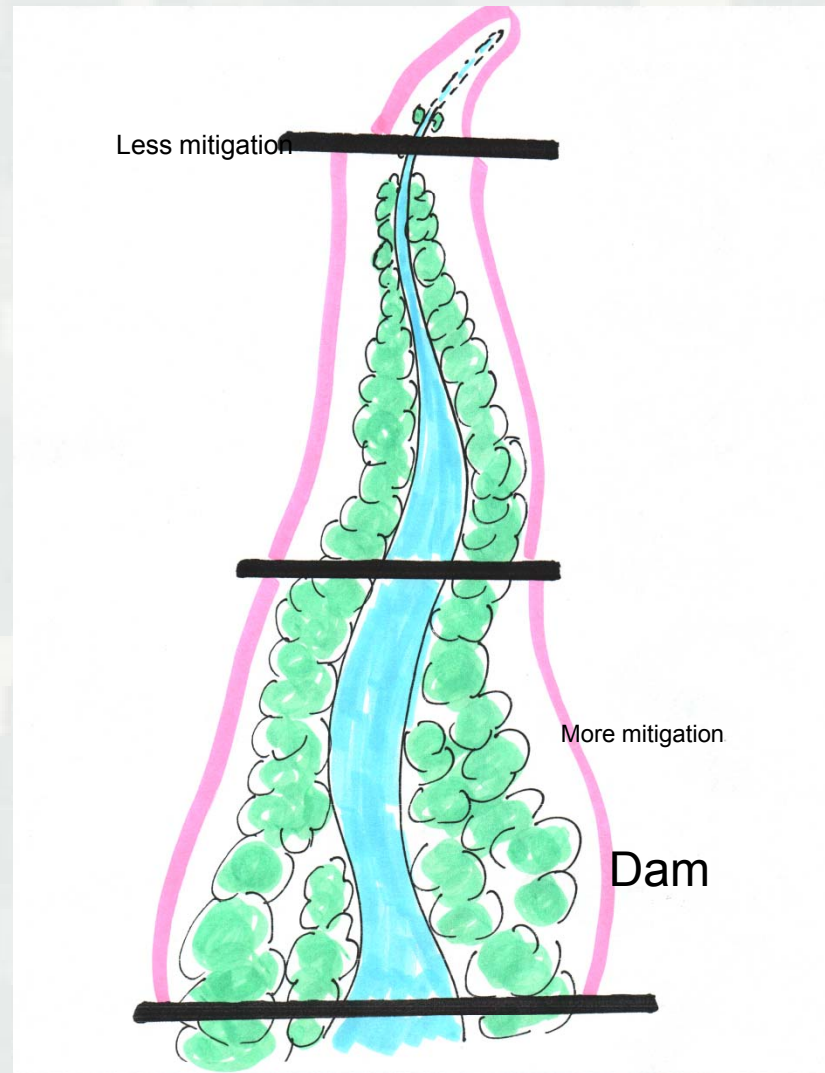


IS IT HARD TO OBTAIN A PERMIT?

- Each proposal for a pond permit is evaluated on a case by case basis. Direct and indirect impacts to the environment (habitat quality) and public interest are carefully considered.
- Regulated ponds that impact a wetland or stream will require mitigation (mitigation costs should be carefully evaluated at the start of the permit application process). Wetland mitigation bank credits can cost \$15,000 or more per credit and stream credits are currently over \$200/credit.



LOCATION IS IMPORTANT FOR POTENTIAL STREAM AND WETLAND IMPACTS



WHAT CIRCUMSTANCE IS IT MOST DIFFICULT TO OBTAIN A PERMIT?

1993 HQ guidance memorandum:

- **Permits can be difficult to obtain if the pond is for purely recreational or aesthetic purposes, and,**
- **“Permits for recreational and/or aesthetic impoundments should generally not be approved when important wetland and other aquatic resources are at issue”.**
- **“Important wetland and other aquatic resources” are generally interpreted to mean medium to high quality wetland systems and unaltered streams.**



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WHAT IF I BUILD WITHOUT A PERMIT?

- Building a pond in areas (wetlands and streams) regulated by the Clean Water Act without Corps authorization is a federal violation which may result in fines, and require the landowner to incur costs for the removal of materials and restoration of the affected wetlands and streams.
- For larger projects (usually lakes), the Environmental Protection Agency (EPA) will often take the violation. EPA is authorized to issue larger fines and pursue criminal charges.

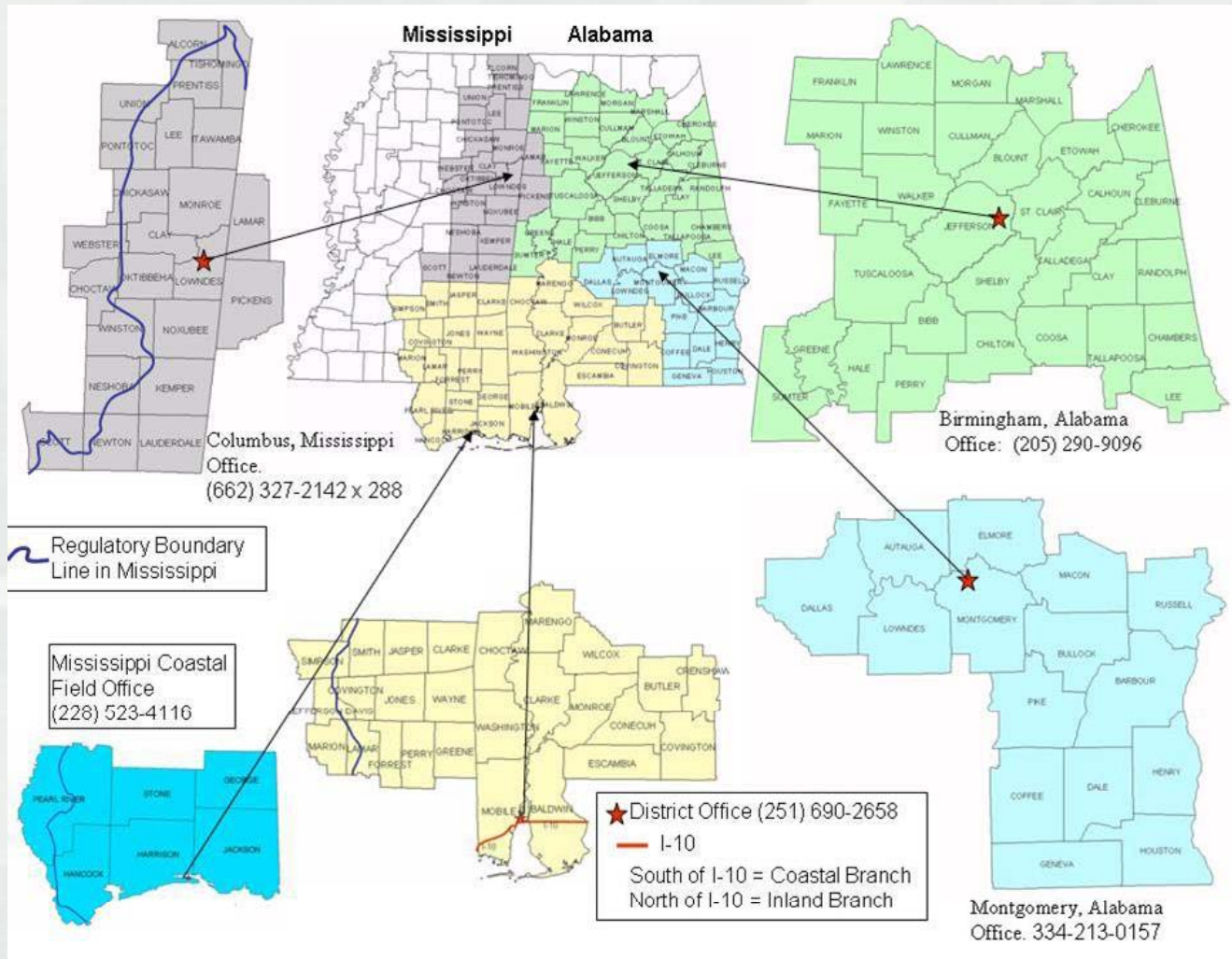


ENVIRONMENTAL EFFECTS OF PONDS

- Impoundments convert stream and wetland habitats to open water, which can have environmental effects both upstream and downstream from a pond. Impoundments alter the natural flow of streams, which may alter nutrient and sediment transfer, block fish migration, degrade water quality, and may facilitate non-native species introductions.
- These effects are carefully reviewed during the permit process to determine ways to reduce impacts. In addition, impoundments come with substantial responsibility. Pond owners can be responsible for any damage to upstream properties caused by flooding as well as any downstream damages caused by rapid release of water from events such as a breach in the impoundment structure.



WHERE TO SEND YOUR APPLICATION IN MOBILE DISTRICT



IF YOU HAVE QUESTIONS

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