



OHIO STREAM MANAGEMENT GUIDE

Permit Checklist for Stream Modification Projects

Guide No. 06

This Ohio Stream Management Guide serves as a planning tool to assist you in obtaining information and the applicable permits for projects within a stream environment. Many of the requirements apply to projects proposed in wetlands, too. The size of the stream and your project design will affect your permit requirements. This checklist may not contain all of the permits necessary for your project, but will guide you in the procurement of most of the necessary permits.

The purpose of the project, a map showing the entire project and an identified contact person in your organization need to be included in your letter to the regulatory/resource agency in most cases.

LOCAL PERMITS

1. Special flood hazard area development permit (contact the local governmental official designated as local floodplain administrator). Nearly 700 Ohio communities (counties, cities and villages) participate in the National Flood Insurance Program. The communities agree to review all development, structural and nonstructural, proposed in a federally identified special flood hazard area (SFHA). The SFHA is that area subject to inundation in the event of a 100-year flood. The 100-year flood has a one percent chance of occurring in any given year.

In most cases, the regulations enforced by each participating community address development in floodway and fringe locations. The floodway portion of the floodplain is the area of strongest current during a flood. **Any proposed action in the floodway** must be supported by hydrologic and hydraulic analysis to demonstrate that there will be no impact on the water surface elevations during the discharge of a 100-year flood. In fringe areas (that portion of the 100-year floodplain not identified as floodway), regulations will require development to meet certain standards to ensure its protection.

OHIO DEPT. OF NATURAL RESOURCES (ODNR) PERMITS/REQUIREMENTS

1. If instream blasting is necessary, **written permission** from the Chief of the Division of Wildlife if required prior to blasting (O.R.C. 1533.58). Individuals should contact the Division of Wildlife's Environmental Section (614/265-6300).

2. If dewatering in the project area is anticipated during the course of project construction, and a **loss of aquatic life** is anticipated, **monetary compensation** is required for loss of those animals according to O.R.C. 1531.02. Contact the Division of Wildlife's Environmental Section (614/265-6300) for information.

3. If dewatering a site with a pump(s) that has the **capacity to withdraw 100,000 gallons per day** or more (70 gal./minute), a **temporary water withdrawal facility registration form** will need to be filed with the Division of Soil and Water Resources under O.R.C. 1521.16. For more information contact the Water Resources Section of the Division of Soil and Water Resources (614/265-6740).

4. If spoil from the project is placed in such a way as to **create a dike or levee** (as defined by the Division of Soil and Water Resources), a **permit** from the Division of Soil and Water Resources may be required (O.R.C. 1521.06). Contact the Division of Soil and Water Resources's Water Engineering Group (614/265-6731).

5. If the project involves an area located near a **State Scenic River**, authorization under the **Director's Approval Authority** may be needed before project commencement according to O.R.C. 1501.17. Those areas include portions of the Maumee, Sandusky, Chagrin, Grand, Upper Cuyahoga, Stillwater, Kokosing, Olentangy, and Little Miami rivers and the Little Beaver, Greenville and Big & Little Darby creeks. Contact the Division of Natural Areas and Preserves' Scenic Rivers staff at 614/265-6453 for more information.

6. To aid the project planning process, submit a request to the Division of Natural Areas and Preserves' **Natural Heritage Database** staff to locate any **endangered, threatened, or special interest species** found on or near your project site. Contact the Division of Natural Areas and Preserves' staff at 614/265-6453 for a request form.

OTHER STATE AGENCY PERMITS/REQUIREMENTS

1. Since the project involves work in a stream, a **401 Water Quality Certification** from the **Ohio Environmental Protection Agency** (Ohio EPA) may be required. The U.S. Army Corps of Engineers is the lead agency for coordinating the Clean Water Act permit application process (see Federal Agency Permits, below.) However, you should contact the Ohio EPA early, during project planning. They can identify water quality factors that should be considered in project design. This early coordination generally results in a faster process once you submit a Section 404 permit application. The Ohio EPA has fact sheets available which explain the certification and permit process. Ask for the fact sheets Section 401 Water Quality Certification and Section 404 Permits. The Ohio EPA also has a series of flow charts on Section 404 Nationwide Permits which will help you know whether your project falls within certain pre-authorized permit categories or whether you must apply for an individual permit. The Division of Surface Water should be contacted for more information at 614/644-2001.

2. If the proposed project may impact a public water supply through dewatering, the Ohio EPA's Division of Drinking and Ground Waters should be contacted at 614/644-2752.

3. The Ohio Historic Preservation Office (OHPO), pursuant to the National Historic Preservation Act of 1966, Public Law 89-665 as amended, should be consulted on specific archaeological, prehistorical, or historical sites or structures which might be affected by the proposed project. The applicant **must**

consult with the OHPO under the federal Clean Water Act permitting process explained below. Submission of a letter to them requesting a OHPO consultation will suffice. Send correspondence to: Ohio Historic Preservation Office, Attn: Department Head, Technical & Review Services, 1982 Velma Avenue, Columbus, OH, 43211-2497, phone 614/297-2300.

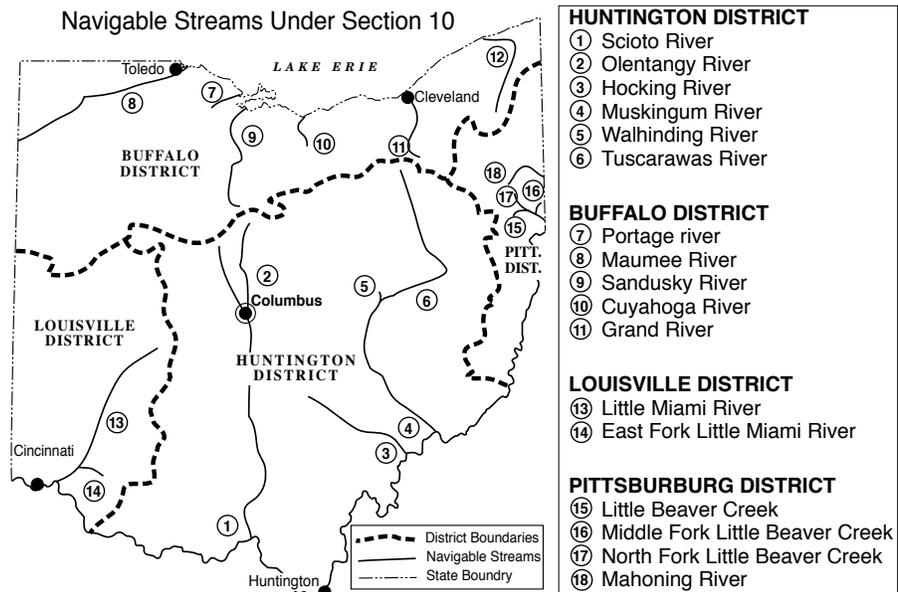
FEDERAL AGENCY PERMITS/CONSULTATIONS

1. According to federal law, anyone who wishes to **dredge or place fill in waters of the United States** must obtain a **Section 10 Permit (Rivers & Harbors Act) and/or a Section 404 Permit (Clean Water Act) from the U.S. Army Corps of Engineers (COE)**. Waters of the United States include lakes, streams and wetlands. Note: The COE cannot permit an activity until the **Section 401 Water Quality Certification** is approved by the **Ohio EPA** (see above information regarding Ohio EPA).

Items that will need to be submitted to the COE for Clean Water Act permits include a COE application, project description and project drawings (both plan and cross sectional views). If the project is likely to impact a wetland area, include a delineation (identification of wetland and other water resources in the project vicinity) and an alternatives analysis (a summary of why the project must be constructed in the proposed location and as proposed).

Four COE Districts possess jurisdiction in Ohio (depicted on the map): Buffalo (Lake Erie Basin), Pittsburgh (Mahoning River Basin), Huntington (Muskingum, Hocking & Scioto river basins) and Louisville (Little & Great Miami river basins) districts. For more information contact the district in which your project is located:

- Buffalo District COE, Attn: Regulatory Branch, 1776 Niagara St., Buffalo, NY, 14207-3199, phone 716/879-4330
- Huntington District COE, Attn: Regulatory Branch, 502 Eighth St., Huntington, WV, 25701-2070, phone 304/529-5210
- Louisville District COE, Attn: Regulatory Branch, 600 Federal Place, P.O. Box 59, Louisville, KY, 40201-0059, phone 502/582-5607
- Pittsburgh District COE, Attn: Regulatory Branch, William S. Morrhead Federal Building, 1000 Liberty Ave., Pittsburgh, PA, 15222-4186, phone 412/395-7154



2. Additionally, the COE will require that an applicant **consult with the U.S. Fish and Wildlife Service (U.S. FWS)** regarding the **presence of federally listed threatened and endangered plants and wildlife** located in the project area (Endangered Species Act). Submission of a letter to the U.S. FWS requesting an endangered species consultation will suffice. Send correspondence to: U.S. Fish and Wildlife Service, Ecological Services, 6950-H Americana Parkway, Reynoldsburg, OH, 43068-4115, phone 614/469-6923.

Not all projects will require the same permits or same level of project documentation. By contacting agencies in the project planning stages, your time, resources and frustration can be reduced. Getting input prior to permit application can avoid costly changes required by the various agencies protecting our natural resources. Plan ahead...to avoid confusion later!



This Guide is one of a series of Ohio Stream Management Guides covering a variety of watershed and stream management issues and methods of addressing stream related problems. The overview Guides listed below, are intended to give the reader an understanding of the functions and values of streams. For more information about stream management programs, issues and methodologies, see Guide 05 Index of Titles or call the ODNR Division of Soil and Water Resources at 614/265-6739. All Guides are available from the Ohio Department of Natural Resources. Single copies are

available free of charge and may be reproduced.

For copies please contact:

ODNR
Division of Soil and Water Resources
2045 Morse Road, Bldg B
Columbus, Ohio 43229-6693

The guides are also available on-line as web pages and PDF files so you may print high quality originals at your location. You will find the guides on-line at:

<http://www.ohiodnr.gov/soilandwater/>

Prepared by the Ohio Department of Natural Resources, Kim Baker, Division of Real Estate and Land Management, principal author. Input from staff of several ODNR divisions, state and federal agencies are used in the development of the Ohio Stream Management Guides.

Guides are available on-line at:
<http://www.ohiodnr.gov/soilandwater/>



An equal opportunity employer--M/F/H.
Printed on recycled paper