**Sophia Tidler**

**US Army Corps of Engineers Section 10 Permit of the Rivers and Harbors Act**

**Summary:**

Section 10 of the Rivers and Harbors Act requires authorization from the U.S. Army Corps of Engineers for the construction of any structure in or over any navigable waters of the United States, the excavation and dredging or deposition of material, or any obstruction or alteration to a navigable water. Work outside the limits of navigable waters may require a Section 10 permit if the structure or work affects the course, location, condition, or capacity of the water body.

**Permit Name**

Section 404 / Section 10 Permit

**APPLICABILITY**

Construction activity that requires excavation and/or discharge of dredged or filed material in waters of the U.S.

**PROCESSING TIMES**

**Agency Coordination:**

Army Corps of Engineers Alaska District

**Information Necessary:**

**Engineering Form 4345**

Information Needed:

* Applicant’s contact info (Agency info)
* Signature of authorizing applicant
* Name, location, description of project/activity
	+ Direction to the site
	+ Nature of activity
	+ Project purpose
	+ Reasons for discharge
	+ Type of material (amount in CY)
	+ Surface area of wetlands of waters filled
	+ Description of avoidance, minimization, & compensation
	+ % of work complete
	+ Addresses of adjoining property
	+ Certificates of approval/denials received from other agencies
* Original drawings or good reproducible copies showing the location and the proposed activity/project

**Typical Processing Procedure for Standard Individual Permit**

1. Pre-application Consultation (optional)
2. **Engineering Form 4345** submitted to district regulator office
3. Application received and assigned identification number
4. Public notice issued (within 15 days of receiving all information)
5. 15 to 30 day comment period
6. Proposal reviewed by Corps and:
	1. Public
	2. Special interest groups
	3. Local agencies
	4. State agencies
	5. Federal agencies
7. Corps considers all comments
8. Other federal agencies consulted, if appropriate
9. District engineer may ask applicant to provide additional information
10. Public hearing held, if needed
11. District engineer makes decision
12. Permit issued or permit denies and applicant advised of reason

**Enforcement and Penalties:**

* $10. Charged for a permit for a non-commercial activity $100 charged for a permit for a commercial or industrial activity.
* Public notice of application. Public hearing (optional)
* Fictitious filing fined up to $10K
* Without filing, you would be in violation of Federal Law and could face stiff penalties, including fines and/or requirements to restore the area.

**REGULATIONS (CFR)**

Section 404 of the Clean Water Act (33 USC 403)

**Other Resources**

[**https://www.in.gov/indot/files/24\_army.pdf**](https://www.in.gov/indot/files/24_army.pdf)

<https://openei.org/wiki/RAPID/Roadmap/13-FD-e>

<https://www.epa.gov/cwa-404/section-10-rivers-and-harbors-appropriation-act-1899>

<https://www.publications.usace.army.mil/Portals/76/Publications/EngineerForms/Eng_Form_4345_2018May.pdf?ver=2018-05-18-102142-420>