WHEN PERMITS ARE NEEDED FOR FLOOD DAMAGE REPAIRS IN MISSOURI

The Corps of Engineers is charged with the responsibility for protecting the public interest in waters of the United States. This is accomplished through a Department of the Army permit program. Under this program, most activities involving work in waters of the United States, including wetlands, require authorization from the Corps of Engineers. Individuals, companies, corporations, Federal and State agencies, and local governments planning construction activities in a stream, river, lake or wetland should contact the Kansas City District, U.S. Army Corps of Engineers, BEFORE ANY WORK IS BEGUN.

As the floodwaters recede in Missouri, we become aware of the damages resulting from high water. Many of the damages are on high ground and will not require permits under the U.S. Army Corps of Engineers' authorizations. However, some repairs must be permitted by the Corps.

Missouri lies under the jurisdiction of five (5) USACE Districts and seven (7) Offices. In addition the Missouri Department of Natural Resources has five (5) Regional Offices and a number of Satellite Offices. The locations of those offices as well as contact information can be found on the attached maps.

Your proposed work may be subject to one or both of the following Federal Acts:

- **Section 10 of the Rivers and Harbors Act of 1899** regulates any work or structure in, over, or under navigable waters of the United States. This includes such items as boat docks, boat ramps, powerlines, excavation, filling, etc.

- **Section 404 of the Clean Water Act** regulates the discharge of dredged or fill material in all waters of the United States, including rivers, streams, lakes and wetlands. This includes work such as site development fills, causeways or road fills, dams and dikes, artificial islands, bank stabilization (riprap, seawalls and breakwaters) levees, landfills, fish attractors, mechanized clearing of wetlands, and certain types of excavation activities, etc.

**Repair of Structures.** If repairs involve replacement of a previously authorized, currently serviceable, structure or fill to its pre-disaster condition, the work is authorized by Nationwide Permit 3 (NWP 3). Written verification from the Corps is not required.

**Removal of Flood-Deposited Sediment and Debris.** If the removal involves flood-deposited sediment and debris from the Mississippi River, you are required to file an application and receive a response from the Corps of Engineers. This type of work is limited to an area within 200 feet of an existing structure. All excavated material must be deposited and retained in an upland, non-wetland location.

Permits will not be needed from the Corps if work does not involve the above rivers or flood-deposited sediment and debris is not returned or placed in any water of the United States, including wetlands.
**Restoration of Altered Streams.** If stream channels have completely changed course due to current year’s flooding, or if a secondary channel has scoured out on the flood plain, the area may be restored to the pre-flood conditions under NWP 27. Restored stream banks should be protected with riprap or water-tolerant vegetation. Written verification from the Corps is required.

**Restoration of Upland Areas.** If discharges of dredged or fill material into waters of the United States are necessary to restore upland areas lost because of the flooding, the work is authorized under NWP 45. Property lost through gradual erosion may not be reconstructed under this nationwide permit. Written verification from the Corps is required.

**Work on Federal Lands.** Individuals proposing any work on federal land should contact the District Real Estate office to determine what permissions are needed before commencing work.

**Nationwide Permit Terms and Conditions.** All terms and conditions for the above Nationwide Permits are included in the Fact Sheets available at:

- **Kansas City:** [http://www.swl.usace.army.mil/Missions/Regulatory.aspx](http://www.swl.usace.army.mil/Missions/Regulatory.aspx)
- **Little Rock:** [http://www.swl.usace.army.mil/Missions/Regulatory.aspx](http://www.swl.usace.army.mil/Missions/Regulatory.aspx)
- **Rock Island:** [http://www.mvr.usace.army.mil/Missions/Regulatory](http://www.mvr.usace.army.mil/Missions/Regulatory)

Select the Nationwide Permit section for Missouri. Application forms and instructions are also available at this website.

**Missouri DNR Resources.** MoDNR has an on-line Permit Assistant to help identify whether a permit is required, and if so the type of permit needed. The web page also has a link to all of DNR’s permit forms: [http://www.dnr.mo.gov/mopermitassistant/index.jsp](http://www.dnr.mo.gov/mopermitassistant/index.jsp).
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