US Army Corps of Engineers
Omaha District

December 2011

STATES OF MONTANA, NORTH DAKOTA, SOUTH DAKOTA AND NEBRASKA

POST-FLOOD PERMITTING UNDER SECTION 404 OF THE CLEAN WATER ACT AND SECTION 10 OF THE RIVERS AND HARBORS ACT

As floodwaters recede, we become aware of the damages resulting from high water. Many of the damages are on high ground and restoration will not require a permit from the U.S. Army Corps of Engineers (Corps). However, some repairs and restoration work must be permitted by the Corps.

The Corps regulates the placement of fill material below the Ordinary High Water Mark within waters of the U.S. and in adjacent wetlands. The Corps also regulates the placement of structures and other work in navigable waters, such as the Missouri River. It is the landowner's responsibility to contact the Corps to determine if a Section 10 and/or Section 404 permit is required.

Activities that may require authorization from the Corps include:

- Repair and reconstruction of roads, bridge embankments, levees, dikes, and utility structures
- Placement of bank stabilization material
- Restoration of channels and ditches to pre-flooding alignment and capacity
- Construction of temporary access roads and use of some fill borrow areas
- In-stream disposal of flood-deposited sand/silt material

There are several Nationwide Permits (NWP) available to authorize many of these activities after review and verification by the Corps. In addition, the Omaha District has developed Regional General Permits that authorize specific flood-related protection, reconstruction and repair activities after review and verification by the Corps. Additional information on the Nationwide Permits and the Omaha District's Regional General Permits is available at http://www.nwo.usace.army.mil/html/od-r/regwebpg.htm

Prior to undertaking any post-flood related work you should contact the applicable State Field Office listed below for a permit determination. Information that will be required includes project location, project description, and type and volume of fill and/or excavated material.

Montana (406) 441-1375

South Dakota (605) 224-8531

North Dakota (701) 255-0015

Nebraska (402) 896-0896