

Do I need an Army Corps permit for my project?

This question touches many activities, from large residential and commercial developments, to stream or ditch bank repairs, to family home construction. Generally, one requires a permit from the Corps before working in wetlands and other protected waters.

The first thing to determine is whether your project involves a “water” protected by the Clean Water Act. This can be tricky since many protected areas are not always wet, while certain wet areas are excluded from coverage. Recent efforts by the Corps to clarify what constitutes protected “waters” has actually created additional confusion. Moreover, the Act exempts certain activities in protected waters from permitting requirements.

Guessing wrong on what is regulated (including pursuing a permit when one is not needed) can be costly. A knowledgeable environmental attorney can help answer your permitting question and, if one is required, help identify the best path forward for your project, saving time and money in the long run.



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