



**US Army Corps
of Engineers** ®

St. Louis District

Section 10 and 404 Permitting Requirements for Flood Damage Repairs in Illinois and Missouri

St. Louis District Stakeholders –

As the floodwaters recede in Illinois and Missouri, we become aware of the damages that have resulted from high water and increased flow velocities. Many of the damages are on high ground and may not require authorization from the U.S. Army Corps of Engineers. However, Section 10 of the Rivers and Harbors Act (Section 10) and Section 404 of the Clean Water Act (Section 404) permit requirements and general conditions apply to repairs that occur in Waters of the U.S., which includes navigable rivers, streams, ponds, lakes, and/or wetland areas. Below are some of the authorization types that commonly apply to flood damage repair projects to assist you as you complete your repairs.

Repair of Structures: If your activity involves the repair or replacement of a previously authorized, currently serviceable, structure or fill to its pre-disaster condition, the work may be authorized by Nationwide Permit 3 (NWP 3) or potentially exempt from Section 404 permit requirements (exemptions do not apply work requiring Section 10 authorization in navigable waterways). Please review the NWP 3 limits and conditions. Written verification from USACE is not required, but you may request verification that the NWP 3 applies to your activity at the contact information below.

Removal of Flood-Deposited Sediment and Debris: If the flood damage repair project involves the removal of flood-deposited sediment and debris, you are required to submit 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 should be deposited and retained in an upland, non-wetland location unless alternative disposal methods are approved and permitted.

Restoration of Altered Streams: If stream channels have completely changed course due to the current year's flooding, or if a secondary channel has scoured out on the floodplain, the area may be restored to the pre-flood conditions under General Permits in Illinois and Missouri for Permanent Protection/Repair of Flood Damaged Structures, Damaged Lands and/or Fills (Missouri GP-41 or Illinois GP-26). Please review the appropriate General Permits on our website to determine if pre-construction notification is required.

<https://www.mvs.usace.army.mil/Missions/Regulatory/Permits.aspx>

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. An application for pre-construction verification from the Corps for these stabilization activities is required.

Work on Federal Lands: Individuals proposing any work on federal land should contact the St. Louis District Real Estate office at 314-331-8242 or 314-331-8180 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 2017 Fact Sheets available at <https://www.mvs.usace.army.mil/Missions/Regulatory/Permits/>. On the St. Louis District's website please review the state specific Regional Conditions and associated 401 Water Quality Certifications that apply to your location. Application forms and instructions are also available at this website.

Emergency Repairs: For emergency projects that need authorization, but cannot be authorized under existing Nationwide Permits or exemptions, authorization may be granted under other expedited permitting procedures. These might include Regional Permit 26 (Illinois), Regional Permit 41 (Missouri), or other emergency procedures. All terms and conditions for are available at <https://www.mvs.usace.army.mil/Missions/Regulatory/Permits/>.

FEMA Assistance: Some counties may qualify for disaster assistance from the Federal Emergency Management Agency (FEMA) for flood-related repairs. The FEMA disaster assistance program is typically administered through the state emergency management agency. This disaster assistance may require you to submit documentation from the Corps regarding permits for the repair work. Early coordination with the Corps and the emergency management agency regarding flood repair activities can help streamline the process of obtaining disaster assistance. For more information regarding the FEMA disaster assistance program, please contact the Missouri State Emergency Management Agency (SEMA) at 573-526-9100; or the Illinois Emergency Management Agency (IEMA) at 217-782-2700.

Questions/Concerns: Should you have any questions about Corps permits or would like to request an application, please call 314-331-8575, email MVS-Regulatory@usace.army.mil, or write to the U.S. Army Corps of Engineers, ATTN: CEMVS-OD-F, 1222 Spruce St., St. Louis, Missouri 63103. The applications are also available online at <https://www.mvs.usace.army.mil/Missions/Regulatory/Permit-Application/>