
Permitting Guidance for Stream Restoration Projects

-excerpted from a publication by the ODNR—Division of Water
www.dnr.state.oh.us/water/pubs/fs_st/stfs06.htm

The following is provided as general permitting guidance for section 319(h) subgrantees and potential applicants who are considering stream restoration, dam removal, levee removal or other near-stream projects. Many projects may have little or no permitting requirements due to their limited size—however, project managers should be aware of any potential requirements when planning projects using section 319(h) grant funding. It is important that such consideration is completed prior to the preparation of a grant application and project budget. ***Permits are not expected to be obtained prior to application, but project managers should factor the costs and the amount of time needed for meeting potential permitting requirements into their grant proposal and budget.*** Costs associated with meeting permitting requirements are eligible under the section 319(h) grants program.

Because section 319(h) grant projects involve federal funds, compliance with all applicable environmental regulations is mandatory. Stream restoration and other near-stream projects may be regulated by one or more of the following local, state or federal agencies:

1. Local Floodplain Management and Zoning Departments
2. ODNR-Division of Wildlife
3. ODNR-Division of Water
4. ODNR-Scenic Rivers
5. U. S. Army Corps of Engineers
6. Ohio EPA—Division of Surface Water
7. Ohio Historic Preservation Office
8. United States Fish & Wildlife Service
9. Ohio EPA-Division of Drinking & Ground Water

Local Permit and/or Consultation Requirements

Local Floodplain Management and/or Construction Permits: All project managers should consult with their local floodplain administrator to determine whether local floodplain management permits or construction permits are required. Local floodplain administrators are typically located at the county level of government—however, if your project is being conducted within a municipality, municipal regulations may also apply.

1. Projects such as stream restoration, dam removal, levee removal or any other project occurring within federally identified special hazard areas (the 100-year

- floodplain) may be required to obtain a **local flood hazard area development permit**. Regulated projects are required to support their permit request with hydrologic and hydraulic analysis to demonstrate that there will be no impact on the water surface elevations during the discharge of a 100-year flood event. Contact your local floodplain administrator for information.
2. Projects occurring within the boundaries of a municipality may also require local building and/or construction permits. Contact your local building authority to determine whether such permits are required for your project.
 3. Projects occurring within the boundaries of municipalities and/or Ohio townships may be required to meet local zoning regulations. Contact your local planning office for information.

State Permit and/or Consultation Requirements

Ohio Department of Natural Resources (ODNR) Permit Requirements: Several divisions within ODNR may have regulatory authority over restoration and other types of projects that are occurring in or along Ohio's rivers and streams.

1. Projects involving in-stream blasting must obtain written permission from the chief of the Division of Wildlife. Individuals should contact the Division of Wildlife's Environmental Section at 614-265-6300.
2. Project managers should consult with the Division of Wildlife to insure compliance with state endangered species regulations. You may also find it helpful to contact the Division of Natural Areas & Preserves Natural Heritage Program staff to locate any endangered, threatened or special interest species found near your project site. Contact DNAP at 614-265-6453.
3. Projects that involve the temporary dewatering of any river or stream must meet the following requirements:
 - a. Monetary compensation is required to be provided to the Division of Wildlife for the loss of any aquatic animals (fish & mussels particularly) resulting from dewatering done in association with project construction. Project managers should contact the Division of Wildlife's Environmental Section at 614-265-6300.
 - b. If the project site will be dewatered with a pump (or more than one pump) with the capacity to withdraw 100,000 gallons of water per day (or 70 gallons per minute), the project must obtain a temporary water withdrawal facility registration form from the Division of Water, as required under Section 1521.16 of the Revised Code. Information may be obtained by contacting the Water Resource Section within the Division of Water at 614-265-6740.
4. Publicly funded projects within 1000 feet of a designated state wild, scenic or recreational river must obtain approval from the ODNR-Scenic Rivers Program. Contact the Division of Natural Areas & Preserves at 614-265-6814.
5. If spoil or materials from the project are placed in such a way as to create a dike or levee, a permit from the Division of Water's Water Engineering Group may be required. Information concerning these permits may be obtained by calling 614-265-6740.

Ohio Environmental Protection Agency (OEPA) Permit Requirements: OEPA serves as the lead state agency for water quality. As such, several divisions may have regulatory authority over restoration, dam removals and other near stream projects.

1. Projects involving work within a stream may require a 401 Water Quality Certification from the Ohio EPA. Many restoration projects qualify under one or more nationwide permits—it is recommended that project managers coordinate with Ohio EPA very early in the planning process. Contact the Ohio EPA—Division of Surface Water at 614-644-2001 for information.
2. Projects with the potential to affect public drinking supplies through dewatering or other construction activities must contact the OEPA—Division of Drinking & Ground Water to identify regulatory requirements that may apply. Contact the OEPA—Division of Drinking & Ground Water at 614-644-2752.

Ohio Historic Preservation Office (OHPO) Consultation Requirements: Any project using federal funding must comply with Section 106 and other provisions of the National Historic Preservation Act. In Ohio, OHPO serves as the lead agency insuring compliance with the National Historic Preservation Act.

1. Any project that requires earthmoving and/or demolition of a structure such as a dam may potentially affect archeological, prehistoric or historical sites or structures. Under federal Clean Water Act permitting processes, project managers must demonstrate that consulting with OHPO has occurred. In most cases, submitting a copy of a letter requesting an OHPO consultation is sufficient. Contact the Ohio Historic Preservation Office at 614-297-2300.

Federal Permit and Consultation Requirements:

U. S. Army Corps of Engineers: The Army Corps of Engineers (ACOE) are the lead regulators under the federal Clean Water Act. Any project that proposes to dredge or place fill in any waters of the United States may be required to obtain a Section 10 Permit authorized under the Rivers & Harbors Act) and/or a Section 404 Permit authorized under the Clean Water Act. Regulated waters include all lakes, streams and wetlands.

1. If it is determined that either a Section 10 or CWA—404 permit is required for your project, you will be required to submit a project description and project drawings or plans that include both plan-view and a cross-section view. If your project is likely to affect a wetland, you will also need to include a delineation of the wetland and other water resources within the project vicinity. Four ACOE Districts have jurisdiction within Ohio. Contact any of the District Offices below to determine which ACOE District Office has jurisdiction within your project area:
 - a. Northern Ohio: Buffalo District—716-879-4330
 - b. Southern Ohio: Huntington District—304-529-5210
 - c. Some Ohio River Projects: Louisville District—502-582-5607
 - d. East-central Ohio: Pittsburgh District—412-395-7154

U. S. Fish & Wildlife Service: All section 319(h) projects must comply with provisions of the Federal Endangered Species Act. Compliance typically is demonstrated in the form of a consultation with the U.S. Fish & Wildlife Service (USFWS).

1. Prior to proceeding with a restoration, dam removal and/or other near-stream project a project manager must consult with the USFWS regarding the presence of any federally listed threatened and endangered plants and wildlife species. Contact the USFWS at 614-469-6923.

This fact sheet is provided to assist applicants for Section 319 grants with planning considerations for stream restoration, dam removal and other near-stream projects. The information is provided as general reference only—project managers are encouraged to contact all agencies which may have regulatory jurisdiction. Additional assistance may be available by contacting:

Ohio Environmental Protection Agency
Division of Surface Water-Nonpoint Source Program
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, Ohio 43216-1049
614-644-2020

... Your respective Ohio EPA District NPS Coordinator ...

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