



WORKING IN AND AROUND STREAMS & WETLANDS IN NORTH CAROLINA

IMPORTANT FACTS TO KNOW BEFORE STARTING

What is a stream?

A stream has a defined channel that contains water for at least part of the year. It may have flow that is increased by stormwater runoff. It may dry up during part of the year.

Often streams have been modified in the past by straightening, relocating, dredging or filling and may look like ditches.



Streams do not have to show up on any map to be regulated in North Carolina.

How do you know if there is a stream?

Only the U.S. Army Corps of Engineers or N.C. Division of Water Resources staff can legally determine if there is a stream present on your property.

A qualified environmental consultant (one who routinely identifies streams with the regulatory agencies) may be able to provide guidance.



What is a wetland?

Wetlands are the interfaces between land and water. They have specialized soils and support water loving plants and wildlife.

While some wetlands are filled with water throughout the year, many have water underground that cannot be seen.

Are there different types of wetlands?

There are more than 16 types of wetlands in North Carolina that are regulated under three categories:

- **404 wetlands** are regulated under Section 404 of the federal Clean Water Act.
- **Isolated/non-404 wetlands** are regulated under North Carolina administrative codes.
- **Coastal (CAMA) wetlands** are regulated under the Coastal Area Management Act.

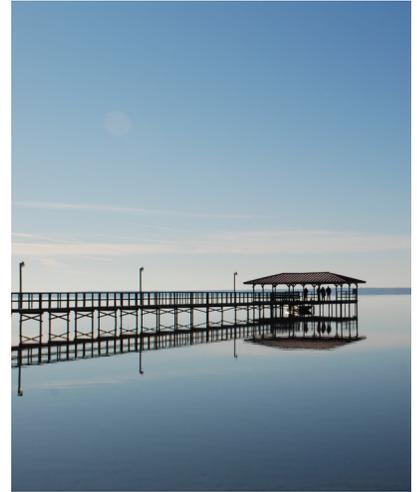
How do you know if there is a wetland?

- **U.S. Army Corps of Engineers** can legally determine where wetlands are present;
- **N.C. Division of Water Resources** can legally determine where Isolated/Non-404 wetlands are present;
- **N.C. Division of Coastal Management** can legally determine where coastal wetlands are present;
- A qualified environmental consultant (one who routinely identifies wetlands with the regulatory agencies) may be able to provide guidance.

What if you want to work in a stream, wetland or open water?

Before you start work in a stream, wetland or open water, you may need to apply for a permit and certification.

- **Federal permits** are issued by the U.S. Army Corps of Engineers (USACE).
 - Section 10 permits (Rivers & Harbors Act) are required for all work or structures in or affecting navigable waters.
 - Section 404 permits (Clean Water Act) are required for discharging into or filling streams, wetlands or open waters.
- **CAMA permits** are issued by the N.C. Division of Coastal Management (DCM).
 - CAMA permits are required under the Coastal Area Management Act for development projects within one of the twenty coastal counties in or affecting an Area of Environmental Concern.
- **State certifications and permits** are issued by the N.C. Division of Water Resources (DWR).
 - 401 Water Quality Certifications (Clean Water Act) correspond with the permits issued by the USACE and DCM. They are required for any federally permitted or licensed activity that may result in a discharge to or filling of streams, wetlands or open waters.
 - Isolated and Other Non-404 Jurisdictional Wetlands and Waters Permits are required for impacts to isolated and other non-404 wetlands, isolated streams or other isolated waters.



What types of activities require permits and certifications?

A permit and certification may be required for any work that takes place in a stream, wetland or open water, whether the impact is permanent or temporary.

Common activities that may require permits:

- Any disturbance to the bottom or sides of a stream, including streambank stabilization or dredging/digging.
- Any disturbance to the soil or hydrology (how water flows) of a wetland.
- Damming of a stream channel to create a pond or lake.
- Placement of any material in a stream or wetland.

How do you apply for a permit and certification?

In North Carolina, use a single application form, the Pre-Construction Notification (PCN) Form, to request a permit and certification from the U.S. Army Corps of Engineers, N.C. Division of Water Resources and/or N.C. Division of Coastal Management.

For large projects that require individual permits, a different application form must be used.

How much stream, wetland or open water area can I impact?

The best practice is to avoid all impacts when possible. The USACE and DWR require applicants to consider alternatives to impacting waters and wetlands during the design of their project:

- **Avoidance:** Has the project been designed to avoid impacts to streams, wetlands, open waters and other natural resources to the maximum extent practicable?
- **Minimization:** Where project impacts are unavoidable, has the project been designed such that the impacts have been minimized to the maximum practical extent?

What will happen if I do work without getting permits or certifications?

Performing work in streams, wetlands or open waters without getting proper permits and certifications can have serious consequences.

If you are found to be in violation of federal or state laws, you may be fined and required to restore the impacted areas.

If you are unsure if a planned activity may need a permit, contact your local DWR, USACE or DCM representative **before** starting.

For more information, please contact:

DWR • <http://deq.nc.gov/about/divisions/water-resources/water-resources-permits/wastewater-branch/401-wetlands-buffer-permits> • 919-807-6300

USACE • <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/> • 910-251-4633

DCM • <http://deq.nc.gov/about/divisions/coastal-management> • 1-888-4RCOAST