



WETLANDS – WHAT YOU SHOULD KNOW BEFORE YOU BUY OR BUILD

U.S. ARMY CORPS OF ENGINEERS

BUILDING STRONG ®

The U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (USEPA) define wetlands as follows, *“Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.”*

Wetlands are areas that are covered by water or have saturated soils for extended periods (minimum of 14 consecutive days) during the growing season. Plants growing in wetlands are adapted to living in saturated soil conditions for at least part of the growing season. Wetlands such as swamps and marshes are often obvious, but some wetlands are not easily recognized, often because they are dry during part of the year or "they just don't look very wet" from the roadside. **Caution: Many wetland areas lack both standing water and saturated soils during at least part of the growing season.**

There are no definitive maps of federally regulated wetlands or waterways. Therefore, it is often not possible to determine USACE jurisdiction based solely on an in-office review. In most cases, a site inspection is the only definitive means of determining the presence/absence and extent of wetlands, streams, and other conveyances of water that may be present on a parcel. The USACE consults the following office resources to evaluate the potential for wetlands and other waterways that may be present on a site:

- **U.S. Geological Survey (USGS) quadrangle maps** – <http://www.usgs.gov/pubprod> which typically indicate wetland and streams with unique symbols shown on the map legend.
- **National Wetland Inventory (NWI) maps** - <http://wetlandsfws.er.usgs.gov/wtlands.viewer.htm> **Use these maps with caution as many federally regulated wetlands do not appear on these maps.** The NWI maps are published by the U.S. Fish and Wildlife Service as habitat maps based on aerial photography and the boundaries shown on the map may not be consistent with wetland boundaries established according to the 1987 USACE Wetland Delineation Manual (Delineation Manual) and associated Regional Supplements.

The NWI maps were not developed for use as confirmation as to the presence/absence of federally (USACE) regulated wetlands. Further, the absence of a mapped wetland on the NWI maps **cannot** be interpreted to indicate that no wetlands exist within the non-mapped area. As indicated above; the only definitive information usually results from a site inspection.

- **Natural Resources Conservation Service (NRCS) Web Soil Survey** which has replaced County Soil Surveys - <http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm>. This tool will help identify the presence of hydric soils or soils with hydric inclusions/components. Hydric soils exhibit poorly and/or very poorly drained characteristics that typically occur in wetlands.

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1776 NIAGARA STREET, BUFFALO, NEW YORK 14207-3199
www.lrb.usace.army.mil

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- Other On-line Resource Maps:
 - <http://maps.google.com>
 - <http://bing.com/maps/>
- New York State Environmental Resource Mapper:
<http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>
- Many individual New York State counties have web sites with helpful mapping or geographic information.

Mapped indicators implying that wetlands or waterways may be present on a given parcel include, but are not limited to the following:

- Wetland or waterway symbols on the USGS topographic maps
- Identified wetland types on the NWI or New York State Freshwater Wetland Maps published by the New York State Department of Environmental Conservation
- Hydric soils or soils with hydric inclusions as depicted on the NRCS soil survey
- Streams, drainageways, ponds, or other water bodies as indicated on the USGS or NRCS maps.

If any of these indicators are mapped within a project site, the USACE recommends further investigation to determine if federally regulated wetlands or waterways are present on the site and if a Department of the Army permit is required for the proposed work.

It is not necessary that USACE personnel conduct the preliminary review of these resources. An individual can expedite the review process by conducting the initial review and compiling information which can be provided to the USACE in the event that further investigation is required. A review should be conducted on any land that is in an undeveloped “natural” state (e.g. wooded, scrub shrub, meadow, old field, etc.), that exhibits any of the indicators noted above, or is not currently being cropped and designated as “Prior Converted” (PC) cropland by the U.S. Department of Agriculture/NRCS.

If your preliminary review indicates that wetlands and streams may be present on the parcel, you should engage an individual familiar with federal delineation, such as an environmental consultant, to conduct a formal delineation to identify all wetlands, streams, ditches, drainageways, etc. on the parcel.

Delineation is the procedure used to flag and map the upland/wetland boundary and to identify and map all streams, drainages, other waterways/conveyances etc. on a parcel. Wetlands are required to be delineated in accordance with the Delineation Manual and appropriate Northcentral and Northeast Regional Supplement (Supplement). Copies of the Delineation Manual and the current Supplement version can be obtained at:

http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/reg_supp.aspx

After a wetland and waters delineation has been completed, a delineation report should be submitted to the USACE for review and verification. The report should contain a request that the USACE provide confirmation of the mapped location and boundaries of all aquatic resources identified and a request for determination of federal jurisdiction of the resources.

The delineation should be verified by the USACE **prior to finalizing any project design** for the site to ensure that no further modifications of project plans would be needed to comply with the 404(b)(1) Guidelines (Guidelines). These Guidelines require that all practicable steps are taken to avoid and minimize impacts to aquatic resources. These steps may include, but are not limited to, redesign of the project and consideration of alternative project sites that contain less or no aquatic resources. Compensatory mitigation can be considered only after avoidance and minimization efforts and consideration of alternatives have been evaluated.

The USACE is the only regulatory agency authorized to determine the presence/absence and extent of federally regulated waters and wetlands. Note that USACE jurisdiction includes waters and wetlands regulated by the New York State Department of Environmental Conservation (NYSDEC). However, state and federal boundaries may not coincide because the two regulatory agencies utilize different criteria to determine wetland boundaries. The major disparity between federal and state regulatory authority is that the NYSDEC regulates wetland complexes that are 12.4 acres and larger - upon which a 100 foot buffer is imposed. These “State” freshwater wetlands can be viewed on the New York State Environmental Resource Mapper website listed above. In general, the USACE regulates all wetlands regardless of size, and all streams regardless of their classification by NYSDEC.

If the final project design indicates that a Department of the Army permit is required because you propose to place fill into, or conduct certain in-water activities in a jurisdictional water of the United States, you will find the Joint Permit Application and submittal instructions on the USACE Buffalo District website at <http://www.lrb.usace.army.mil>. You can also contact the Buffalo District Office, 1776 Niagara Street, Buffalo, New York 14207, (716-879-4330) or the Auburn, New York Field Office, 7413 County House Road, Auburn, New York 13021, (315-255-8090) and request that a permit package be sent to you directly.

