



MSES Consultants, Inc. Clarksburg, West Virginia





U.S. Fish & Wildlife Service Field Office Elkins, West Virginia



U.S. Army Corps of Engineers
Huntington District
Pittsburgh District





West Virginia Division of Culture and History State Historic Preservation Office Charleston, West Virginia



West Virginia Division of Natural Resources Wildlife Diversity Program and Natural Heritage Program Elkins, West Virginia



Office of Land and Streams
West Virginia Division of Natural Resources
Charleston, West Virginia



### **Who Issues Crossing Permits**







### **U.S. Army Corps of Engineers**

Section 10 Waters
Rivers and Harbors Act and/or Section
404 of Clean Water Act

and

Nationwide Permits (NWPs)
Maintenance NWP 3
Utility Line Activities NWP 12





### Office of Land and Streams

Right of Entry Permit
for work within stream
Licensed Agreement
for permanent structures in stream





#### Office of Land and Streams

Stream Activity Application for

Temporary and Permanent
Stream Crossings/Activities Permit(s)
for each

**Road or Pipeline Crossing** 







# Section 10 Waters or Navigable Waters

Permits Issued by
US Army Corps of Engineers
and
Office of Land and Streams





### **Navigable Waters**

Waters of the United States
Including the Territorial Seas
and
Section 10 Waters Plus Their Tributaries
and Adjacent Wetlands and Isolated Waters
Where Interstate or Foreign Commerce
Could Be Affected





### Office of Land and Streams Streams

Any Flow Path That Conveys Water at Some Point Ephemeral Stream, Intermittent Stream, Flowing Water



### When Is A Permit Needed





### For All Crossings of a Stream

Office of Land and Streams

Pipeline Crossings Road Crossings







## Nationwide Streams and Section 10 Waters

Pipeline Crossings Road Crossings

US Army Corps of Engineers and Office of Land and Streams





# What Information Is Needed for a Section 10 Waters Crossing Permit?





#### **Army Corps of Engineers Is Lead Agency**

Location Map of Crossing Area

Topographic map with Project Area identified

Crossing latitude and longitude

Site address, county, and State

Detailed Crossing Description

Plan and profile drawing

Area of disturbance

Time of disturbance

Permanent changes to stream

Temporary changes to stream

✓ Plans
 Spill Plan (SPCC Plan)
 Erosion, Sediment, and Stormwater Management Plan
 Crossing Maintenance Plan





#### **Army Corps of Engineers Is Lead Agency**

**✓** Agency Approval/Clearance

US Fish and Wildlife Services - RTEs

DNR - RTEs - Wildlife Diversity

Program

and the Natural Heritage Program

**SHPO** 





### Army Corps of Engineers Is Lead Agency

If Crossing Is By HDD
All of the Above Information Is Needed
Plus
An HDD Fluid Frac Out Contingency Plan







### Submittals Are Made to Both

US Army Corps of Engineers and Office of Land and Streams





# What Information Is Needed For A Nationwide Stream Crossing Permit?





### Nationwide Permit Program Army Corps Is Lead Agency

Oil and Gas Industry in West Virginia

NWP 3 – Maintenance

NWP 12 – Utility Requirements



### **Nationwide Permit Program**



#### **NWP 3 - Maintenance**

Repair, rehabilitate, or replace per authorized structures

Removal of stream sediment and placement of new or additional soils or rock rip rap

Temporary structures such as steam crossing culverts, mats, or repairs to structures



### **Nationwide Permit Program**



### **NWP 12 - Utility Line Activities**

Construction, maintenance, repair, or removal of pipelines or roads

Activities cannot result in a loss of greater than a half acre of waters of the United States





# Nationwide Permit Program Pre-construction notification (NWP 3) only required when

In stream removal of sediment Placement of fill material





## Nationwide Permit Program Pre-construction notification (NWP 12) only required when

Mechanized land clearing in a forested wetland for pipeline run or road
When a Section 10 permit is required
When the pipeline crossing lengths are exceeded

500 feet or greater for overhead lines
500 feet or greater for over water bridge crossing
Permanent roads constructed through water with
Impervious materials





### Nationwide Permit Program

Pre-construction Notification and

**Army Corps of Engineers Permitting** 

Most Oil and Gas Crossing of Streams
Roads and Pipelines
Both
Temporary and Permanent
Are
Exempted From
Pre-Construction Notifications
and
Army Corps of Engineers' Permits





### **Nationwide Permit Program**

Exemption From
Pre-Construction Notifications
and
Army Corps of Engineers Permits

**Does Not Apply To** 

Section 10 Waters
or
Exceeding Criteria Listed
In NWP 3 and NWP 12





### **Permit Fees**

**Army Corps of Engineers No Permit Fees** 





### **Permit Fees**

Office of Land and Streams
No Permit Application Fees
But
A Crossing Rental Fee Is Assessed
Based On

Pipeline –

Size, material, pressure, and what the pipe is carrying

Roads -

Width, length, and number of culverts



**Agency Reviews** 

DNR - Generally within a week

SHPO - 3 to 6 months

US Fish and Wildlife Service - 3 to 6 months







### **Army Corps of Engineers**

### **Permit Issue Timing**

Section 10 Streams – 4 to 6 months which includes 30-day public notice after agency reviews and clearances granted.





### Office of Land and Streams

**Permit Issue Timing** 

Stream Activity Application
30-Day Review and Permit Issuance





MSES Consultants, Inc. Clarksburg, West Virginia