

Fact Sheet 014



Permits required for lake erosion abatement works

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If you are considering any work, such as construction, dredging or filling, that will involve the public waters of Ohio or the navigable waters of the United States, you must have the proper permits.

Permits are necessary to:

protect the quality of Ohio's water resources, prevent obstruction of navigable waters of the United States, and control dumping of dredged materials, fill materials or refuse into public waters.

Protect yourself. It is illegal to proceed with work before the proper permits are issued. And, obtaining a permit takes time! Apply a minimum of 120 days prior to the start of planned construction. If there are problems, up to a year may pass before permits are issued. Violators of the permit programs are subject to fines and/or imprisonment and offending structures may be removed.

Some of the information required to obtain permits includes construction plans drawn to scale, location of property, location of proposed structure on the property, names and addresses of adjacent property owners, dates construction will begin and end, and the applicant's name and address. Be sure to **apply before you build and apply early**.

The U.S. Army Corps of Engineers requires a permit for any work or structure along the shoreline of Lake Erie including adjacent wetlands. These are considered "navigable waters" of the United States and fall within their jurisdiction.

Upon receipt of an application, the Corps of Engineers will issue a public notice of proposed work to concerned agencies, groups, adjacent property owners and others indicating an interest. Usually the information contained in the application for this permit is sufficient for other regulatory agencies to judge the environmental effects of your proposed works. These regulatory agencies include the Ohio Department of Natural Resources (ODNR), Ohio Environmental Protection Agency (OEPA), and Fish and Wildlife Services. If additional information is necessary, you will be contacted.

Ohio law requires a permit from the Ohio Department of Natural Resources before building a beach or any structure to control erosion on the Ohio shore of Lake Erie. Ohio law also requires that you obtain a water quality certificate from the Ohio Environmental Protection Agency before you do any work involving Ohio's water, including Lake Erie.

The Corps of Engineers will issue a permit only if it is determined to be in the public interest. However, the Corps of Engineers cannot issue a permit if water quality certification from the Ohio Environmental Protection Agency or other state or local approvals are denied.

In addition, be sure to contact your local government (city, county or township) for local permits that may be required.

Where to obtain permits and more information

Jurisdiction: Navigable waters of the U.S. A. (Lake Erie, adjoining bays, several tributary rivers and all wetlands adjacent to these waters)

Agency: The Commander
U.S. Army Engineer District, Buffalo
1776 Niagara Street
Buffalo, NY 14207
Attn: CENCBCO-S
Phone 716/879-4330

What to ask for: Eng. Form 4345 and *Permit Program: A Guide for Applicants*

References

U.S. Army Corps of Engineers, *Permits Program: A Guide for Applicants*, Pamphlet EP 1145-2-1.

Ohio Department of Natural Resources, Office of the Chief Engineer, *Instructions for Permits for Works to Arrest Erosion Along the Ohio Shoreline of Lake Erie*.

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