

TENNESSEE-TOMBIGBEE WATERWAY LAKESHORE USE PERMITS

GENERAL INFORMATION

Permits on the Tenn-Tom Waterway

A permit from the U.S. Army Corps of Engineers is required for any dredging, filling, or structures in or over the Tenn-Tom Waterway (including surrounding property that is subject to a flowage easement).

Permits are obtained by submitting applications to one of the offices of the U. S. Army Corps of Engineers located on the Tenn-Tom Waterway. (Addresses and phone numbers are listed below) No work can begin until a signed permit is received by the applicant.

No permits are issued for work where the Corps owns the underlying property in fee title. (i.e. Bay Springs Lake)

Authority For Permit Program

The authority of the Corps to issue permits is based on the following:

Pat 327 of Title 36 of the Federal Code of Regulations establishes policies regarding the use of water resources development projects under the jurisdiction of the Corps of Engineers.

Section 10 of the Rivers and Harbors Act of 1899 prohibits the obstruction or alteration of navigable waters of the United States without a permit from the Corps of Engineers. It requires a permit for such things as dredging, disposal of dredged material, filling, excavation, and the placement or modification of structures such as piers, docks, boat ramps, bulkheads, riprap, power lines, pipelines, and permanently moored vessels.

Section 404 of the Clean Water Act requires a permit for activities affecting waters of the United States (including wetlands). These activities include placement of fill material, most construction, excavation, and mechanized clearing.

Other laws that affect the processing of applications for permits on the waterway include the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, and the National Historic Preservation Act.

Explanation of Commonly Used Terms

Flowage Easement – An easement that gives the Corps of Engineers the right to permanently flood the property. The Corps owns flowage easements around much of the Tenn-Tom Waterway. The easements are related to a height above the normal pool

elevation. That height varies from lake to lake and may be as high as 6 feet above the normal pool elevation. Although the landowner maintains the property and pays taxes on it, the easement prohibits excavation, placement of fill, and construction of structures on the property without a permit from the Corps of Engineers.

General Permit – A permit for a relatively minor structure or activity within the waters of the Tenn-Tom Waterway such as bulkheads, shoreline stabilization, boat docks, boat slips, removal of floating debris, and boat ramps. Application for a general permit is relatively simple. If all the conditions of the permit are met, then the permit can be issued without a public notice period and lengthy delay. There are separate sets of general permits for Alabama and Mississippi. The permits are subject to change every 5 years.

Individual Permit - An individual permit is required for activities that exceed the scope of general permits. Individual permits are processed in the Mobile District Office and generally require coordination with other state and federal agencies and the public.

Navigable Waters – Waters that have been used for transportation of commerce. All waters of the Tenn-Tom Waterway are navigable.

Waters of the United States – A broad term used to define areas subject to the jurisdiction of the Corps of Engineers permitting authority. It includes navigable waters, rivers, creeks, intermittent streams, natural ponds, sloughs, and wetlands.

Wetlands - Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands typically include marshes and swamps but may also include areas that appear to be dry during the late summer and fall.

PERMIT APPLICATION

Fees

No fees are required for general permits issued by an office on the Tenn-Tom Waterway. If an individual permit from the Mobile District Office is required, minor fees may be charged.

Contacts

South of Amory, Mississippi contact a park ranger at:

Waterway Management Center
3606 West Plymouth Road
Columbus, MS 39701 Phone: 662-327-2142

North of Amory, Mississippi contact a park ranger at:

Bay Springs Site Office
82 Bay Springs Resource Road
Dennis, MS 38838-9723 Phone: 662-423-1287

Permit Application Forms

Application forms may be obtained by calling one of the offices listed above or by returning to the Mobile District home page at www.sam.usace.army.mil and accessing the Permit Section. The name of the form is a Joint Application and Notification form. There are two slightly different forms for the states of Mississippi and Alabama.

Typical Permit Process

1. Pre-application meeting to discuss the proposed work and permitting process - The meeting normally takes place at the site of the proposed work.
2. Submission of application
3. Review of application to determine conformance with the appropriate general permit and all of its conditions - If the proposed work exceeds the scope of the general permit, the application may be returned for revision or forwarded to Mobile for an individual permit depending on the desire of the applicant.
4. On-site review of proposed work (if needed)
5. Issuance of permit
6. Construction
7. Inspection and posting of permit tag to identify the permitted structure.

Things That Must Be Included In An Application

1. A copy of the deed to the property.
2. A vicinity map and directions to the site
3. A phone number where the applicant can be contacted
4. Drawings: Drawings should be on 8 1/2 x 11 inch white paper. The drawings do not need to be professional but must be clear, accurate, and contain all necessary information. They should be as clear and simple as possible. The drawings must show two views:

Plan View: The plan view shows the proposed activity as if you were looking straight down on it

from above. It should at a minimum show the shoreline, proposed structure(s), north arrow, property lines, distance to property lines, names of adjacent property owners, and all dimensions.

Cross Section View: The cross section view shows the side, front, or rear view of the proposed activity as it would appear if cut down the middle for display. The drawing should at a minimum show the water depths, shoreline and dimensions of all fill, excavation or structures.

Permit Conditions

The issuance of any permit is subject to the following conditions:

1. You must submit satisfactory plans and all state and local permits must be obtained before work can be initiated.
2. Permits will not be issued if the work will adversely impact threatened or endangered species or their critical habitat.
3. Permits will not be issued if the work will adversely impact cultural resources such as archaeological, scientific, prehistoric, or historic sites or data.
4. Permits will not be issued for work in specially protected areas.
5. You must maintain the authorized activity in good condition.
6. You must allow Federal or State resource agency personnel to inspect the proposed and/or authorized activity at any time.
7. A permit from the Corps does not obviate the need to obtain other permits that may be required. Nor does the permit grant any property rights or exclusive privileges. It does not authorize any injury to the property or rights of others. Nor does it authorize interference with the Federal project.
8. In issuing a permit, the federal government does not assume any liability.