

New Fees for Wetland, Stream and Lake Disruption

The purpose of this newsletter is to inform you of changes in Ohio's laws that can result in state fees of up to \$25,000 on development projects if wetlands, streams, or lakes are affected.

Section 401 of the Clean Water Act requires that any person who wishes to place dredged or fill material into wetlands, streams or lakes must apply for Section 401 certification. Activities typically requiring 401 certification include rerouting streams, culverting streams, filling wetlands, and dredging and filling lakes.

Costs associated with 401 Water Quality Certification, effective last year, are:

- Review fees, which are the most significant cost, as follows:

RESOURCE IMPACTED	REVIEW FEE
Wetland	\$500 per acre
Ephemeral Stream	\$5 per linear foot or \$200, whichever is greater
Intermittent Stream	\$10 per linear foot or \$200, whichever is greater
Perennial Stream	\$15 per linear foot or \$200, whichever is greater
Lake	\$3 per cubic yard of dredged or fill material

- An application fee of \$200 at the time of application.

One half of the applicable review fees are due at the time of application. The balance of the fee is due after Ohio EPA has taken a final action on an application.

The maximum fee is \$25,000 per application. If the applicant is a county, township, or municipal corporation in the state, the maximum fee is \$5,000 per application.

We are seeing several projects requiring 401 certification (i.e., relocation of an agricultural ditch) where the prospective clients were not aware of these fees, and are now faced with up to \$25,000 in fees. These fees are set by Ohio statute and, to-date, are non-negotiable.

It is also recommended ACOE 404 and OEPA 401 permit applications be submitted 9 to 12 months prior to the start of construction due to each agencies' backlog and time required to review permits.

Environmental Update



Watterson's professionals are experienced in all phases of wetlands management, including determinations, delineations, permitting, mitigation, and pre-development planning.

Offices:

CHICAGO, IL

(847) 925-9800

EDISON, NJ

(732) 266-1592

LANSING, MI

(517) 282-3342

TOLEDO, OH

(419) 824-5210

Contact Joe Cook or Frank Kozak of Watterson at (419) 824-5210.