

Know Before You Build: Is There a Wetland on Your Property?

Anyone who wants to place fill material into a wetland must obtain proper permits prior to beginning any type of earth moving activity.

Because of their many environmental, ecological and functional benefits, wetlands are important natural resources. As valuable natural resources, proposed activities within wetlands (which includes placing fill material, mechanically clearing, and building in wetlands) on both private and publicly owned land may be regulated by both Ohio EPA and the U.S. Army Corps of Engineers (USACE).

What is a wetland?

A wetland is an area of land where water covers the soil or is present at or near the soil's surface. More specifically, wetlands have either permanently or seasonally saturated soil, specific soil types, and distinct vegetation that combined supports a unique ecosystem. Wetlands have many names, including swamps, marshes, bogs, fens, wet prairies, wet meadows, etc.



A common type of wetland found in Ohio. The downspout from a nearby building continues to maintain this wetland.

Are wetlands easy for me to identify on my own?

Many people think of wetlands as open water marshes. However, there are several types of wetlands that may never have standing water. In fact, some of the most common Ohio wetlands are shrub and forested wetlands. Wetlands have specific plants, soils and hydrology; therefore, it requires a qualified wetland professional with knowledge of soils and plant species to evaluate your property by performing a wetland review (also known as a wetland delineation).

How do I determine if I have wetlands on my property?

If you'd like to have someone review your property before you hire a professional, contact your local Soil and Water Conservation District (SWCD). Each county has its own SWCD, and their contact information can generally be found on the county's website. You can also contact a wetland specialist in Ohio EPA's Division of Surface Water, who can help you directly or refer you to someone who can.

What is a wetland delineation?

A professional (usually an environmental consultant) will look at the topography, soils and vegetation by taking soil samples and evaluating the plant species. From this information, a determination will be made as to whether any wetlands are present. If all three wetland characteristics exist (hydric soils, wetland plants and a source of hydrology), the wetland boundary will be marked or delineated with flagged stakes.

The professional will put together a Wetland Delineation Report, which contains a detailed description of the wetland along with data sheets describing the soil and vegetation. It also includes a map of the property boundary, a map outlining the wetland, and a soil survey map. The report is submitted to the U.S. Army Corps of Engineers for review and approval. The Army Corps makes the final determination whether the area is a wetland.



Typical wetland delineation map

Know Before You Build: Is There a Wetland on Your Property?

What should I do if I want to fill in a wetland?

A permit is required for all activities that involve placing fill material into wetlands. Fill material includes any type of rock, sand, soil, clay, construction debris, wood chips, overburden from mining or excavation activities, and materials used to create any structure or infrastructure in the wetland. The most common activities include building sheds or garages, widening driveways, constructing roads, etc. It's important to understand the requirements and conditions of a wetland permit. For more information, contact Ohio EPA's Division of Surface Water at (614) 644-2001.

What if I already obtained a sanitary sewer Permit-to-Install (PTI) or local zoning rights? Are wetland impacts automatically approved?

No. There are separate permits that specifically allow wetland impacts. Make sure you have the appropriate wetland permit before conducting any activities that may affect wetlands.

I'm thinking about purchasing property. How do I know if there will be wetland issues?

Make sure to ask the seller to reveal if wetlands are present. You could also ask the seller to provide an approved Wetland Delineation Report prior to closing on the property. Ensure the property is suitable to whatever your potential plans may be before purchasing. You could also contact your local SWCD for assistance.

I think I can avoid impacting the wetland if I reroute my project. Will this make things easier for me?

Yes. It is always recommended to avoid constructing in wetlands and build elsewhere if possible. Some construction projects may fail because they are built in areas that are naturally prone to wetness. Also, if you avoid impacting wetlands, no permit is required.

What kind of permits might I need?

Whether on public or private land, wetlands may be considered waters of the U.S. Discharging dredged or fill material into waters of the U.S. may require a Section 404 permit from the U.S Army Corps of Engineers and a Section 401 Water Quality Certification from Ohio EPA. There are various types of 404 permits. The Army Corps can assist applicants in identifying which permit applies to their project.

If a wetland is not considered a water of the US, it still may be considered a water of the State of Ohio ("non-jurisdictional wetland" or "isolated wetland"). Placing dredged or fill material into an isolated wetland in Ohio requires an Isolated Wetland Permit from Ohio EPA.

Who should I contact to get a permit?

The permitting process involves both Ohio EPA and the U.S Army Corps of Engineers. The permitting process starts with the U.S Army Corps of Engineers. There are three Army Corps Districts throughout Ohio. To determine which Army Corps district covers your area, use the following tool: <http://regulatory-ops.s3-website-us-east-1.amazonaws.com/>. You can also contact Ohio EPA's Division of Surface Water for details on isolated wetland permitting.

Need more information about wetlands?

- Ohio EPA Wetlands Factsheet – epa.ohio.gov/portals/47/facts/ohio_wetlands.pdf
- Ohio EPA Division of Surface Water – epa.ohio.gov/dsw/401/permitting.aspx
- U.S. EPA Wetland Factsheets – epa.gov/wetlands/wetlands-factsheet-series

Know Before You Build: Is There a Wetland on Your Property?

Fact: The same wetland looks different throughout the seasons.



Spring: Snow melt and spring rains fill wetlands.



Summer: By mid-summer the wetland begins to dry out.



Winter: The winter months tend to cover up the identity of the wetland.



Fall: By fall, there are very few traces of the once productive wetland.

Contacts

The Army Corps covers three different regions of Ohio. Please use the website provided on the previous page to determine the appropriate contact for your property.

U.S. Army Corps of Engineers, Buffalo District
1776 Niagara Street
Buffalo, NY 14207-3199
(716) 879-4330

U.S. Army Corps of Engineers, Louisville District
P.O. Box 59
Louisville, KY 40201-0059
(502)-315-6733

U.S. Army Corps of Engineers, Huntington District
502 Eighth Street
Huntington, WV 25701-2070
(304) 399-5210

Ohio EPA Division of Surface Water
P.O. Box 1049
Columbus, OH 43216-1049
(614) 644-2001

U.S. Army Corps of Engineers, Pittsburgh District
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 2200
Pittsburgh, PA 15222-4186
(412) 395-7155

Ohio EPA Office of Compliance Assistance and Pollution Prevention
P.O. Box 1049
Columbus, OH 43216-1049
(614) 644-3469