Section 404 Permits: 
Issuance, Withdrawal and Denial

Under Section 404 of the Clean Water Act, the U.S. Army Corps of Engineers is given the authority for protecting wetlands and other water bodies from the effects of dredging, draining and filling. EWG's Section 404 permitting database, obtained through a federal Freedom of Information Act request to the Corps, allows for state-by-state and county-by-county analysis of the number of permits issued, withdrawn, and denied each year, from 1988 through June of 1996. Data are available for 27 of the 38 Corps districts, covering the majority of the land area of the contiguous United States.

Permit actions taken by the U.S. Army Corps of Engineers can be divided into several categories:

- **General permits** constitute the large majority of all wetlands permits. General permits are issued at a regional or national level for categories of activities that allegedly have minimal individual and cumulative impact on the aquatic ecosystem. Typically, general permits require minimal scrutiny by the U.S. Army Corps of Engineers, and are authorized in just a few days or weeks.

- **Individual permits** are often for larger or more complex projects than those authorized under general permits, and often require greater scrutiny by the Corps. Some individual permits may require the permit applicant to look for alternative, non-wetland sites for a project, or may place additional restrictions on a development project to minimize or compensate for any damage to the wetlands. Individual permits may be issued in a Standard format, or as Letters of Permission.

- **Permit withdrawals** are permit applications submitted to the Corps which, for any number of reasons, are withdrawn from consideration. Some permits are withdrawn because the applicant fails to obtain project financing or other approval for a project, or for some reason unrelated to the wetlands permit process itself. Some permits may be withdrawn because the permit applicant believes that a permit will not be issued. Some permits are withdrawn simply to correct record-keeping errors by the Corps. The Corps is beginning to do a better job of tracking the reasons for permit withdrawals, but the reasons for most withdrawals in EWG's database are unclear.

- **Permit denials** are permit applications that the Corps did not approve—meaning that the applicant was not allowed to go forward with a proposed project in a wetland or other water body. Data from the Corps of Engineers indicates that many permits are denied not because of the Corps' environmental requirements, but because a state or local government agency doesn't give approval for the project. By regulation, the Corps may not issue Section 404 permits for projects that are blocked by a state or local agency, such as the state environmental management agency or a zoning board. In such