Wetland and Stream Permit (WSP) /Water Quality Certification (WQC) Application Requirements

In accordance with CWA Section 401 Certification Rule (https://www.epa.gov/cwa-401/clean-water-act-section-401-certification-rule), effective September 11, 2020, applicants must request a pre-filing meeting with DOEE 30 days prior to submitting a WQC application. To request a pre-filing meeting email Wetlandprogram@dc.gov.

In accordance with 21 DCMR § 2602, the following documents must be included in a WSP/WQC application:

- Signed USACE joint permit application form, found here (https://www.nab.usace.army.mil/Missions/Regulatory/Permits-DC/)
- A detailed description of the proposed project including:
    - Project purpose and need;
    - Justification for proposed water-dependent activities;
    - A description of facilities to be constructed or modified and work to be performed that would impact wetlands, streams, or other District waters;
    - A description of the size and location of the proposed project site;
    - A copy of either the approved jurisdictional determination letter from the U.S. Army Corps of Engineers or the preliminary jurisdictional determination form;
    - The area (in square feet), length (in feet), and type(s) of streams and wetlands proposed to be impacted, including the area or length determined to be waters of the United States; and
    - The applicant's proposed mitigation plan.
- A wetland and stream delineation report for the site, with supporting documents, that delineates all wetlands and streams within the project vicinity and includes:
    - Wetland determination data forms for each wetland community in accordance with U.S. Army Corps of Engineers 1987 Wetlands Delineation Manual and Regional Supplements, accessible on the U.S. Army Corps of Engineers' website: https://www.nab.usace.army.mil/Missions/Regulatory/Jurisdictional-Determinations;
    - Topographic mapping; and
    - Survey mapping.
- A site plan that includes the following information:
    - Wetland boundaries, as marked or flagged in the field, based on field delineation and delineated in accordance with the U.S. Army Corps of Engineers Wetland Delineation Manual and its Regional Supplements;
    - Wetland and upland data point locations delineated in accordance with the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual and Regional Supplements;
    - Stream top-of-bank boundaries and ordinary high water mark boundaries, as marked or flagged in the field, based on field delineation;
    - Locations of springs, seeps, vernal pools, and other aquatic resources;
    - Locations of existing and proposed structures or utilities;
    - Proposed locations of regulated activities and limits of disturbance;

  - Property lines of any parcels impacted by the regulated activity;
  - Locations and number of soil or sediment investigations and any soil or sediment contamination issues;
  - Locations and number of groundwater investigations and any contamination issues; and
  - Locations of project sites on District Flood Insurance Rate Map (FIRM).
- As applicable, a cross-sectional drawing of each proposed impact area that includes at a minimum:
  - Graphic scale;
  - Existing structures;
  - Existing and proposed elevations;
  - Limits of wetlands and streams;
  - Flow direction;
  - For non-tidal streams, ordinary high water mark and top-of-bank;
  - For tidal streams, mean low water and mean high water lines;
  - Impact limits; and
  - Location of all existing structures and proposed structures.
- Profile drawing(s) with the information listed in paragraph (d), if required by DOEE to demonstrate minimization of impacts;
- A list of each type of wetland proposed to be impacted, identified by its Cowardin classification, and for each classification of wetland:
  - The area of each proposed wetland impact in square feet; and
  - The total area of all proposed impacts in square feet.
- A list of individual stream impacts as follows:
  - By length in linear feet to the nearest whole number and by average width in feet to the nearest whole number; and
  - In square feet to the nearest whole number.
- Representative photographs of the impacted wetland or stream, riparian buffers, data point locations, and project area;
- A completed environmental impact screening form and review documents, if required by the District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.01 *et seq*.), and by 20 DCMR § 7201;
- Names of adjacent property owners;
- A photo location map identifying the direction of each photo taken;
- A functional assessment of the wetlands and streams directly or indirectly, temporarily or permanently impacted by the proposed activity;
- An avoidance and minimization analysis; and
- A mitigation plan.

Once the above information is submitted to DOEE, the applicant is required to submit a **certification request letter** that includes the following information:

1. Identify the project proponent(s) and a point of contact;

2. Identify the proposed project;

3. Identify the applicable federal license or permit;

4. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters;

5. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control, or manage the discharge;

6. Include a list of all other federal, interstate, tribal, state, territorial, or local agency authorizations required for the proposed project, including all approvals or denials already received;

7. Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30 days prior to submitting the certification request;

8. Contain the following statement: `The project proponent hereby certifies that all information contained herein is true, accurate, and complete, to the best of my knowledge and belief'; and

9. Contain the following statement: `The project proponent hereby requests that the certifying authority review and take action on this CWA 401 certification request within the applicable reasonable period of time.'

Water Dependent Projects / Non-Water Dependent Projects with No Practicable Alternative

DOEE will not issue a WSP or WQC for regulated activities unless the applicant demonstrates:

- The proposed project is either water-dependent, or is not water dependent but has provided justification that no practicable alternative exists. Water dependent projects require access to, proximity to, or location within a stream or wetland to fulfill the basic project purpose.
- The regulated activity has avoided and minimized impacts to wetlands and streams based on consideration of existing topography, vegetation, fish and wildlife resources, and hydrological conditions.
- The applicant has developed and implemented or will implement a mitigation plan.

Avoidance and Minimization Analysis

Proposed impacts to wetlands and streams must be first avoided and then minimized to the greatest extent practicable. The applicant must demonstrate that all practicable alternatives have been analyzed and the proposed wetland and stream impacts have no practicable alternative in accordance with 21 DCMR § 2606.

Mitigation

In accordance with 21 DCMR § 2607, mitigation is required to offset functional, temporal, and permanent environmental losses resulting from unavoidable impacts associated with regulated activities. Applicants must complete mitigation, to the maximum extent practicable, in advance of or concurrent with the approved regulated activity. Higher mitigation ratios are required to offset temporal losses of stream and wetland functions that will result from regulated activities. Mitigation projects must replace lost wetland or stream functions at a minimum of a 1:1 ratio. Where in-kind functional

replacement is not practicable, mitigation ratios will be increased to account for functional loss and to ensure the goal of no net loss and eventual net gain of wetland acreage and function is met.

DOEE will require mitigation using one or a combination of four possible methods. In preferred order, these methods are:

1. creation of a new wetland;
2. restoration of a previously existing wetland or stream;
3. enhancement of an existing wetland or stream functions; or
4. preservation of an existing wetland or stream.

In addition, there are two mechanisms for providing mitigation, in order of preference:

1. permittee-responsible mitigation (the preferred mechanism); and
2. payment into the District of Columbia's Wetland and Stream Mitigation Trust Fund. However, payment into the District's Wetland and Stream Mitigation Trust Fund may not satisfy US Army Corps of Engineers mitigation requirements.

Permittee-responsible mitigation sites must be located, in preferred order:

1. on-site where the wetland or stream impact(s) will occur;
2. in the drainage basin where the wetland or stream impact(s) will occur;
3. in the sub-watershed where the wetland or stream impact(s) will occur; or
4. outside the watershed where the wetland or stream impact(s) occur, but within the District.

This will ensure that development occurs in a manner that adheres to the District's long-standing Wetland Conservation Plan Goal of no net loss, and the eventual overall net gain, of wetland acreage and function. Payment into the District's Wetland and Stream Mitigation Trust Fund may not satisfy U.S. Army Corps of Engineers mitigation requirements.

Given the small size of the majority of the District's wetlands, no *de minimis* threshold has been established for requiring mitigation. However, regulated activities cumulatively totaling two thousand five hundred (2,500) square feet or less in size of impact for a single project may fulfill mitigation requirements through payment into the District's Stream and Wetland Mitigation Trust Fund, in accordance with 21 DCMR § 2607.21.

Table 1. Mitigation ratios for impacts to streams

Type of Stream	Restoration Ratio	Preservation and Enhancement Ratio	District Wetland and Stream Mitigation Trust Fund Payment
Ephemeral	1:1	1.5:1	1.5:1
Intermittent	2:1	3:1	3:1

Perennial	2:1	3:1	3:1

Table 2. Mitigation ratios for impacts to wetlands.

Wetland Type	Mitigation Method		
	Creation/Restoration	Enhancement and Preservation	District Wetland and Stream Mitigation Trust Fund Payment
Emergent	1:1	1.5:1	1.5:1
Shrub-scrub	2:1	3:1	3:1
Forested	2:1	3:1	3:1
Emergent Wetland of Special Concern	2:1	3:1	3:1
Shrub-scrub Wetland of Special Concern	3:1	4.5:1	4.5:1
Forested Wetland of Special Concern	3:1	4.5:1	4.5:1

Wetlands of Special Concern

21 DCMR § 2616 designated wetlands of special concern that have exceptional ecological value and safeguard the natural diversity of the District's remaining wetlands. Regulated activities within these wetlands will require higher mitigation ratios for those impacts that may be permitted. A map of the wetlands of special concern can be found in Attachment A.

Application Fees

Applicants for a WSP/WQC must pay fees in accordance with 21 DCMR § 2604. Nonrefundable application fees and supplemental fees based on proposed impact must be paid in order to complete the application submission process. Tables 1 and 2 below include the nonrefundable application fees and supplemental fees based on proposed impact, respectively. Additional fees, included in Table 3 below, based on contamination at the site and the proposed mitigation plan may be included after DOEE has reviewed and commented on the application but prior to issuance of the WSP/WQC. Fees can be paid through DOEE's Stormwater Database (https://octo.quickbase.com/up/bjezqjzuy/g/rbe/eg/va/Log_In.html).

On August 19, 2022, the Department of Energy and Environment (DOEE) amended the fees charged for regulated activities under the District's Critical Areas – Wetland and Stream Regulations. In accordance with 21 DCMR § 2604.3, DOEE will adjust the fees annually based on the Bureau of Labor Statistics' Consumer Price Index for June of the previous year. When paying online, a 2.36% processing fee will be added. Updated fees are included below:

Table 3. DOEE Nonrefundable Application Fees

Wetland and Stream Permit Review and/or Water Quality Certification Review	$967.42
Minor Permit/Certification Modification (projects with impacts < 5,000 SF)	$967.42
Major Permit/Certification Modification (projects with impacts ≥ 5,000 SF)	$1,934.83
Request DOEE to perform Presence/Absence Survey	Desktop Review $64.50
Request DOEE to perform Presence/Absence Survey	Site Visit $92.00 for first hour plus $129.00 for each additional hour

Table 4. Supplemental Fees Based on Proposed Impact

< 5,000 SF	$1,934.83
≥ 5,000 SF to < ¼ acre	$3,869.66
≥ ¼ acre to < ½ acre	$5,804.50
≥ ½ acre to < ¾ acre	$7,739.33
≥ ¾ acre to < 1 acre	$9,674.16
≥ 1 acre	$11,608.99

Table 5. Additional Fees

Permittee-Responsible Mitigation Plan Review	$2,038.02
Permittee-Responsible Mitigation Site Inspection/Monitoring for Impacts to PEM[1]/PSS[2] Wetlands and/or Streams	$5,095.06
Permittee-Responsible Mitigation Site Inspection/Monitoring for Impacts to PFO[3] Wetlands	$8,900.23

Contaminated soil, sediment, groundwater, or surface water within project site	$1,676.85

[1]PEM - Palustrine emergent wetland
[2]PSS – Palustrine scrub shrub wetland
[3]PFO – Palustrine forested wetland

Payment into the District Wetland and Stream Trust Fund

DOEE may accept payment into the District Wetland and Stream Trust Fund instead of permittee-responsible mitigation in accordance with 21 DCMR § 2607.18, 2607.19, and 2611. That is:

- If permittee-responsible mitigation is not practicable based on the justification provided in accordance with 21 DCMR § 2607.19 and 2607.20; or
- Cumulative impacts for a single project total < 2,500 square-feet.

The payment schedule for the District Wetland and Stream Mitigation Trust Fund is included below. The applicant must calculate the cost for each mitigation component listed. The sum of the costs equals the total amount of payment due. Mitigation ratios, in accordance with 21 DCMR § 2607, must be used to calculate the total mitigation fees based on the ratio of impacted stream or wetland area.

On December 1, 2022, the Department of Energy and Environment (DOEE) amended the fees charged for regulated activities under the District's Critical Areas – Wetland and Stream Regulations. In accordance with 21 DCMR § 2611.9, DOEE will adjust the fees annually based on the Bureau of Labor Statistics' Consumer Price Index for June of the previous year.

Table 6. Updated fees effective August 1, 2026.

Mitigation Component	Cost
Land Acquisition	Land market value*
Wetland or Stream Design	$32,246.83 per acre
Wetland or Stream Construction and Planting	$257,974.63 per acre
Wetland or Stream Maintenance and Monitoring for Five Years	$19,348.10 per year
Administrative Cost for Five Years	$10,318.99 per year

*Land market value
The land acquisition fees are a difficult variable for applicants to calculate - largely due to the fact suitable, viable permittee responsible mitigation sites in the District are challenging to find. DOEE has put in considerable time to research and evaluate the land parcels that would meet the criteria to be considered potential suitable mitigation sites, in compliance with Section 2611.8 of DC's wetland regulations. See Attachment B for more details.

Using the OTR values, DOEE calculated the **average land acquisition fee** based on our evaluation of suitable sites. This average value should be used to calculate the land acquisition component in Table 6 for your project's mitigation area.

Table 7. Land acquisition prices of suitable mitigation sites.

Comparable Suitable Sites			
Site	Size (acres)	OTR Assessment Value	Price/acre
1	0.89	$959,990	$1,078,640
2	0.15	$48,250	$321,667
3	0.95	$316,460	$333,116
4	0.13	$162,190	$1,247,615
5	0.03	$12,240	$408,000
		Average Price/acre	**$677,808**

* Prices were taken from OTR website in November 2026

Submitting Mitigation Payment

Checks can be mailed to or dropped off at DOEE's office located at 1200 First Street, NE, 5th floor. Please address the envelope with attention to your WQC reviewer. If you'd like to hand deliver, coordinate with your WQC reviewer.

Checks can be made out to "DC Treasurer". In the memo, please note "Wetland Mitigation Trust Fund, WQC-DC-#-#".

Questions?

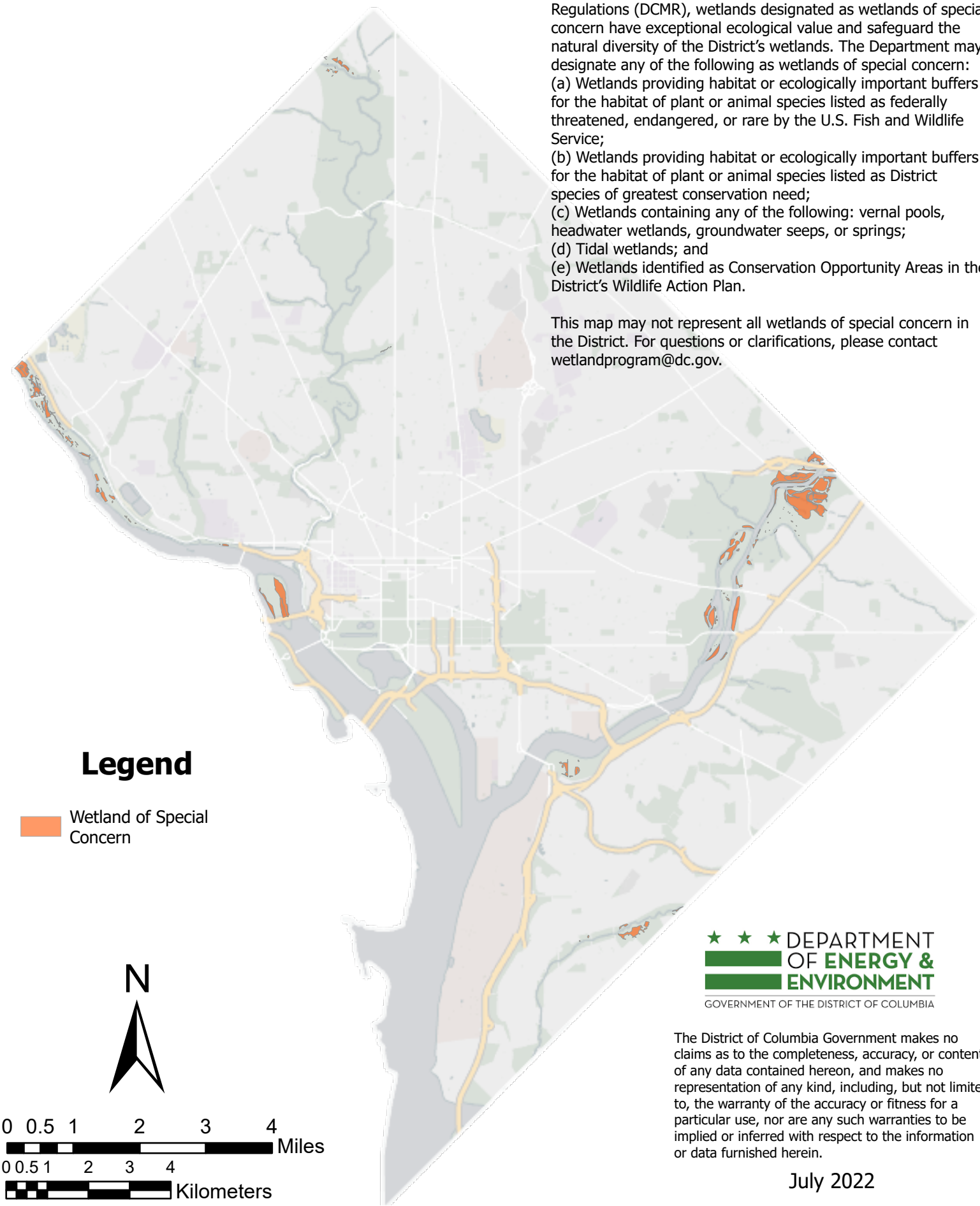
Email Wetlandprogram@dc.gov with any questions regarding District Wetland and Stream Permits and Water Quality Certifications.

ATTACHMENT A – MAP OF WETLANDS OF SPECIAL CONCERN

District Wetlands of Special Concern

Per Section 2616 of Chapter 26 (Critical Area – Wetlands and Streams), Title 21 of the District of Columbia Municipal Regulations (DCMR), wetlands designated as wetlands of special concern have exceptional ecological value and safeguard the natural diversity of the District's wetlands. The Department may designate any of the following as wetlands of special concern:
(a) Wetlands providing habitat or ecologically important buffers for the habitat of plant or animal species listed as federally threatened, endangered, or rare by the U.S. Fish and Wildlife Service;
(b) Wetlands providing habitat or ecologically important buffers for the habitat of plant or animal species listed as District species of greatest conservation need;
(c) Wetlands containing any of the following: vernal pools, headwater wetlands, groundwater seeps, or springs;
(d) Tidal wetlands; and
(e) Wetlands identified as Conservation Opportunity Areas in the District's Wildlife Action Plan.

This map may not represent all wetlands of special concern in the District. For questions or clarifications, please contact wetlandprogram@dc.gov.



DEPARTMENT OF ENERGY & ENVIRONMENT
GOVERNMENT OF THE DISTRICT OF COLUMBIA

The District of Columbia Government makes no claims as to the completeness, accuracy, or content of any data contained hereon, and makes no representation of any kind, including, but not limited to, the warranty of the accuracy or fitness for a particular use, nor are any such warranties to be implied or inferred with respect to the information or data furnished herein.

July 2022

ATTACHEMNT B- SUITABLE SITE SELECTION

Suitable Sites for Land Value Assessment

(Compiled November 2026)

Comparable Suitable Sites			
Site	Size (acres)	OTR Assessment Value	Price/acre
1	0.89	$959,990	$1,078,640
2	0.15	$48,250	$321,667
3	0.95	$316,460	$333,116
4	0.13	$162,190	$1,247,615
5	0.03	$12,240	$408,000
		Average Price/acre	$677,808

Methodology

Sites were chosen that met the following criteria:

- Privately owned
- Currently undeveloped (Use=Vacant)
- Containing or immediately adjacent to a stream or wetland, making them the most likely to be suitable permittee responsible mitigation sites where either stream/wetland restoration or wetland creation might occur and meet success criteria.

Site Details

Site 1

Address: 4469 TINDALL ST NW

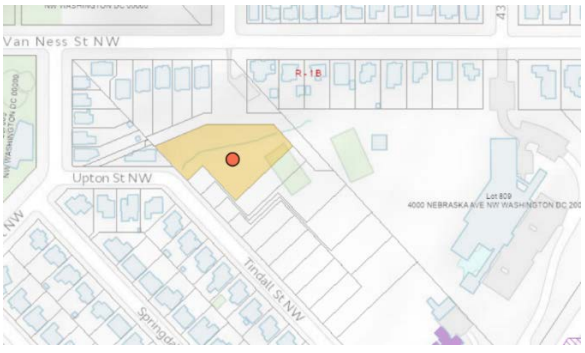
SSL: 1596 0820

Assessment value: $959,990

Lot size: 38647 sq ft = 0.89 acres

Adjusted per acre size: $1,078,640

Description: Former Royal Swedish Government site with wetland and stream



Site 2

Address: 1828 WOODMONT PL SE WASHINGTON DC 20020

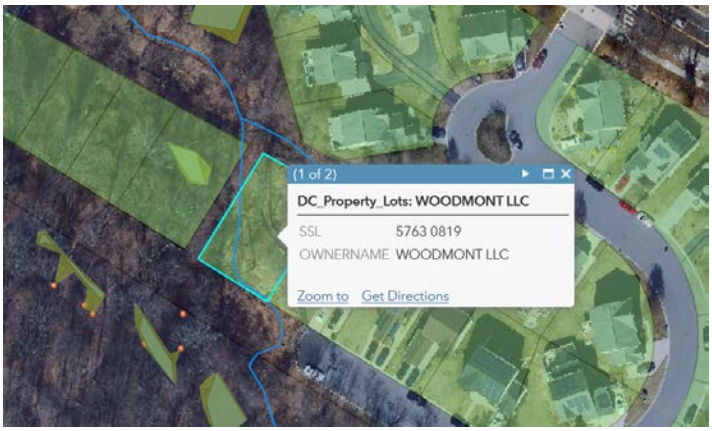
SSL: 5763 0819

Assessment value: $48,250

Lot size: 6,493 sq ft = 0.15 acres

Adjusted per acre size: $321,667

Description: Residential lot abutting Fort Stanton, contains a stream



Site 3

Address: FORT BAKER DR SE WASHINGTON DC 20020

SSL: 0213 0063

Assessment value: $316,460

Lot size: 41,260 sq ft = 0.95 acres

Adjusted per acre size: $333,116

Description: Commercial lot with wetland running through it



Site 4

Address: ANACOSTIA AVE NE WASHINGTON DC 20019

SSL: 5104 0026

Assessment value: $162,190

Lot size: 5,832 sq ft = 0.13 acres

Adjusted per acre price: $1,247,615

Description: Undeveloped lot with stream running through property on northern edge



Site 5

Address: 22ND ST SE WASHINGTON DC 20020

SSL: 5839 0007

Assessment value: $12,240

Lot size: 1,364 sq ft = 0.03 acres

Adjusted per acre price: $408,000

Description: Wooded lot abutting Fort Circle Park and wetland with a stream (tributary to Stickfoot Branch) running through it

