



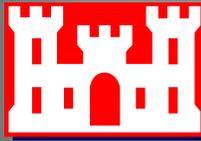
US Army Corps
Of Engineers®
Nashville District

LRD Rangers' Conference 24 October 2007



Regulatory Program *Agenda*

- **Basics**
- **Current challenges**
- **Natural Resource Management & Regulatory Branch Cooperation**



Regulatory Program *Basics - Authorities*

- **Section 10 - Rivers and Harbors Act of 1899**

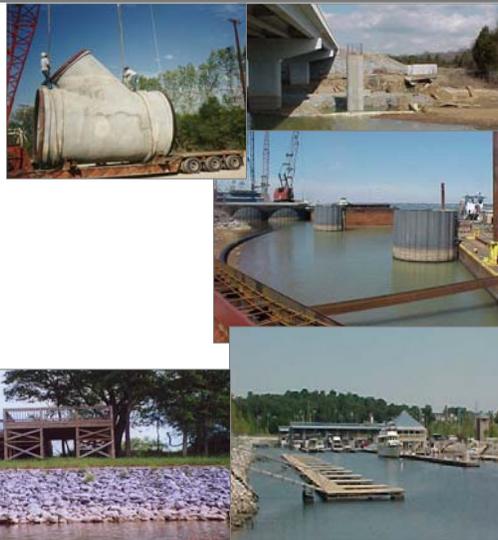
- **Section 404 - Clean Water Act (1977)**

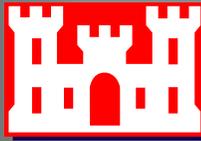


Regulatory Program *Basics - Typical Regulated Activities*

- **Structures**
 - retaining walls
 - mooring cells, pilings
 - private docks, boat ramps
 - marinas, breakwaters
 - utility lines, riprap

- **Work**
 - dredging
 - dredge material disposal
 - filling, excavation





Regulatory Program *Basics - Types of Permits*

- **Standard Individual Permits**

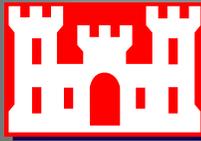
- **Letters of Permission**

- **General Permits**
 - **Regional**
 - **Nationwide**



Regulatory Program *Basics - Statistics*

- Statistics**
- **1200 regulators**
 - **90,000+/- actions/year**
 - **\$200 billion annual economic impact**



Regulatory Program *Current Challenges*

➤ **Jurisdiction**

Biggest current issue in regulatory

- **SWANCC (Solid Waste Authority of Northern Cook County) – 2001 US Supreme Court**
 - ❖ **Isolated waters**
- **Rapanos – 2006 US Supreme Court**
 - ❖ **JD Form**
 - ❖ **Significant nexus**
 - Hydrologic (volume, duration, frequency, proximity)
 - Ecologic (nutrient transfer, habitat)
 - ❖ **EPA/HQ coordination required**



Regulatory Program *Current Challenges*

➤ **Types of waters**

- **Navigable Waters – easy to determine**
- **Relatively Permanent Waters (perennial)**
- **Relatively Permanent Waters (seasonal)**
- **Non-relatively Permanent Waters (ephemeral)**
- **Wetlands – three parameter test**



Regulatory Program *Current Challenges*

➤ Jurisdiction

Is this a water of the US?



Regulatory Program *NRM/Regulatory Cooperation*

➤ Shared responsibilities

- Permits
- Compliance
- Eyes and ears

➤ Developmental assignments