

# Regulatory Program Mission

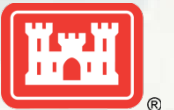
*To protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced **permit decisions**.*



**“No Net Loss of Wetlands”**



# Authorities to Issue Permits



# 33 CFR Parts 320.2

- Section 9 of the Rivers and Harbors Act of 1899
- **Section 10 of the Rivers and Harbors Act of 1899**
- Section 11 of the Rivers and Harbors Act of 1899
- Section 13 of the Rivers and Harbors Act of 1899
- Section 14 of the Rivers and Harbors Act of 1899 (Section 408)\*\*
- **Section 404 of the Clean Water Act**
- Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972



# Section 10 of the Rivers and Harbors Act of 1899

*(33 CFR Part 322)*

Permit required for construction of **structures** in, over, or under, **excavating** from or **depositing material** into, and any other work affecting the course location, condition, or capacity of **navigable waters and interstate lakes or rivers.**





# Section 404 of the Clean Water Act

(33 CFR Part 323)

Permit required to **discharge dredged or fill material** into “waters of the United States”

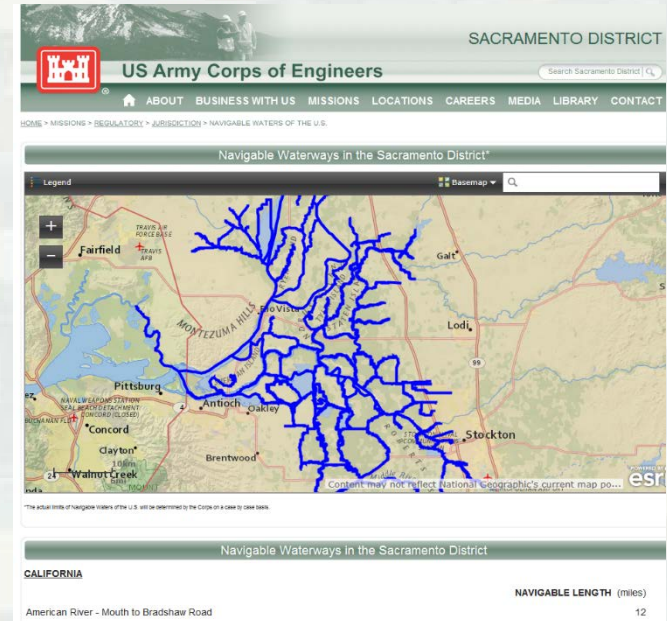


# Navigable Waters

*(33 CFR Part 329)*

- Subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Not extinguished by later actions or events which impede or destroy navigable capacity.

<http://www.spk.usace.army.mil/Missions/Regulatory/Jurisdiction/NavigableWatersoftheUS.aspx>





# Waters of the United States

*(definition at 33 CFR 328)*

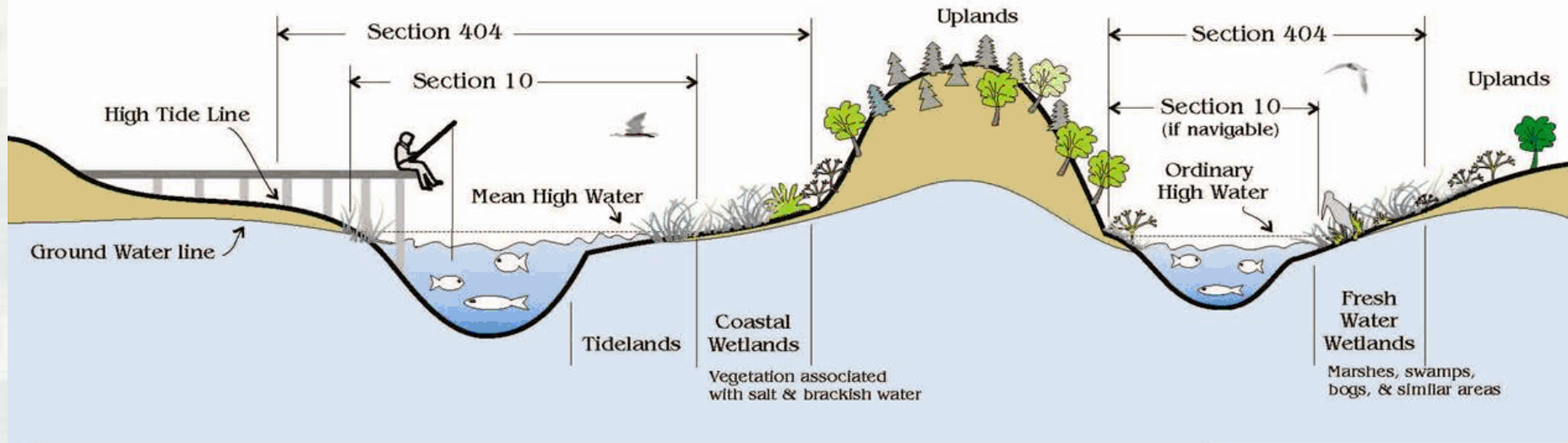
- Navigable waters and the territorial seas
- Interstate waters, including wetlands
- Impoundments, tributaries, and adjacent wetlands to the above



# CORPS OF ENGINEERS REGULATORY JURISDICTION

## Tidal Waters

## Fresh Waters



### Section 103

Ocean Disposal  
of Dredged Material

Ocean discharges of  
dredged material

Typical examples  
of regulated activities

### Section 404

Discharge of Dredged or Fill Material  
(all waters of the U.S.)

All filling activities, utility lines, outfall structures,  
road crossings, beach nourishment, riprap,  
jetties, some excavation activities, etc.

### Section 10

All Structures and Work  
(navigable waters)

Dredging, marinas, piers, wharves,  
floats, intake / outtake pipes,  
pilings, bulkheads, ramps, fills,  
overhead transmission lines, etc.





# NEPA

(42 U.S.C. 4321-4347)

- Implementing regulations at 33 CFR Part 325, Appendix B (effective 1988)
  - ▶ **General Permits (GP):** preparation of a *single document* with no additional NEPA requirement for subsequent activities under the GP.
  - ▶ **Letters of Permission (LOP):** *categorically excluded* - do not require NEPA documentation.
  - ▶ **Standard Permits (SP):** require issuance of *public notice* and completion of an environmental assessment (*EA*) or, if impacts are determined to be significant, an environmental impact statement (*EIS*).



# Regulatory CA Sections Assignment by County

## 4 January 2019

Section/Office	CA Counties
CA Delta Section	Eastern Alameda
Chief, Mr. William Guthrie	Eastern Contra Costa
	Sacramento
	San Joaquin
	Eastern Solano
	Stanislaus
	Yolo

CA South Section	Alpine
Chief, Mr. Matthew Kelley	Amador
	Calaveras
	El Dorado
	Fresno
	Kern
	Kings
	Madera
	Mariposa
	Merced
	Mono
	Tulare
	Tuolumne

CA North Section	Office	CA Counties
Ms. Nancy Haley		Butte
		Colusa
		Glenn
		Lake
		Nevada
		Placer
		Sierra
		Sutter
	Redding Office	Lassen
	Redding Office	Modoc
	Redding Office	Plumas
	Redding Office	Shasta
	Redding Office	Tehama
	Redding Office	Yuba

