

A coastal landscape featuring sand dunes in the foreground, with beach grasses growing on them. The ocean is visible in the background under a clear sky. The text is overlaid on this scene.

Army Corps Regulatory Jurisdiction

Kevin Knuuti, P.E., D.CE.

Regulatory Authorities

- Rivers and Harbors Act of 1899

~~– Section 9~~

– Section 10

- Clean Water Act – Section 404

- ~~• Marine Protection, Research and Sanctuaries Act of 1972 – Section 103~~

Regulatory Authorities

Section 10

Prohibits the **unauthorized** obstruction or alteration of any **navigable water** of the United States unless you receive a permit from the Corps of Engineers.

Obstruction or alteration includes:

- construction of any structure in or over any navigable water of the United States
- excavation of dredge, or deposition of, fill material,
- the accomplishment of any work affecting the course, location, condition, or capacity of such waters.

Regulatory Authorities

Section 404

(delegated to the Corps by EPA)

Authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits, after notice and opportunity for public hearing, for the **discharge of dredged or fill material into the waters of the United States.**

Regulatory Authorities

Defining Jurisdictional Limits

Navigable Waters of the United States (Section 10)

- “Federal regulatory jurisdiction . . . includes all land and waters below the **ordinary high water** mark.”
- For oceanic and tidal waters, the “shoreward limit of regulatory jurisdiction extends to the line on the shore reached by the plane of the mean (average) high water . . . preferably averaged over a period of 18.6 years.”
- ***Gradual changes*** due to natural causes over a period of time change the shoreline boundaries. ***When changed suddenly or by artificial forces***, the area will remain navigable by law even though no longer covered with water.”

REF: 33CFR 329, 7-1-14 edition

Regulatory Authorities

Defining Jurisdictional Limits

Waters of the United States (Section 404)

- “Includes territorial seas, **tidal waters**, and nontidal waters”
- “Landward limit of jurisdiction in tidal waters extends to the **high-tide line**”
- When adjacent non-tidal waters of the United States are present, the jurisdiction extends to:
 - to the limit of adjacent wetlands
 - ordinary high water, in the absence of adjacent wetlands
- ***“Permanent changes of the shoreline configuration result in similar alterations of the boundaries of waters of the United States. Changing sea levels may cause some areas to become waters of the United States while siltation may remove an area from waters of the United States.”***

Regulatory Authorities definitions

- Mean high water (section 10)

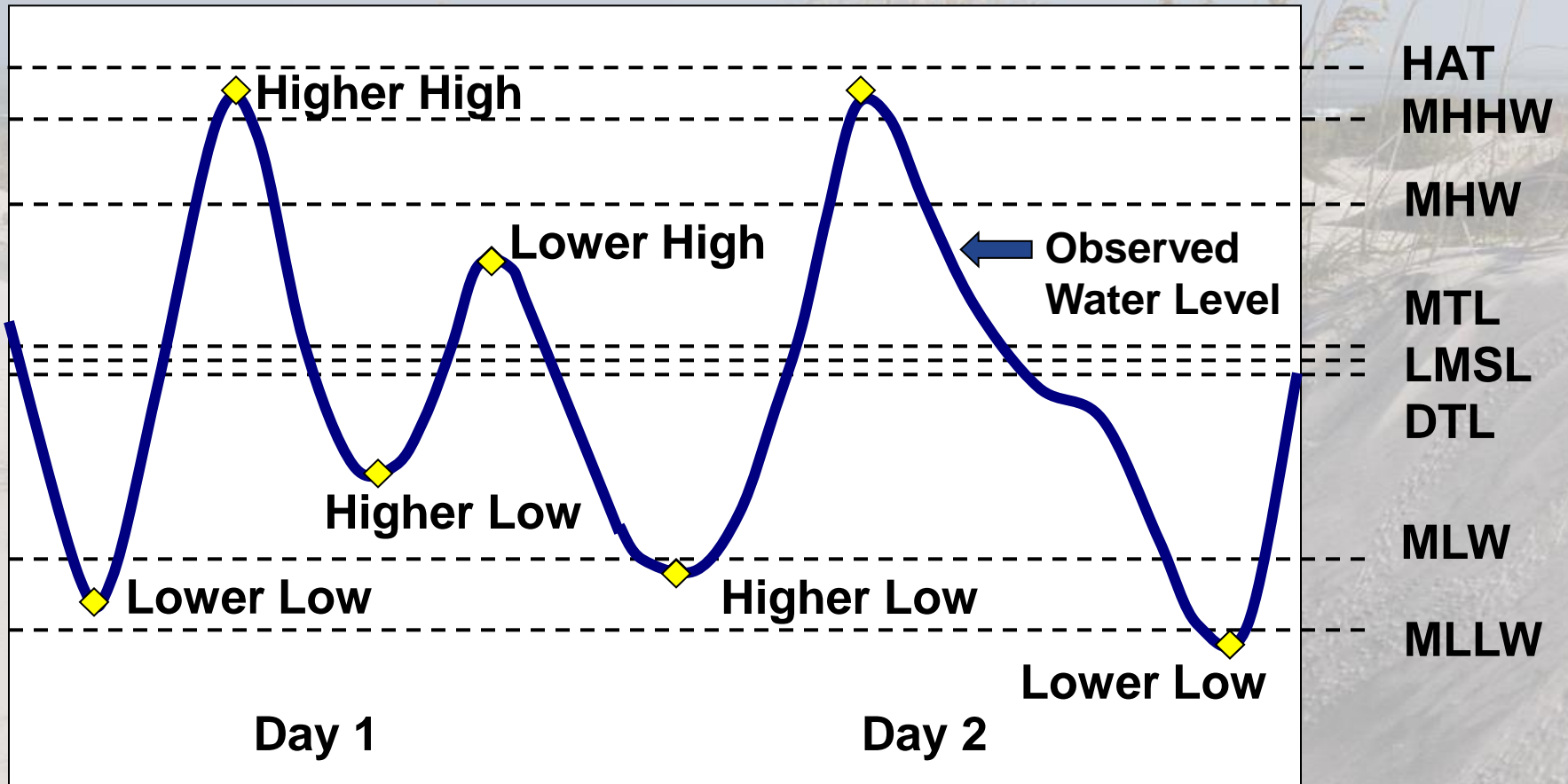
“the mean (average) high water . . . with reference to the available tidal datum, preferably averaged over a period of 18.6 years.”

- High tide line (section 404)

“The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges.”

Tidal Datums

general



Tidal Datums

Portsmouth, New Hampshire

Elevations on Station Datum

Station: 8419870, Seavey Island, ME

T.M.: 75

Status: Accepted (Apr 18 2003)

Epoch: 1983-2001

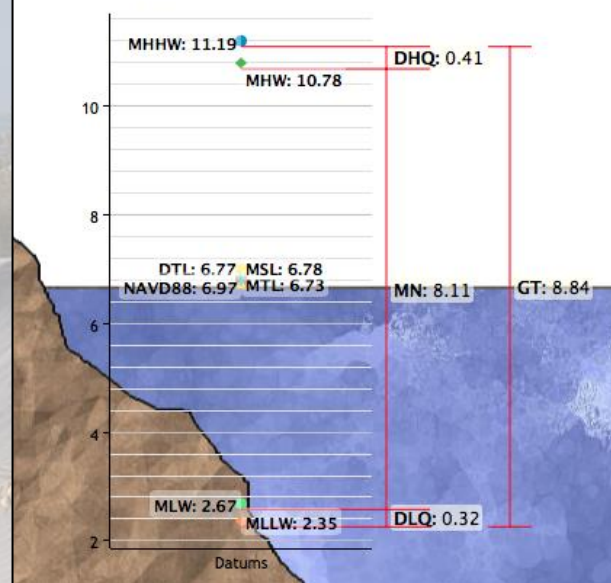
Units: Feet

Datum: STND

Datum	Value	Description
MHHW	11.19	Mean Higher-High Water
MHW	10.78	Mean High Water
MTL	6.73	Mean Tide Level
MSL	6.78	Mean Sea Level
DTL	6.77	Mean Diurnal Tide Level
MLW	2.67	Mean Low Water
MLLW	2.35	Mean Lower-Low Water
NAVD88	6.97	North American Vertical Datum of 1988
STND	0.00	Station Datum
GT	8.84	Great Diurnal Range
MN	8.11	Mean Range of Tide
DHQ	0.41	Mean Diurnal High Water Inequality
DLQ	0.32	Mean Diurnal Low Water Inequality
HWI	3.92	Greenwich High Water Interval (in hours)
LWI	10.04	Greenwich Low Water Interval (in hours)
Maximum	14.691	Highest Observed Water Level
Max Date & Time	02/19/1972 00:00	Highest Observed Water Level Date and Time
Minimum	-0.909	Lowest Observed Water Level
Min Date & Time	02/10/1977 00:00	Lowest Observed Water Level Date and Time
HAT	12.867	Highest Astronomical Tide
HAT Date & Time	06/15/1995 05:12	HAT Date and Time
LAT	0.676	Lowest Astronomical Tide
LAT Date & Time	01/21/1996 22:54	LAT Date and Time

Datums for 8419870, Seavey Island, ME

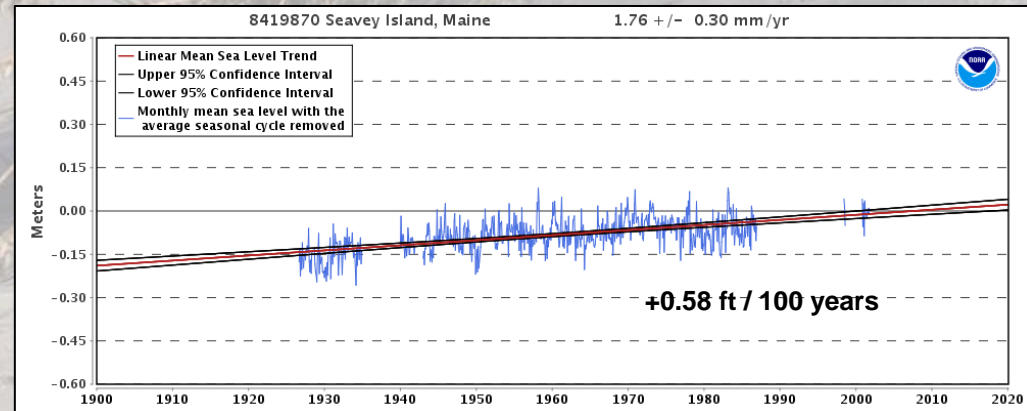
All figures in feet relative to station datum



Seavey Island tidal datums

(ft, stnd)	Tidal Epoch	
	1960-1978	1983-2001
HAT	12.61	12.87
MHHW	10.99	11.19
MHW	10.55	10.78

Rising sea levels (or subsiding land) extend the shoreward extent of regulatory jurisdiction

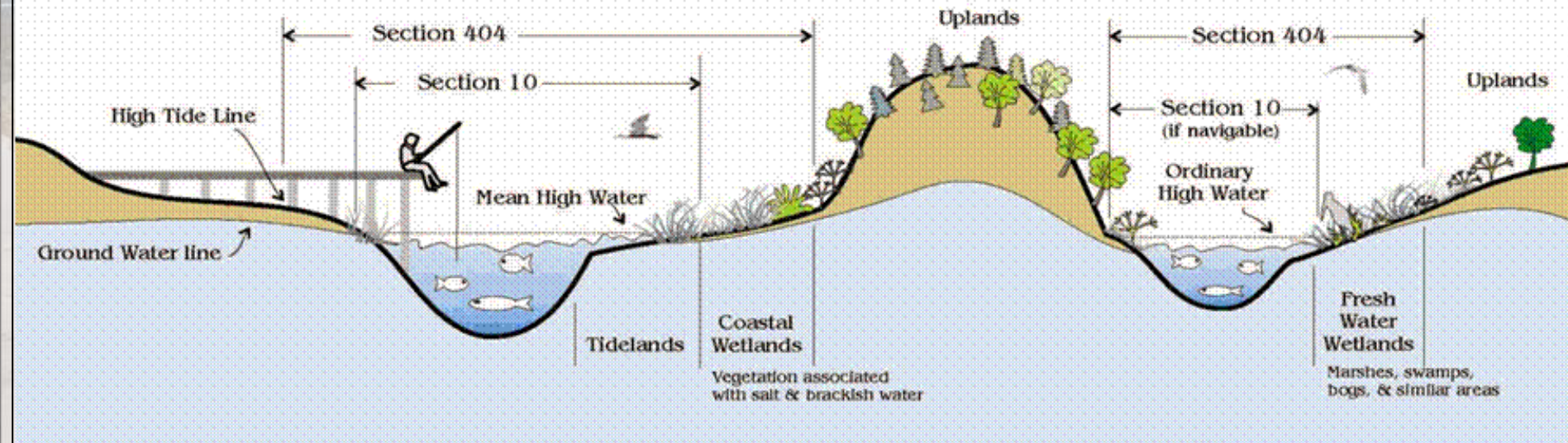


Regulatory Jurisdiction

CORPS OF ENGINEERS REGULATORY JURISDICTION

Tidal Waters

Fresh Waters



Section 103 Ocean Disposal of Dredged Material

Typical examples
of regulated activities

Ocean discharges of
dredged material

Section 404 Discharge of Dredged or Fill Material (all waters of the U.S.)

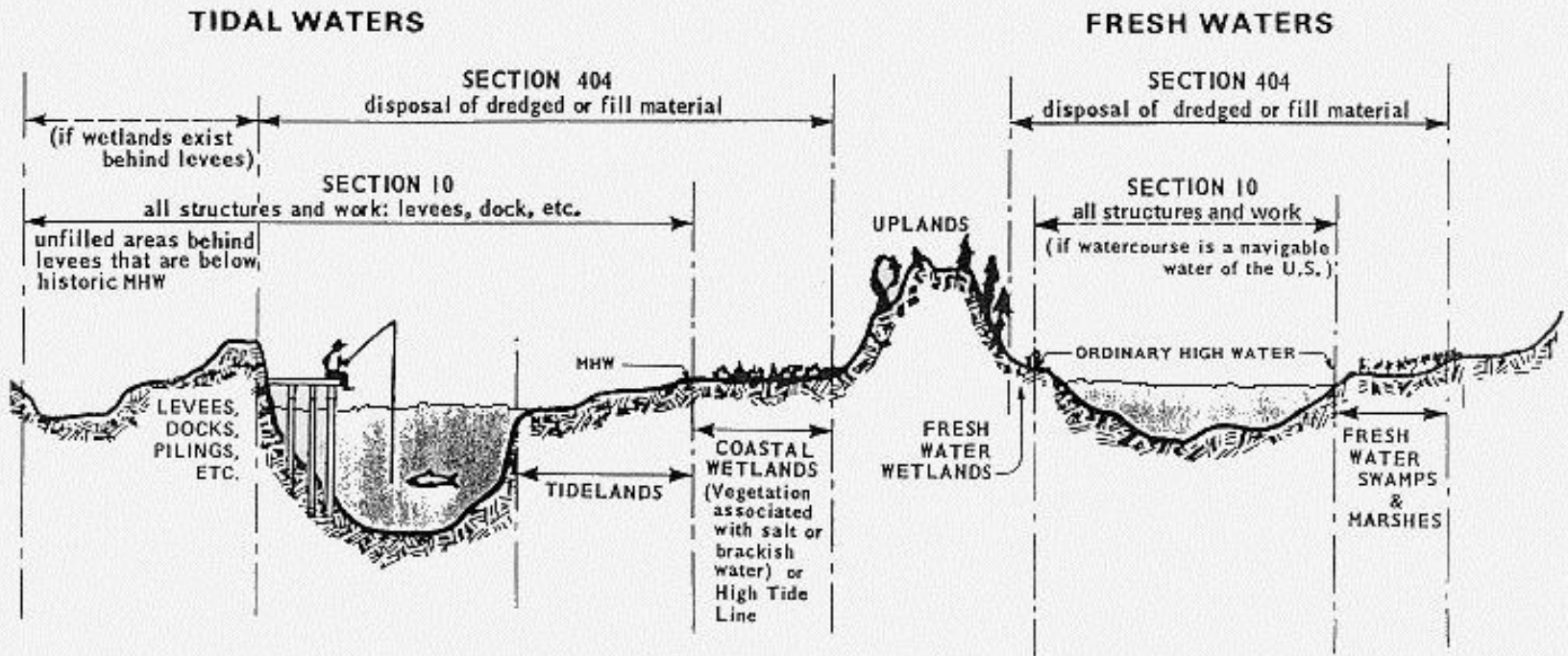
All filling activities, utility lines, outfall structures,
road crossings, beach nourishment, riprap,
jetties, some excavation activities, etc.

Section 10 All Structures and Work (navigable waters)

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

Regulatory Jurisdiction

CORPS OF ENGINEERS REGULATORY JURISDICTION



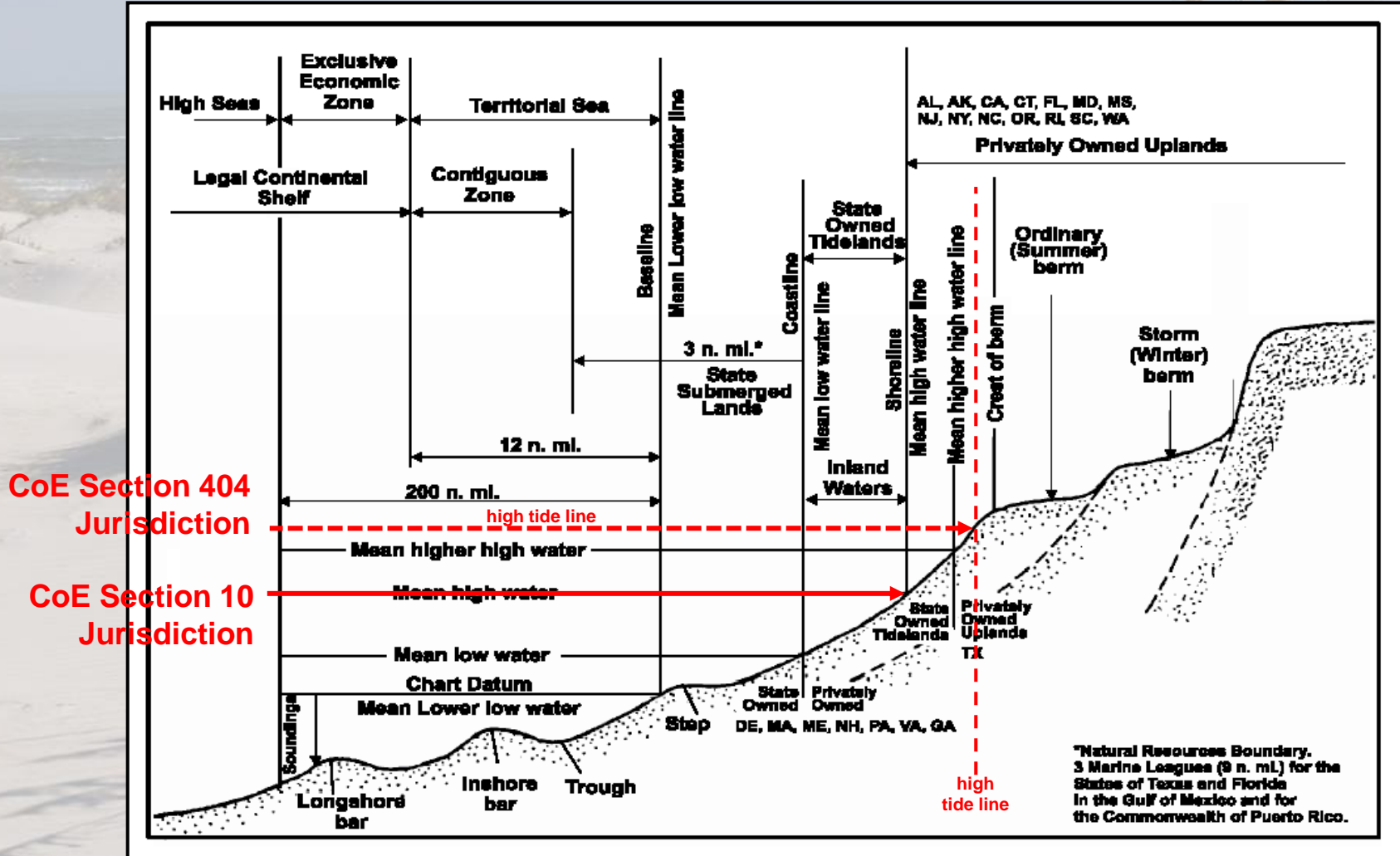
NOTE:
IN ADDITION TO SECTIONS 10 AND 404 JURISDICTIONS,
THE CORPS REGULATES THE TRANSPORTATION OF
DREDGING MATERIAL FOR THE PURPOSE OF DISPOSING
INTO OCEAN WATERS (SECTION 103).



United States Army
Corps of Engineers

... Serving the Army
... Serving the Nation

Jurisdiction, Datums and Land ownership



A coastal landscape featuring sand dunes in the foreground, with beach grasses growing on them. The ocean is visible in the background under a clear blue sky. The text is overlaid on the center of the image.

Questions after Darlene's presentation