



Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG

June 15, 2007

The U.S. Army Corps of Engineers and U.S. Environmental Protection Agency issued guidance, effective June 4, 2007, regarding Clean Water Act (CWA) jurisdictional determinations following the U.S. Supreme Court's decision in the consolidated cases Rapanos v. United States and Carabell v. United States ("Rapanos"). This guidance is to ensure that jurisdictional determinations, administrative enforcement actions, and other relevant agency actions being conducted under the CWA are consistent with the Rapanos decision and provide effective protection for public health and the environment.

Any individual may locate the Jurisdictional Determination (JD) Form Instructional Guidebook that explains the jurisdictional criteria at: http://www.usace.army.mil/cw/cecwo/reg/cwa_guide/cwa_guide.htm. The JD Form itself is located at: http://www.nao.usace.army.mil/technical_services/regulatory_branch/Forms/reg_forms.asp. The JD Form must be used by all Corps' Districts to document all jurisdictional determinations, until further notice. A properly filled out JD Form may be submitted by an applicant, along with a waters/wetland delineation, for confirmation by the District regulatory staff. The Norfolk District encourages consultants and applicants to complete the JD Form to help regulatory staff provide an expedited determination.

During the first six months implementing the guidance, the agencies invite public comments on case studies and experiences with the use of the Rapanos JD guidance. Within nine months from the date of issuance, the agencies will reissue, revise or suspend the guidance after carefully considering the public comments received and field experience with implementing the guidance. A copy of the guidance can be found on EPA's website at <http://www.epa.gov/owow/wetlands/guidance/CWAwaters.html> and on the Corps' website at <http://www.usace.army.mil/cw/cecwo/reg>.

If you have any questions, please call the Norfolk District Regulatory Office at (757) 201-7652.

FOR THE DISTRICT ENGINEER:

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