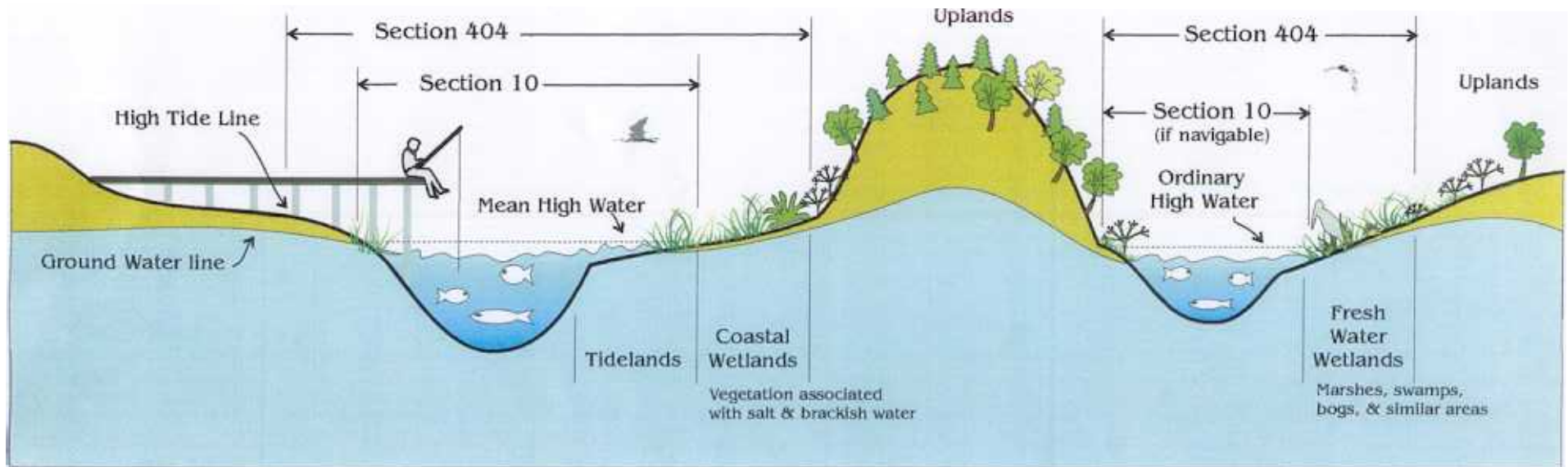


CORPS OF ENGINEERS REGULATORY JURISDICTION

Tidal Waters

Fresh Waters



Section 103

Transport of Dredged Material for Ocean Disposal

Typical examples of regulated activities

Section 404

Disposal 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.

Normally, there are two high tides and two low tides every day. None of the heights are usually the same.

The following elevations are often referred to on COE applications

MHHW Mean Higher High Water: The average of the higher of the two daily high tides observed over a given period of time.

MLHW Mean Lower High Water: The average of the lower of the two daily high tides observed over a given period of time.

MHLW Mean Higher Low Water: The average of the higher of the two daily low tides observed over a given period of time.

MLLW Mean Lower Low Water: The average of the lower of the two daily low tides observed over a given period of time.

Mean High Water: The average of all high tides observed over a given period of time.

Mean Low Water: The average of all low tides observed over a given period of time.

Extreme High Water: The highest elevation reached by the water in a given location. This includes the combined effects of tidal forces and storm surges.

Extreme High Tide: The highest elevation reached by the water in a given location due only to tidal forces.

HTL High Tide Line: The intersection of the land with the water surface at the elevation of the EHT.

Extreme Low Tide: The lowest elevation reached by the water in a given location due only to tidal forces.

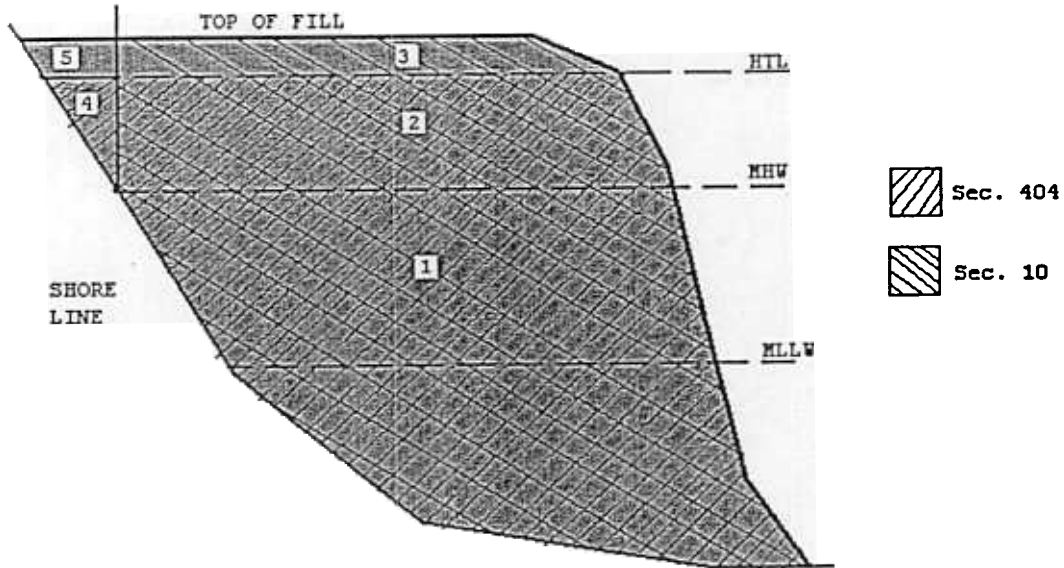
Extreme Low Water: The lowest elevation reached by the water in a given location. This includes the combined effects of tidal and meteorological factors.

Mean Tide Level: Also called the half-tide level. The elevation which is halfway between MHW and MLW.

Mean Sea Level: The average of all observed elevations of the surface of the sea over a given period of time.

Most contour lines use MSL as their datum, or '0' elevation. Most tidal charts and tables use MLLW as their datum. The following table gives some of the water levels using both datums in various locations in Alaska. If any of these lines or heights are referred to in the plan or application, the applicant must state which datum the information is based upon.

If fill is being placed in the intertidal zone, the plans must show the HTL (the elevation of the EHT) and the MHW line (the elevation of MHW). Any fill placed waterward of the MHW line falls under the jurisdiction of Section 10, River and Harbors Act 1899(33 USC 403). Any fill placed below the HTL falls under the jurisdiction of Section 404, Clean Water Act (33 USC 1344).



1. The area below MHW is §10 & §404 because it's fill is below MHW;
2. The area below HTL and above MHW is §10 & §404 because it's work over a navigable waterbody (10) and fill below HTL (§404);
3. The area above HTL is §10 only because it's work over a navigable water;
4. The area above MHW but below HTL is §404 only because it's fill below HTL, but NOT over a navigable waterbody; and
5. The area above HTL is not in jurisdiction because it's above HTL (§404), and not over a navigable waterbody (§10).