



US Army Corps  
of Engineers

***Army Corps of Engineers  
Regulatory Program  
in Aquaculture***



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# *Regulatory Program Overview-Authorities*

**Construction and dredging  
Section 10 Rivers and Harbors  
Act**



**Discharge of dredged and fill material  
Section 404 Clean Water Act**



**Transport and discharge of dredged  
material  
Section 103 Ocean Dumping Act**



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# *Regulatory Program Overview-Authorities*

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- *Section 10 - Navigable Waters of U.S. - Past, present, or potential for commercial navigation*
- *Section 404 - Waters of the U.S. - Navigable waters of U.S. and their tributaries, including wetlands.*
- *Section 103 – Territorial Seas (Ocean Waters)*



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# *Section 10 Rivers and Harbors Act 1899*

## *Regulated Activities*

- *Prohibits the unauthorized obstruction or alteration of navigable waters of the U.S.*
- *Corps permits required for any structure in or over, excavating material from or depositing material into, or other work affecting the course, location, condition, or capacity of navigable waters.*
- *Work examples: dredging, piers, jetties, aerial wire crossings, bridges.*



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# *Section 10 Rivers and Harbors Act 1899*

## *Navigable Waters*

- *Waters subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport interstate or foreign commerce*
- *Federal jurisdiction extends over the bed to the ordinary high water mark in rivers and lakes and to the mean high water shoreline in coastal/tidal waters. These lateral limits may be surveyed/measured or established as above*
- *Jurisdiction extends to shallow areas/wetlands that are navigable in law*



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# *Section 10 Rivers and Harbors Act 1899*

## *Public Interest Review*

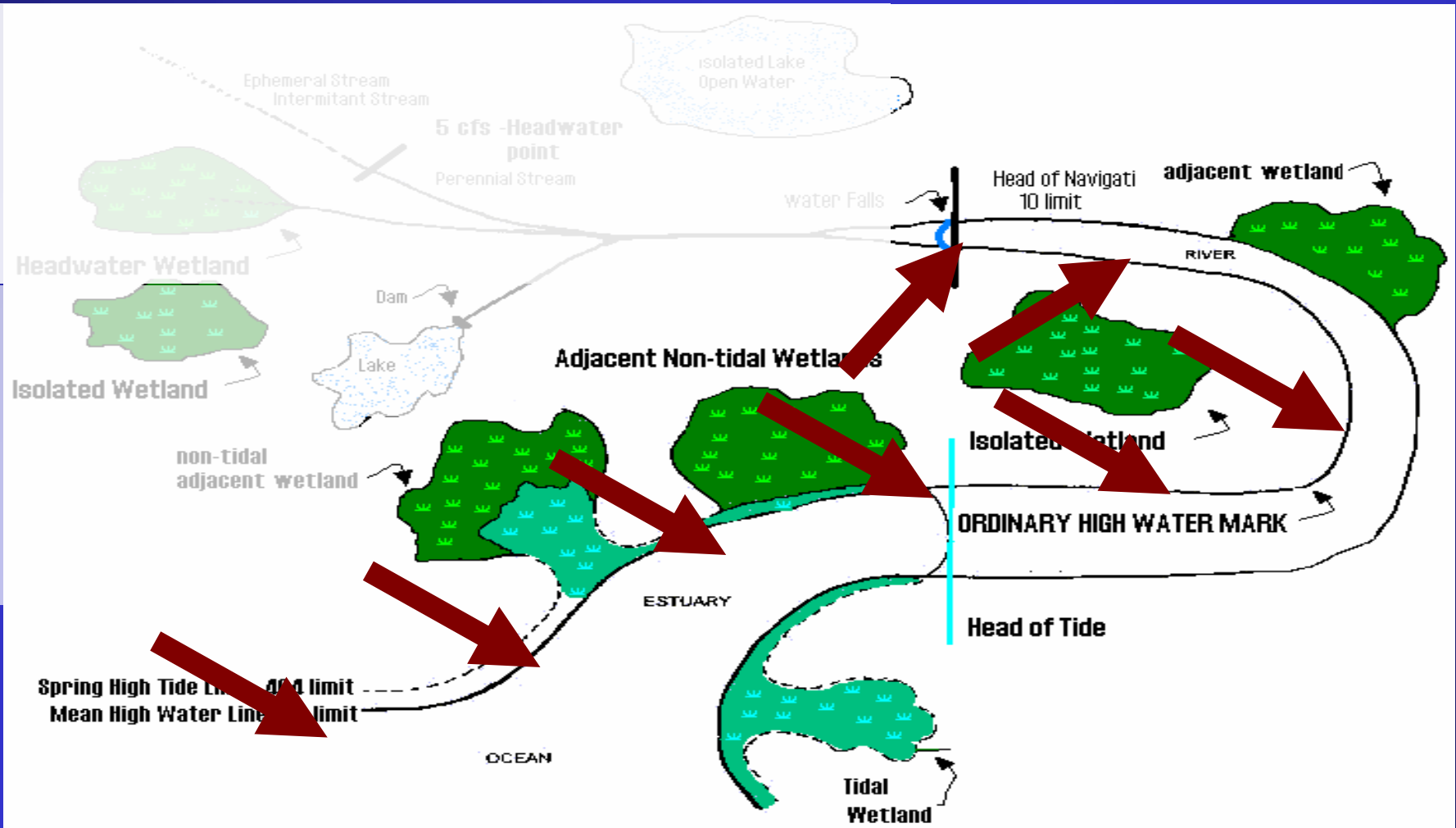
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- *Has evolved over time to include the environment, as well as other factors in addition to navigation*
- *Public interest review may involve avoidance, minimization of impacts as well as compensatory mitigation for impacts*



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# Regulatory Program Overview-Jurisdiction





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# *Outer Continental Shelf Lands Act*

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- *Under Section 10 of the Rivers and Harbors Act of 1899, as extended by the Outer Continental Shelf Lands Act (OCSLA), the Corps requires a permit for the creation of "any obstruction" in federal waters to preserve unhindered navigational access of the nation's waters. (33 U.S.C. § 403 (1999).)*
- *The OCSLA extended the Corps' section 10 authority into the EEZ allowing the agency to regulate "installations and other devices permanently or temporarily attached to the seabed, which may be erected thereon for the purpose of exploring for, developing or producing resources from [the outer continental shelf]." (43 U.S.C. § 1333(a), (e) (1999).)*





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# *Drawing the Lines in the Water*

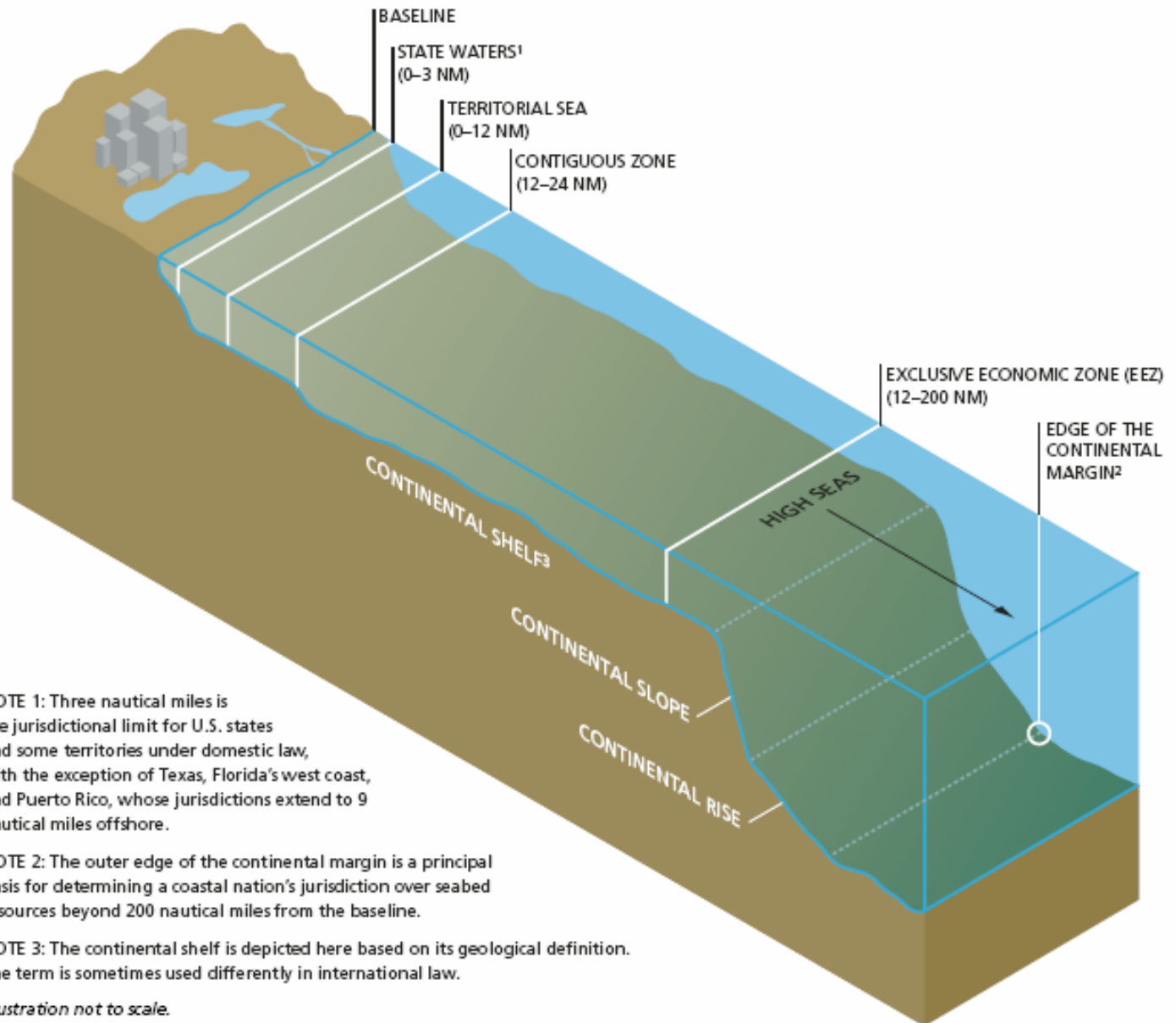
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- *The Territorial Sea (0 to 12 Nautical Miles)*
- *The Contiguous Zone (12 to 24 Nautical Miles)*
- *The Exclusive Economic Zone (12 to 200 Nautical Miles)*
- *The Continental Shelf (12 to 200 Nautical Miles or Outer Edge of Continental Margin)*

Figure P.1 Lines of U.S. Authority in Offshore Waters



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NOTE 1: Three nautical miles is the jurisdictional limit for U.S. states and some territories under domestic law, with the exception of Texas, Florida's west coast, and Puerto Rico, whose jurisdictions extend to 9 nautical miles offshore.

NOTE 2: The outer edge of the continental margin is a principal basis for determining a coastal nation's jurisdiction over seabed resources beyond 200 nautical miles from the baseline.

NOTE 3: The continental shelf is depicted here based on its geological definition. The term is sometimes used differently in international law.

*Illustration not to scale.*

Several jurisdictional zones exist off the coast of the United States for purposes of international and domestic law. Within these zones, the United States asserts varying degrees of authority over offshore activities, including living and nonliving resource management, shipping and maritime transportation, and national security. A nation's jurisdictional authority is greatest near the coast.



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# Section 103 Marine, Protection, Research and Sanctuaries Act (1972)

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- *Ocean waters outside of territorial seas*
- *Transport of dredged material to designated ocean disposal sites*



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# *Current Issues*

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- *Conflicts in determining limits of jurisdiction of the Endangered Species Act and the National Environmental Policy Act. The Clean Water Act and the Oil Pollution Act both refer to a 3-mile territorial sea.*