

Regulatory Guidance Letter 94-01

SUBJECT: Expiration of Geographic Jurisdictional Determinations

DATE: 23 May 1994 EXPIRES: 31 December 1999

1. [Regulatory Guidance Letter \(RGL\) 90-6](#), Subject: Expiration Dates for Wetlands Jurisdictional Delineations" is extended until 31 December 1999, subject to the following revisions.
2. This guidance should be applied to all jurisdictional determinations for all waters of the United States made pursuant to [Section 10 of the Rivers and Harbors Act of 1899](#), [Section 404 of the Clean Water Act](#), and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972.
3. To be consistent with paragraph IV.A. of the 6 January 1994, interagency Memorandum of Agreement Concerning the Delineation of Wetlands for Purposes of Section 404 of the Clean Water Act and Subtitle B of the Food Security Act, all U.S. Army Corps of Engineers geographic jurisdictional determinations shall be in writing and normally remain valid for a period of five years. The Corps letter (see paragraph 4. (d) of RGL 90-6) should include a statement that the jurisdictional determination is valid for a period of five years from the date of the letter unless new information warrants revision of the determination before the expiration date.
4. For wetland jurisdictional delineations the "effective date of this RGL" referred to in paragraphs 4 and 5 of RGL 90-6 was and remains 14 August 1990. For jurisdictional determinations, other than wetlands jurisdictional delineations, the "effective date of this RGL" referred to in paragraphs 4 and 5 of RGL 90-6 will be the date of this RGL.
5. Previous Corps written jurisdictional determinations, including wetland jurisdictional delineations, with a validity period of three years remain valid for the stated period of three years. The district engineer is not required to issue new letters to extend such period from three years to a total of five years. However, if requested to do so, the district engineer will normally extend the three year period to a total of five years unless new information warrants a new jurisdictional determination.
6. Districts are not required to issue a public notice on this guidance but may do so at their discretion.
7. This guidance expires on 31 December 1999 unless sooner revised or rescinded.

FOR THE DIRECTOR OF CIVIL WORKS:

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Directorate of Civil Works