

# **Reference: RGL 82-16**

## **Subject: STATE TRANSFER**

### **Title: STATE TRANSFER AUTHORITY**

**Issued: 12/13/82      Expires: 12/31/84**

**Originator: DAEN-CWO-N**

**Description: ENCOURAGEMENT TO STATES TO ADOPT SECTION 404 PROGRAM FROM EPA.**

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1. Division Commanders are hereby authorized to enter into and sign Memoranda of Agreement (MOA) pursuant to 40 CFR 123.99. The Division Commanders will provide the draft MOA to the Office of the Chief of Engineers (ATTN: DAEN-CWO-N). The MOA will not be signed-until the Chief of Engineers and the Assistant Secretary of the Army (Civil Works) have concurred in the draft.
2. District Commanders are hereby authorized to assure, in accordance with Section 404(h)(1)(F), that no permit will be issued if anchorage and navigation would be substantially impaired.
3. Division Commanders will encourage states with an approved permit program to seek, pursuant to Section 404(h)(5), administration and enforcement of portions of existing general permits for Section 404 activities in those waters of the United States covered by the state transfer. Administration and enforcement of existing general permits for all Section 10 activities and those Section 404 activities occurring in waters of the United States not included in the transfer remain the responsibility of the Corps.

FOR THE COMMANDER: