

Reference: RGL 85-01

Subject: STATE TRANSFER

Title: STATE TRANSFER AUTHORITY

Issued: 01/18/85 Expires: 12/31/87

Originator: DAEN-CWO-N

Description: ENCOURAGES DIVISION ENGINEERS TO ENTER INTO AGREEMENTS WITH STATE AGENCIES TO ASSUME THE 404 PROGRAM, OR GENERAL PERMIT ACTIVITIES THEREUNDER.

REINSTATES RGL 82-16.

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1. This regulatory guidance letter (RGL) constitutes re-issuance of RGL 82-16 which expired on 31 Dec 84.
 2. 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 Acting Assistant Secretary of the Army (Civil Works) have concurred in the draft.
 3. 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.
 4. 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 CHIEF OF ENGINEERS: