

# Regulatory Guidance Letter 86-01

## SUBJECT: Exemptions to CWA - Plowing

DATE: February 11, 1986

EXPIRES: December 31, 1988

---

1. The purpose of this guidance is to clarify the applicability of [Section 404](#) to plowing.
2. Since 1975, Corps regulations have excluded "plowing...for production of food, fiber, and forest products" from the definition of a discharge of dredged or fill material 33 CFR 323.2(j) and (1). "Plowing" is defined in 33 CFR 323.4(a)(1)(iii)(D).
3. Plowing for the purpose of producing food, fiber, and forest products and meeting the definition in Section 323.4 will never involve a discharge of dredged or fill material. Such plowing is not subject to any of the provisions of Section 404 including the Section 404(f) exemption limitations. Section 404(f) is applicable to those activities that do involve a discharge but are statutorily exempted from the need to obtain a 404 permit.
4. Not all activities involving the use of a plow, disc, or similar equipment will satisfy the definition of plowing. For example, using a plow to dry the surface of a peat bog to facilitate mining is not plowing since it is not for the purpose of producing food, fiber or forest products. Also, the use of a plow to divert a braided stream feeding a wetland is not plowing because the purpose is to change a water of the United States to dry land. Thus, these activities are regulated under Section 404 if they occur in a water of the United States.
5. This guidance expires 31 December 1988 unless sooner revised or rescinded.

FOR THE CHIEF OF ENGINEERS: