

Regulatory Guidance Letter 93-03

SUBJECT: Rescission of RGLs 90-5, 90-7, and 90-8

DATE: 13 September 1993

EXPIRES: Not Applicable

1. On 25 August 1993 the final "Excavation Rule" was published in the Federal Register (58 FR 45008) and becomes effective on 24 September 1993. This regulation modifies the definition of "Discharge of Dredged Material" to address land-clearing activities (see 33 CFR 323.2(d)); modifies the definitions of "Fill Material" and "Discharge of Fill Material" to address the placement of pilings (see 33 CFR 323.2(e) and (f) and (c)); and modifies the definition of "waters of the United States" to address prior converted cropland (see 33 CFR 328.(a)(8)).

2. Therefore, RGL 90-5, Subject: "Land-clearing Activities Subject to Section 404 Jurisdiction"; RGL 90-7, Subject: "Clarification of the Phrase 'Normal Circumstances' as it pertains to Cropped Wetlands"; and RGL 90-8, Subject: "Applicability of Section 404 to Pilings"; are hereby rescinded effective 24 September 1993. Furthermore, although RGL 90-5, Subject: "Land-clearing Activities Subject to Section 404 Jurisdiction" expired on 31 December 1993 it should continue to be applied until 24 September 1993.

3. In addition, RLG's 90-5, 90-7, and 90-8 as of 24 September 1993 will no longer be used for guidance since the guidance contained in those RGL's has been superseded by the regulation.

FOR THE DIRECTOR OF CIVIL WORKS

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