

Corps to apply 1987 Wetland Criteria pending manual revisions

Until revisions to the "Federal Manual for Identifying and Delineating Jurisdictional Wetland (1989 Manual)" are finalized, the U.S. Army Corps of Engineers will apply guidance contained in the 1987 Corps Wetland Delineation Manual (1987 Manual) to identify and delineate wetlands potentially subject to regulation under Section 404 of the Clean Water Act.

The transition from the 1989 Manual to the 1987 Manual is directed by the 1992 Energy and Water Development Appropriation Act, which provides Corps funding for civil works projects and its regulatory program. The act was signed by president Bush on Aug. 17.

Permit applicants and individuals with enforcement cases who have pending actions with Corps as of Aug. 17, 1991, must be given the option of redelineation under the 1987 Corps Manual. After consultation with appropriate parties, the Corps will make the final decisions to

whether a substantial difference exists between delineations under the 1987 and 1989 manuals. Also, all first-time delineations from Aug. 17, 1991, until the revisions to the 1989 Manual are finalized through rule-making, will be made with the 1987 Corps Manual. Proposed revisions to the 1989 Manual were published in the Aug. 14 "Federal Register," beginning a 60 day public comment period.

In addition to restriction on the use of the 1989 Manual, the appropriation act also disallows use of funds for the implementation of the proposed regulatory fee structure, as published in the Oct. 11, 1991 "Federal Register." The Army will take no further action, at this time, on the proposal to amend regulatory fees.

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