



**MEMORANDUM FOR:** U.S. Army Corps of Engineers Headquarters, Directorate of Civil Works, Districts and Divisions, and U.S. Environmental Protection Agency Regional Offices

**SUBJECT:** Coordination between the U.S. Army Corps of Engineers and the U.S. Environmental Protection Agency on Enforcement of Section 404 of the Clean Water Act (CWA)

We are issuing this joint memorandum to highlight and encourage opportunities for further coordination and collaboration between the U.S. Army Corps of Engineers (Corps) and the U.S. Environmental Protection Agency (EPA) to strengthen our enforcement efforts in accordance with our respective responsibilities under Section 404 of the CWA. This memorandum follows the July 11, 2012 issuance by EPA of the *Clean Water Act Section 404 Enforcement and Coordination Strategy* (the Strategy) that was developed in response to EPA's Office of Inspector General's (OIG) October 2009 recommendation that EPA develop a comprehensive CWA Section 404 enforcement strategy. The Strategy addresses the OIG recommendations for improved coordination between EPA and the Corps and for improved ways to share and leverage information to effectively and efficiently achieve the goals of the CWA enforcement program.

The Strategy reiterates and builds on the *1989 Memorandum of Agreement Between Department of the Army and the Environmental Protection Agency Concerning Federal Enforcement for the Section 404 Program of the Clean Water Act* (1989 MOA). The MOA outlines the unique joint roles the Corps and EPA have in fulfilling our responsibilities under the Section 404 program. We believe the effectiveness of our enforcement actions can be strengthened by the regular interagency coordination meetings, data sharing efforts, sharing of remote sensing and mapping tools, cross training opportunities and the use of Field Level Agreements (FLAs) identified in the Strategy.

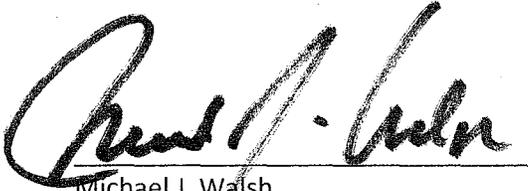
EPA and the Corps agree that these cooperative efforts will allow our agencies to leverage information to benefit both enforcement programs and enhance the protection of our nation's aquatic resources. Thus, we encourage the Corps and EPA enforcement staff in the districts and regions to:

- a. Hold regular meetings to coordinate CWA Section 404 enforcement case management; these meetings can occur remotely or in-person and the frequency is at the discretion of the districts and regions in accordance with need;
- b. Share information on repeat and/or flagrant violators;
- c. Identify cross training opportunities (e.g., Corps PROSPECT training courses or temporary detail assignments);
- d. Participate in joint site visits to the maximum extent practicable;
- e. Share geo-spatial and other data and tools to support enforcement investigations; and
- f. Develop, update and/or finalize FLAs in your geographic areas.

The Section 404 enforcement relationship between the Corps and EPA is critical for the overall protection of our nation's aquatic resources. We anticipate that the above steps will help strengthen this relationship and facilitate more effective Section 404 enforcement by better utilizing the expertise, resources and initiative of the staffs in the districts and regions to best achieve the mission of our respective agencies under the CWA.

If you have any questions please contact Ms. Stacey M. Jensen at 202-761-5856, or Mr. Peter Stokely at 202-564-1841.

Signed



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Major General, U.S. Army  
Deputy Commanding General  
For Civil and Emergency Operations



Susan Shinkman  
Director, Office of Civil Enforcement  
Environmental Protection Agency

3 Dec 2012

Date

11/8/12

Date