

Regulatory Guidance Letter 88-04

SUBJECT: Enforcement Limitations

DATE: April 7, 1988

EXPIRES: December 31, 1990

A question surfaced recently on the statute of limitation applicable to violations of the regulatory laws administered by the Corps of Engineers. The answer to that question is a legal issue and not the subject of this guidance letter. But because of limited resources available in the regulatory program, it did cause us to consider from a policy standpoint an appropriate cut-off time for pursuing older violations.

In view of resource limitations, district engineers should normally not pursue enforcement actions against activities that were completed more than five years prior to discovery. There will be cases where an exception to this norm is clearly indicated and there is no intent to bar enforcement actions in such cases.

This guidance expires 31 December 1990 unless sooner revised or rescinded.