

Appendix A  
**AUTHORITIES**

This guidance is issued in accordance with the following statutes, regulations, and policies. It is intended to clarify provisions within these existing authorities and does not establish new requirements.

- Clean Water Act Section 404 [33 USC 1344].
- Rivers and Harbors Act of 1899 Section 10 [33 USC 403 et seq.].
- Environmental Protection Agency, Section 404(b)(1) Guidelines [40 CFR Part 230]. Guidelines for Specification of Disposal Sites for Dredged or Fill Material.
- Department of the Army, Section 404 Permit Regulations [33 CFR Parts 320-331]. Policies for evaluating permit applications to discharge dredged or fill material.
- Memorandum of Agreement between the Environmental Protection Agency and the Department of the Army Concerning the Determination of Mitigation under the Clean Water Act Section 404(b)(1) Guidelines [February 6, 1990].
- Federal Guidance for the Establishment, Use, and Operation of Mitigation Banks [November 28, 1995].
- Federal Guidance on the Use of In-Lieu-Fee Arrangements for Compensatory Mitigation under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act [November 7, 2000].
- Title XII of the Food Security Act of 1985 as amended by the Farm Security and Rural Investment Act of 2002 [16 USC 3801 et seq.].
- National Environmental Policy Act [42 USC 4321 et seq.], including the Council on Environmental Quality's implementing regulations [40 CFR Parts 1500-1508].
- Fish and Wildlife Coordination Act [16 USC 661 et seq.].
- Fish and Wildlife Service Mitigation Policy [46 FR pages 7644-7663, 1981].
- Magnuson Fishery Conservation and Management Act [16 USC 1801 et seq.].
- National Marine Fisheries Service Habitat Conservation Policy [48 FR pages 53142-53147, 1983].
- The Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21).
- Federal Aviation Administration Advisory Circular on Hazardous Wildlife Attracts on or near Airports (AC No: 150/5200-33, 5/1/97).
- Endangered Species Act of 1973, as amended [16 U.S.C. 1531 et seq.].
- Migratory Bird Treaty Act [16 U.S.C. 703 et seq.].
- Issuance of Nationwide Permits [67 FR 2020-2095, January 15, 2002].
- Coastal Zone Management Act (16 USC 1451 et seq.).