



FLOWCHART TO ACCOMPANY DECEMBER 7, 2022, JOINT COORDINATION MEMORANDUM TO THE FIELD, U.S. ARMY CORPS OF ENGINEERS (CORPS) AND THE ENVIRONMENTAL PROTECTION AGENCY (EPA)

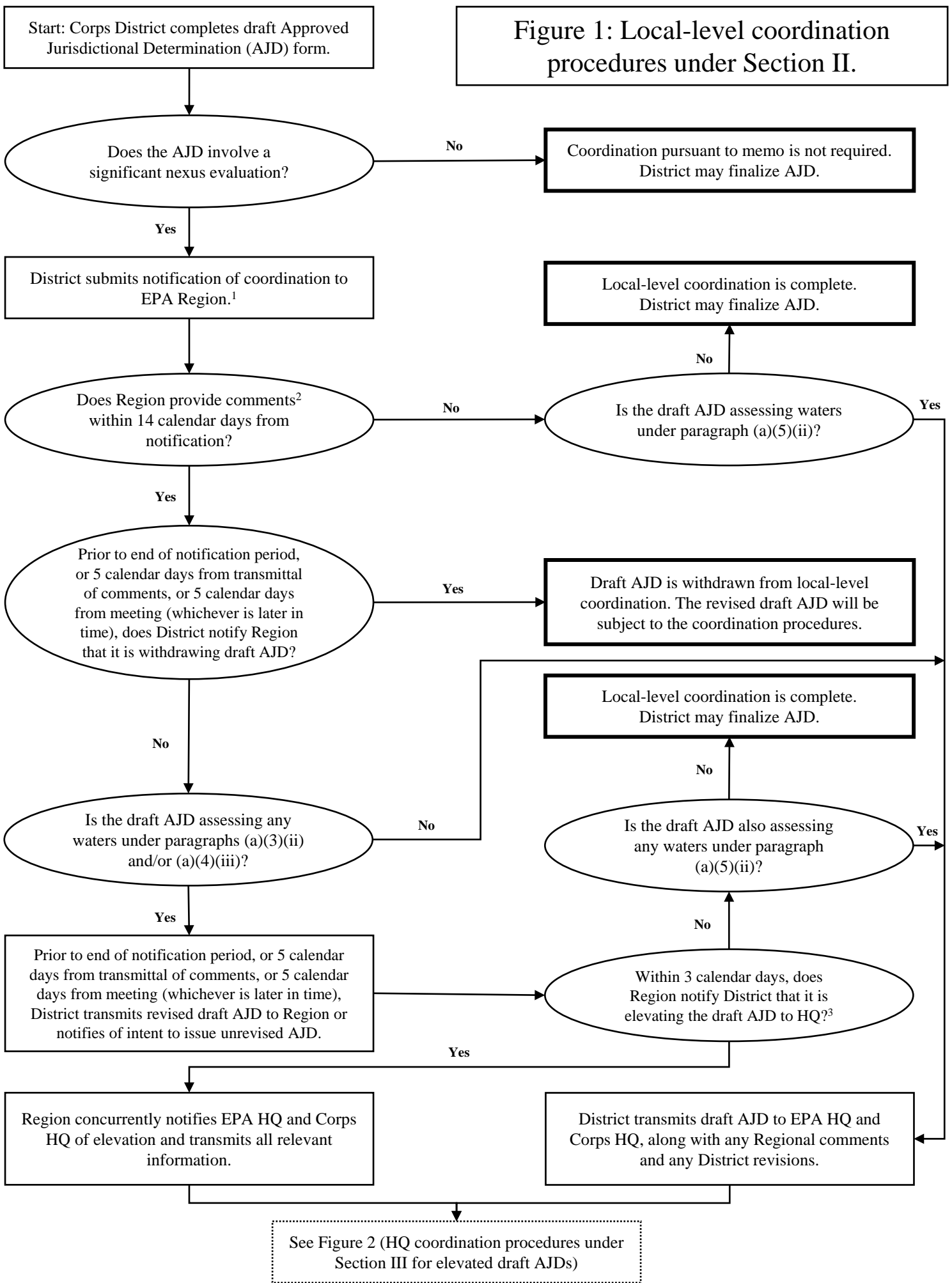
Purpose: The attached flowcharts are intended to support implementation of the December 7, 2022, Joint Coordination Memorandum to the Field by the Corps and EPA (Coordination Memo). Figure 1 shows the local-level coordination procedures between Corps Districts and EPA Regions for review of draft Approved Jurisdictional Determinations (AJDs). Figure 2 shows coordination procedures for elevated draft AJDs by Corps Headquarters (HQ) and EPA HQ, and the Office of the Assistant Secretary of the Army for Civil Works (ASA(CW)). A short list of footnotes follows Figure 2.

In both figures, coordination procedures begin with the step in the upper left corner and progress downward. Steps are shown in rectangles, with circles denoting questions with yes/no answers corresponding to arrows. Rectangles with bolded outlines denote concluding steps in coordination procedures.

Notes:

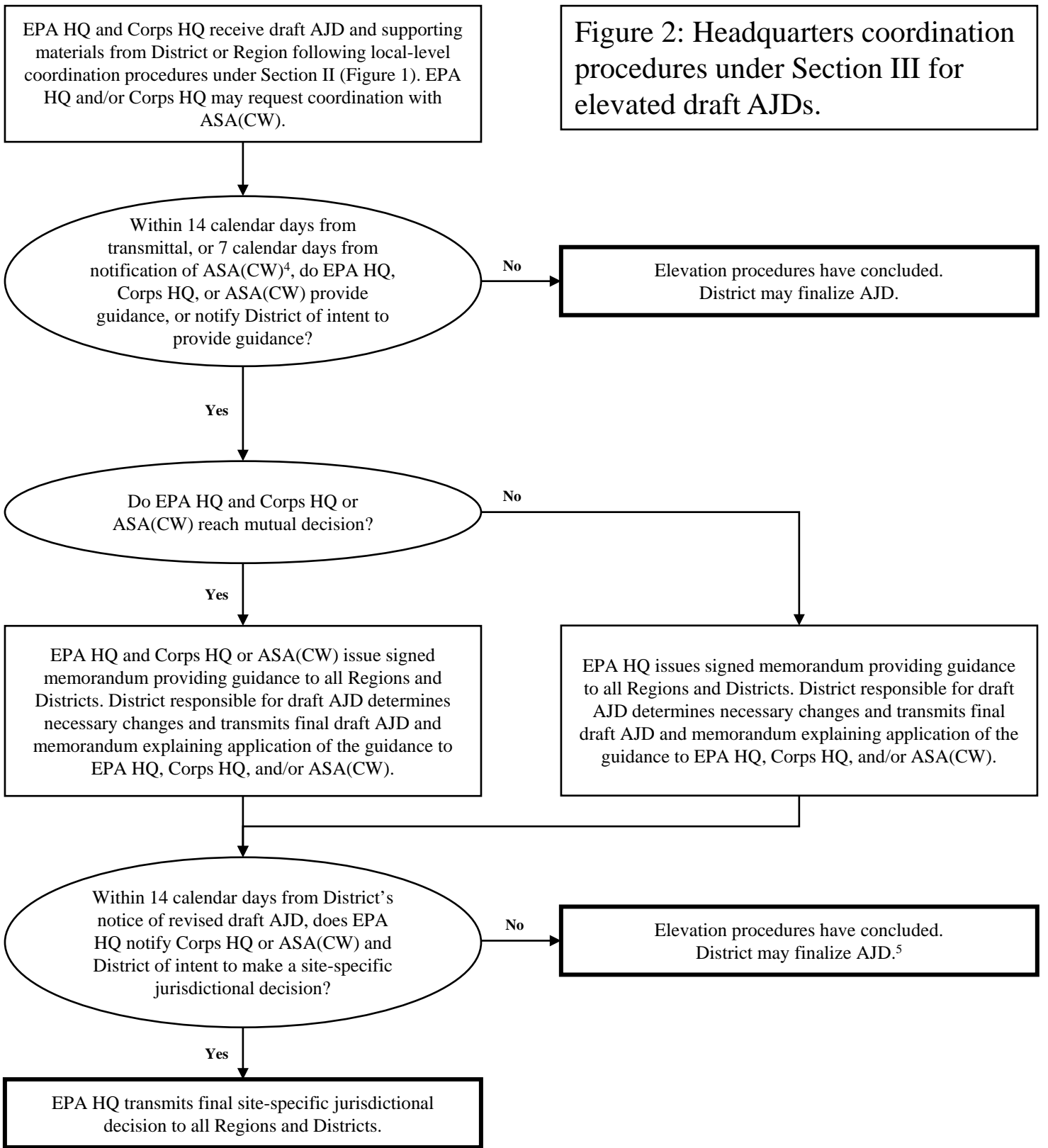
1. The Coordination Memo will remain in effect for nine months after the effective date of the 2023 Rule, until December 20, 2023.
2. An AJD request may be withdrawn by the requestor at any point in the coordination procedures shown in this flowchart. If an AJD request is withdrawn after the associated AJD has been elevated to HQ pursuant to Section III of the Coordination Memo, the District should notify the EPA Region, Corps HQ, and EPA HQ in a timely manner.

Figure 1: Local-level coordination procedures under Section II.



See Figure 2 (HQ coordination procedures under Section III for elevated draft AJDs)

Figure 2: Headquarters coordination procedures under Section III for elevated draft AJDs.



¹ “Notification of coordination” includes the draft AJD form (explaining the full basis and rationale for asserting or not asserting jurisdiction), and any maps, as well as any easily available electronic information. Within five calendar days of notification, the Region may request, if warranted, all additional information relied upon to inform the draft approved JD, such as aerial or satellite imagery, site visit documentation, or other resources used to support the draft decision and rationale described on the draft AJD form.

² When the Region transmits the comments to the District, the Region may request a meeting to discuss comments with the District. Any such meeting must be held within the 14-day coordination period.

³ See section II.D.2.b.ii.A-C for full description of Region’s options following receipt of a revised draft AJD. Note that these options apply only to draft AJDs assessing waters under paragraphs (a)(3)(ii) or (a)(4)(iii).

⁴ Time frames in section III.A of the agencies’ joint coordination memorandum can be modified if both parties mutually agree in writing for a specific elevated case. In such cases, Corps HQ shall inform the District and EPA HQ shall inform the Region of any newly agreed-upon time frames.

⁵ A Corps District AJD issued after consideration of receipt of HQ-level guidance is an appealable action under 33 C.F.R. 331 et seq. Any appeal can examine and question any matter or finding of fact, but the decision on appeal will not question or overturn any legal or policy guidance made by EPA HQ and/or Corps HQ or ASA(CW) pursuant to the agencies’ joint coordination memorandum.