



**E. SCOTT PRUITT**  
**ADMINISTRATOR**

March 30, 2018

**MEMORANDUM**

**SUBJECT:** Revision to Delegation of Authority 2-43, Section 404 Dredged and Fill Material Permitting

**FROM:** E. Scott Pruitt

A handwritten signature in black ink, appearing to read "Scott Pruitt", with a large, sweeping flourish extending to the right.

**TO:** Assistant Administrator, Office of Water  
Regional Administrators

To restore regulatory certainty and promote the rule of law, the U.S. Environmental Protection Agency began a two-step process last year to review and define “waters of the United States” under the *Clean Water Act*. In light of this ongoing effort and to ensure consistency and certainty in how the EPA makes certain jurisdictional determinations under the *Clean Water Act*, I have issued the accompanying revised delegation of authority for Section 404 dredged and fill material permitting. With this revised delegation, authority previously delegated to regional administrators to make final determinations of geographic jurisdiction shall be retained by the Administrator. Please take all necessary steps to adjust associated consultations, reviews and other practices in a manner consistent with the revised delegation. As part of effectuating this revision, I ask that you involve the Administrator’s Office early on in the process of developing geographic determinations.

Please consult the revised delegation for additional information. The revised delegation is effective immediately.

Attachment