



Wetlands

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<http://www.epa.gov/404c/>
Last updated on June 7, 2010

Clean Water Act Section 404(c): "Veto Authority"

This page provides updates and background information regarding EPA actions taken pursuant to Clean Water Act Section 404(c). Section 404(c) authorizes EPA to prohibit, restrict, or deny the discharge of dredged or fill material at defined sites in waters of the United States (including wetlands) whenever it determines, after notice and opportunity for public hearing, that use of such sites for disposal would have an unacceptable adverse impact on one or more of various resources, including fisheries, wildlife, municipal water supplies, or recreational areas.

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Recent Actions

Spruce No. 1 Surface Mine

- [Spruce No. 1 Surface Mine Proposed Determination \(PDF\)](#) (46 pp, 725KB)
- [November 4, 2009 Spruce No. 1 Surface Mine 404\(c\) Extension Letter \(PDF\)](#) (2 pp, 106KB)
- [October 16, 2009 Spruce No. 1 Surface Mine 404\(c\) 15 Day Review Letter \(PDF\)](#) (8 pp, 4.6MB)
- [October 16, 2009 Spruce No. 1 Surface Mine 404\(c\) Questions and Answers \(PDF\)](#) (4 pp, 76K)

Bayou aux Carpes Modification

- [May 27, 2009 Final Determination on the Modification to the 1985 Clean Water Act Section 404\(c\) Final Determination](#) (16 pp, 8.9MB)
- [April 2, 2009 Recommended Determination cover letter from EPA Region 6 to EPA HQ](#) (3 pp, 113K)
- [April 2, 2009 Recommended Determination on a Request by the U.S. Army Corps of Engineers to Modify the Bayou aux Carpes Clean Water Act Section 404\(c\) Designation](#) (284 pp, 16MB)
- [November 4, 2008 Letter from Army to EPA requesting modification to 1985 404\(c\) action](#) (35 pp, 3.4MB)
- [Information pertaining to the 1985 Bayou aux Carpes 404\(c\)](#)

Big Branch Surface Mine

- [Big Branch Mine 404\(c\) Extension Letter \(PDF\)](#) (2 pp, 54KB)
- [Big Branch Mine December 9, 2009 Meeting Follow-up Letter \(PDF\)](#) (3 pp, 142KB)
- [Big Branch Mine 404\(c\) Extension Letter \(PDF\)](#) (2 pp, 65K) - extension to July 27, 2009
- [Big Branch Mine 404\(c\) Extension Letter \(PDF\)](#) (2 pp, 65K) - extension to June 12, 2009
- [Big Branch Mine 404\(c\) 15 Day Review Letter \(PDF\)](#) (2 pp, 98K)

Final Determination - Yazoo Backwater Area Pumps Project

On August 31, 2008, EPA signed the Final Determination prohibiting the discharge of dredged or fill material into wetlands and other waters of the United States in connection with the construction of the proposed Yazoo Backwater Area Pumps Project (the proposed project). The proposed project is a U.S. Army Corps of Engineers (the Corps) Civil Works project designed to address flooding concerns in a 630,000 acre area situated between the Mississippi and Yazoo Rivers in west-central Mississippi (Yazoo Backwater Area). The primary component of this project is a 14,000 cubic feet per second (cfs) pumping station that would pump surface water out of the Yazoo Backwater Area during high water events on the Mississippi River. Construction and operation of the proposed pumping station would adversely impact at least 67,000 acres of wetlands and other waters of the United States. EPA has determined that these impacts would result in unacceptable adverse effects on fishery areas and wildlife. EPA continues to support the goal of providing improved flood protection for the residents of the Mississippi Delta; however, it believes that this vital objective can be accomplished consistent with ensuring effective protection for the area's valuable natural resources.

- [Federal Register Notice of Final Determination \(PDF\)](#) (3 pp, 57K)
- [EPA Decision Protects 67,000 Acres of Mississippi Wetlands - News Release](#)
- [Final Determination Main Report \(PDF\)](#) (92 pp, 1.4MB)
 - [Appendix 1: Response to Comments Received \(PDF\)](#) (68 pp, 264K)
 - [Technical Appendices 2-8 \(PDF\)](#) (127 pp, 5.6MB)

- Background materials on Proposed Determination
 - [Federal Register Notice of Proposed Determination \(PDF\)](#) (15 pp, 115K)
 - [EPA to Hold Public Hearing on Yazoo Pumps Project - Public Notice](#)
- [Corps Final Supplemental Environmental Impact Statement for Yazoo Backwater Area Project](#)

Section 404(c) Background Materials

- [Clean Water Act Section 404\(c\) Regulations \(PDF\)](#) (8 pp, 23K)
- [Clean Water Act Section 404\(c\) Factsheet \(PDF\)](#) (2 pp, 524K)
- [Chronology of Final Section 404\(c\) Actions](#)