

Jurisdictional Determination Request



**US Army Corps
of Engineers**
Wilmington District

This form is intended for use by anyone requesting a jurisdictional determination (JD) from the U.S. Army Corps of Engineers, Wilmington District (Corps). Please include all supporting information, as described within each category, with your request. You may submit your request via mail, electronic mail, or facsimile. Requests should be sent to the appropriate project manager of the county in which the property is located. A current list of project managers by assigned counties can be found on-line at:

<http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram/Contact/CountyLocator.aspx>, by calling 910-251-4633, or by contacting any of the field offices listed below. Once your request is received you will be contacted by a Corps project manager.

ASHEVILLE & CHARLOTTE REGULATORY FIELD OFFICES

US Army Corps of Engineers
151 Patton Avenue, Room 208
Asheville, North Carolina 28801-5006
General Number: (828) 271-7980
Fax Number: (828) 281-8120

WASHINGTON REGULATORY FIELD OFFICE

US Army Corps of Engineers
2407 West Fifth Street
Washington, North Carolina 27889
General Number: (910) 251-4610
Fax Number: (252) 975-1399

RALEIGH REGULATORY FIELD OFFICE

US Army Corps of Engineers
3331 Heritage Trade Drive, Suite 105
Wake Forest, North Carolina 27587
General Number: (919) 554-4884
Fax Number: (919) 562-0421

WILMINGTON REGULATORY FIELD OFFICE

US Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403
General Number: 910-251-4633
Fax Number: (910) 251-4025

INSTRUCTIONS:

All requestors must complete Parts A, B, C, D, E, F and G.

NOTE TO CONSULTANTS AND AGENCIES: If you are requesting a JD on behalf of a paying client or your agency, please note the specific submittal requirements in **Part H**.

NOTE ON PART D – PROPERTY OWNER AUTHORIZATION: Please be aware that all JD requests must include the current property owner authorization for the Corps to proceed with the determination, which may include inspection of the property when necessary. This form must be signed by the current property owner(s) or the owner(s) authorized agent to be considered a complete request.

NOTE ON PART D - NCDOT REQUESTS: Property owner authorization/notification for JD requests associated with North Carolina Department of Transportation (NCDOT) projects will be conducted according to the current NCDOT/USACE protocols.

NOTE TO USDA PROGRAM PARTICIPANTS: A Corps approved or preliminary JD may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA Program participants, or anticipate participation in USDA programs, you should also request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

Jurisdictional Determination Request

A. PARCEL INFORMATION

Street Address: _____

City, State: _____

County: _____

Parcel Index Number(s) (PIN): _____

B. REQUESTOR INFORMATION

Name: _____

Mailing Address: _____

Telephone Number: _____

Electronic Mail Address: _____

Select one:

- I am the current property owner.
- I am an Authorized Agent or Environmental Consultant¹
- Interested Buyer or Under Contract to Purchase
- Other, please explain. _____

C. PROPERTY OWNER INFORMATION²

Name: _____

Mailing Address: _____

Telephone Number: _____

Electronic Mail Address: _____

¹ Must provide completed Agent Authorization Form/Letter.

² Documentation of ownership also needs to be provided with request (copy of Deed, County GIS/Parcel/Tax Record).

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D. PROPERTY ACCESS CERTIFICATION^{3,4}

By signing below, I authorize representatives of the Wilmington District, U.S. Army Corps of Engineers (Corps) to enter upon the property herein described for the purpose of conducting on-site investigations, if necessary, and issuing a jurisdictional determination pursuant to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899. I, the undersigned, am either a duly authorized owner of record of the property identified herein, or acting as the duly authorized agent of the owner of record of the property.

Print Name

Capacity: Owner Authorized Agent⁵

Date



Signature

E. REASON FOR JD REQUEST: (Check as many as applicable)

- I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.
- I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
- I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps, and the JD would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
- I intend to construct/develop a project or perform activities on this parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD is to be used in the permitting process.
- I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is included on the district Section 10 list and/or is subject to the ebb and flow of the tide.
- A Corps JD is required in order obtain my local/state authorization.
- I intend to contest jurisdiction over a particular aquatic resource and request the Corps confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
- I believe that the site may be comprised entirely of dry land.
- Other: _____

³ For NCDOT requests following the current NCDOT/USACE protocols, skip to Part E.

⁴ If there are multiple parcels owned by different parties, please provide the following for each additional parcel on a continuation sheet.

⁵ Must provide agent authorization form/letter signed by owner(s).

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F. JURISDICTIONAL DETERMINATION (JD) TYPE (Select One)

I am requesting that the Corps provide a preliminary JD for the property identified herein.

A Preliminary Jurisdictional Determination (PJD) provides an indication that there may be “waters of the United States” or “navigable waters of the United States” on a property. PJDs are sufficient as the basis for permit decisions. For the purposes of permitting, all waters and wetlands on the property will be treated as if they are jurisdictional “waters of the United States”. PJDs cannot be appealed (33 C.F.R. 331.2); however, a PJD is “preliminary” in the sense that an approved JD can be requested at any time. PJDs do not expire.

I am requesting that the Corps provide an approved JD for the property identified herein.

An Approved Jurisdictional Determination (AJD) is a determination that jurisdictional “waters of the United States” or “navigable waters of the United States” are either present or absent on a site. An approved JD identifies the limits of waters on a site determined to be jurisdictional under the Clean Water Act and/or Rivers and Harbors Act. Approved JDs are sufficient as the basis for permit decisions. AJDs are appealable (33 C.F.R. 331.2). The results of the AJD will be posted on the Corps website. A landowner, permit applicant, or other “affected party” (33 C.F.R. 331.2) who receives an AJD may rely upon the AJD for five years (subject to certain limited exceptions explained in Regulatory Guidance Letter 05-02).

I am unclear as to which JD I would like to request and require additional information to inform my decision.

G. ALL REQUESTS

Map of Property or Project Area. This Map must clearly depict the boundaries of the review area.

Size of Property or Review Area _____ acres.

The property boundary (or review area boundary) is clearly physically marked on the site.

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H. REQUESTS FROM CONSULTANTS

Project Coordinates (Decimal Degrees): Latitude: _____
Longitude: _____

A legible delineation map depicting the aquatic resources and the property/review area. Delineation maps must be no larger than 11x17 and should contain the following: (Corps signature of submitted survey plats will occur after the submitted delineation map has been reviewed and approved).⁶

- North Arrow
- Graphical Scale
- Boundary of Review Area
- Date
- Location of data points for each Wetland Determination Data Form or tributary assessment reach.

For Approved Jurisdictional Determinations:

- Jurisdictional wetland features should be labeled as Wetland Waters of the US, 404 wetlands, etc. Please include the acreage of these features.
- Jurisdictional non-wetland features (i.e. tidal/navigable waters, tributaries, impoundments) should be labeled as Non-Wetland Waters of the US, stream, tributary, open water, relatively permanent water, pond, etc. Please include the acreage or linear length of each of these features as appropriate.
- Isolated waters, waters that lack a significant nexus to navigable waters, or non-jurisdictional upland features should be identified as Non-Jurisdictional. Please include a justification in the label regarding why the feature is non-jurisdictional (i.e. “Isolated”, “No Significant Nexus”, or “Upland Feature”). Please include the acreage or linear length of these features as appropriate.

For Preliminary Jurisdictional Determinations:

- Wetland and non-wetland features should not be identified as Jurisdictional, 404, Waters of the United States, or anything that implies jurisdiction. These features can be identified as Potential Waters of the United States, Potential Non-wetland Waters of the United States, wetland, stream, open water, etc. Please include the acreage and linear length of these features as appropriate.

Completed Wetland Determination Data Forms for appropriate region
(at least one wetland and one upland form needs to be completed for each wetland type)

⁶ Please refer to the guidance document titled “Survey Standards for Jurisdictional Determinations” to ensure that the supplied map meets the necessary mapping standards. <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Jurisdiction/>

Jurisdictional Determination Request

- Completed appropriate Jurisdictional Determination form
 - **PJDs**, please complete a Preliminary Jurisdictional Determination Form⁷ and include the Aquatic Resource Table
 - **AJDs**, please complete an Approved Jurisdictional Determination Form⁸

- Vicinity Map
- Aerial Photograph
- USGS Topographic Map
- Soil Survey Map
- Other Maps, as appropriate (e.g. National Wetland Inventory Map, Proposed Site Plan, previous delineation maps, LIDAR maps, FEMA floodplain maps)
- Landscape Photos (if taken)
- NCSAM and/or NCWAM Assessment Forms and Rating Sheets
- NC Division of Water Resources Stream Identification Forms
- Other Assessment Forms

⁷ www.saw.usace.army.mil/Portals/59/docs/regulatory/regdocs/JD/RGL_08-02_App_A_Prelim_JD_Form_fillable.pdf

⁸ Please see <http://www.saw.usace.army.mil/Missions/Regulatory-Permit-Program/Jurisdiction/>

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USAGE website.

Disclosure: Submission of requested information is voluntary; however, if information is not provided, the request for an AJD cannot be evaluated nor can an AJD be issued.



Survey Standards for Jurisdictional Determinations

Please note that the approval and signature of survey plats will only be done in association with an Approved Jurisdictional Determination. The Corps accepts both electronic and hardcopy plats for signature, however this will be at the discretion of the project manager. If a hard copy is submitted, the Corps requires that all hard-copy submittals include at least one original Plat (to scale) that is no larger than 11"x17". Submitted plats must be legible, including labeling (the use of match lines for larger tracts are encouraged). Additional copies of a plat, including those larger than 11"x17", may also be submitted for Corps signature as needed. Prior to final production of a plat, the Wilmington District recommends that the surveyor electronically submit a draft of the survey to the Corps project manager for review.

PLATS SUBMITTED FOR APPROVAL

- Must be signed and sealed by a licensed professional land surveyor
- Must be to scale (all maps must include an accurate graphic scale and verbal scale)
- Must include a North Arrow, Scale(s), Title, Property Information
- Must clearly depict surveyed property or project boundaries
- Must clearly identify the known surveyed point(s) used as reference (e.g. property corner, USGS monument)
- Jurisdictional wetlands depicted on the survey should:
 - Be labeled as Wetland Waters of the US, 404 wetlands, wetlands, etc.
 - Include acreage (or square footage) of wetland polygons
 - Identify each wetland polygon using an alphanumeric system
- Jurisdictional non-wetland waters (non-wetland tidal/navigable waters, tributaries, impoundments, ditches, etc.) depicted on the survey should:
 - Be labeled as Non-Wetland Waters of the US, stream, tributary, open water, relatively permanent waters (RPW), pond, etc.
 - Mark the centerline of linear waters (tributaries), with approximate widths to the Ordinary High Water Mark (OHMW) OR a surveyed OHWM boundary of the tributary.
 - List the linear footage of linear features and area (using approximate widths)
 - Mark the extent of OHMW for non-linear waters such as lakes, ponds, etc.
 - List the acreage of non-linear features
 - Identify each feature using an alphanumeric system

- Isolated waters, waters that lack a significant nexus to navigable waters, or non-jurisdictional upland features should be identified as non-jurisdictional. Please include the acreage and/or linear length of these features as appropriate.
- Must include a legible Waters of the United States (wetlands and other waters) Delineation Table of distances and bearings/metes and bounds/GPS coordinates of all surveyed delineation points
- Must ensure that all depicted wetlands or other waters intersect or tie-to surveyed project/property boundaries

CERTIFICATION LANGUAGE

- Plats submitted for Corps approval should include the following Certification language when the entire actual Jurisdictional Boundary is depicted:

"This certifies that this copy of this plat accurately depicts the boundary of the jurisdiction of the Section 404 of the Clean Water Act as determined by the undersigned on this date. Unless there is change in the law or our published regulations, this determination of Section 404 jurisdiction may be relied upon for a period not to exceed five years from this date. The undersigned completed this determination utilizing the appropriate Regional Supplement to the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual, 33 C.F.R. part 328 and other U.S. Army Corps of Engineers guidance."

Regulatory Official: _____

Title: _____

Date: _____

USACE Action ID No.: _____

- Plats submitted for Corps approval should include the following Certification language when uplands may be present within a depicted Jurisdictional Boundary:

"This certifies that this copy of this plat identifies all areas of waters of the United States regulated pursuant to Section 404 of the Clean Water Act as determined by the undersigned on this date. Unless there is change in the law or our published regulations, this determination of Section 404 jurisdiction may be relied upon for a period not to exceed five years from this date. The undersigned completed this determination utilizing the appropriate Regional Supplement to the 1987 U.S. Army Corps of Engineers Wetlands Delineation Manual, 33 C.F.R. part 328 and other U.S. Army Corps of Engineers guidance."

Regulatory Official: _____

Title: _____

Date: _____

USACE Action ID No.: _____

GPS SURVEYS

For surveys prepared using a Global Positioning System (GPS), the survey must include all of the above, as well as:

- be at sub-meter accuracy at each survey point.
- include an accuracy verification. One of more of the known points (property corner, monument) shall be located with the GPS and cross referenced with the existing traditional property survey (metes and bounds).
- include a brief description of the GPS equipment utilized.