

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 to the appropriate Corps Field Office (or project manager, if known) via mail, electronic mail, or facsimile. A current list of county assignments by Field Office and project manager can be found on-line at: <http://www.saw.usace.army.mil/Missions/RegulatoryPermitProgram.aspx>, by telephoning: 910-251-4633, or by contacting any of the field offices listed below:

ASHEVILLE REGULATORY FIELD OFFICE

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

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INSTRUCTIONS:

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

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 G**.

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 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.

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A. PARCEL INFORMATION

Street Address: _____
City, State: _____
County: _____
Directions: _____

Parcel Index Number(s) (PIN): _____

B. REQUESTOR INFORMATION

Name: _____
Mailing Address: _____
Telephone Number: _____
Electronic Mail Address¹: _____

Select one:

I am the current property owner.

I am an Authorized Agent or Environmental Consultant²

Interested Buyer or Under Contract to Purchase

Other, please explain.

C. PROPERTY OWNER INFORMATION

Name: _____
Mailing Address: _____

Telephone Number: _____
Electronic Mail Address³: _____

Proof of Ownership Attached (e.g. a copy of Deed, County GIS/Parcel/Tax Record data)

¹ If available

² Must attach completed Agent Authorization Form

³ If available

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D. PROPERTY OWNER CERTIFICATION⁴

I, the undersigned, a duly authorized owner of record of the property/properties identified herein, do 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 and issuing a determination associated with Waters of the U.S. subject to Federal jurisdiction under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899.

Property Owner (please print)

Date

Property Owner Signature

E. JURISDICTIONAL DETERMINATION TYPE

Select One:

I am requesting that the Corps provide a preliminary JD for the property identified herein. This request does include a delineation.

I am requesting that the Corps provide a preliminary JD for the property identified herein. This request does NOT include a delineation.

I am requesting that the Corps investigate the property/project area for the presence or absence of WoUS⁵ and provide an approved JD for the property identified herein. This request does NOT include a request for a verified delineation.

I am requesting that the Corps delineate the boundaries of all WoUS on a property/project area and provide an approved JD (this may or may not include a survey plat).

I am requesting that the Corps evaluate and approve a delineation of WoUS (conducted by others) on a property/project area and provide an approved JD (may or may not include a survey plat).

⁴ For NCDOT requests following the current NCDOT/USACE protocols, skip to Part E.

⁵ Waters of the United States

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F. ALL REQUESTS

Map of Property or Project Area (attached). This Map must clearly depict the boundaries of the area of evaluation.

Size of Property or Project Area _____ acres

_____ I verify that the property (or project) boundaries have recently been surveyed and marked by a licensed land surveyor OR are otherwise clearly marked or distinguishable.

G. JD REQUESTS FROM CONSULTANTS OR AGENCIES

(1) Preliminary JD Requests:

Completed and signed Preliminary Jurisdictional Determination Form⁶.

Project Coordinates: _____ "Latitude" _____ "Longitude

Maps (no larger than 11x17) with Project Boundary Overlay:

Large and small scale maps that depict, at minimum: streets, intersections, towns

Aerial Photography of the project area

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)

⁶ See Appendix A of this Form. From Regulatory Guidance Letter No. 08-02, dated June 26, 2008

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Delineation Information (when applicable)⁷:

Wetlands:

Wetland Data Sheets⁸

Upland Data Sheets

Landscape Photos, if taken

Tributaries:

USACE Assessment Forms

Other Assessment Forms
(when appropriate)

Field Sketch overlain on legible Map that includes:

- All aquatic resources (for sites with multiple resources, label and identify)
- Locations of wetland data points and/or tributary assessment reaches
- Locations of photo stations
- Approximate acreage/linear footage of aquatic resources

(2) Approved JDs including Verification of a Delineation:

Project Coordinates: _____ "Latitude" _____ Longitude

Maps (no larger than 11x17) with Project Boundary Overlay:

Large and small scale maps that depict, at minimum: streets, intersections, towns

Aerial Photography of the project area

USGS Topographic Map

Soil Survey Map

Other Maps, as appropriate (e.g. National Wetland Inventory Map, Proposed Site Plan, previous delineation maps)

⁷ 1987 Manual Regional Supplements and Data forms can be found at:

http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/reg_supp.aspx

Wetland and Stream Assessment Methodologies can be found at:

http://portal.ncdenr.org/c/document_library/get_file?uuid=76f3c58b-dab8-4960-ba43-45b7faf06f4c&groupId=38364 and, http://www.saw.usace.army.mil/Portals/59/docs/regulatory/publicnotices/2013/NCSAM_Draft_User_Manual_130318.pdf

⁸ Delineation information must include, at minimum, one wetland data sheet for each wetland/community type.

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Delineation Information (when applicable):

Wetlands:

Wetland Data Sheets⁹

Upland Data Sheets

Tributaries:

USACE Assessment Forms

Other Assessment Forms
(when appropriate)

Landscape Photos, if taken

Field Sketch overlain on legible Map that includes:

- All aquatic resources (for sites with multiple resources, label and identify)
- Locations of wetland data points and/or tributary assessment reaches
- Locations of photo stations
- Approximate acreage/linear footage of aquatic resources

Supporting Jurisdictional Information (for Approved JDs only)

Approved Jurisdictional Determination Form(s) (also known as “Rapanos Form(s)”)

Map(s) depicting the potential (or lack of potential) hydrologic connection(s), adjacency, etc. to navigable waters.

⁹ Delineation information must include, at minimum, one wetland data sheet for each wetland/community type.

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I. REQUESTS FOR CORPS APPROVAL OF SURVEY PLAT

Prior to final production of a Plat, the Wilmington District recommends that the Land Surveyor electronically submit a draft of a Survey Plat to the Corps project manager for review.

Due to storage limitations of our administrative records, the Corps requires that all hard-copy submittals include at least one original Plat (to scale) that is no larger than 11"x17" (the use of match lines for larger tracts acceptable). Additional copies of a plat, including those larger than 11"x17", may also be submitted for Corps signature as needed. The Corps also accepts electronic submittals of plats, such as those transmitted as a Portable Document Format (PDF) file. Upon verification, the Corps can electronically sign these plats and return them via e-mail to the requestor.

(1) PLATS SUBMITTED FOR APPROVAL

Must be sealed and signed by a licensed professional land surveyor

Must be to scale (all maps must include both a graphic scale and a verbal scale)

Must be legible

Must include a North Arrow, Scale(s), Title, Property Information

Must include a legible WoUS Delineation Table of distances and bearings/metres and bounds/GPS coordinates of all surveyed delineation points

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)

When wetlands are depicted:

- Must include acreage (or square footage) of wetland polygons
- Must identify each wetland polygon using an alphanumeric system

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When tributaries are depicted:

- Must include either a surveyed, approximate centerline of tributary with approximate width of tributary OR surveyed Ordinary High Water Marks (OHWM) of tributary
- Must identify each tributary using an alphanumeric system
- Must include linear footage of tributaries and calculated area (using approximate widths or surveyed OHWM)
- Must include name of tributary (based on the most recent USGS topographic map) or, when no USGS name exists, identify as “unnamed tributary”

all depicted WoUS (wetland polygons and tributary lines) must intersect or tie-to surveyed project/property boundaries

Must include the location of wetland data points and/or tributary assessment reaches

Must include, label accordingly, and depict acreage of all waters not currently subject to the requirements of the CWA (e.g. “isolated wetlands”, “non-jurisdictional waters”). NOTE: An approved JD must be conducted in order to make an official Corps determination that a particular waterbody or wetland is not jurisdictional.

Must include and survey all existing conveyances (pipes, culverts, etc.) that transport WoUS

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(2) CERTIFICATION LANGUAGE

When the entire actual Jurisdictional Boundary is depicted:

include the following Corps Certification language:

"This certifies that this copy of this plat accurately depicts the boundary of the jurisdiction of Section 404 of the Clean Water Act as determined by the undersigned on this date. Unless there is a change in the law or our published regulations, the determination of Section 404 jurisdiction may be relied upon for a period not to exceed five (5) 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."

Regulatory Official: _____

Title: _____

Date: _____

USACE Action ID No.: _____

When uplands may be present within a depicted Jurisdictional Boundary:

include the following Corps Certification language:

"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."

Regulatory Official: _____

Title: _____

Date: _____

USACE Action ID No.: _____

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(3) 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 or more 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.