



U.S. Army Corps
of Engineers
Baltimore District

Public Notice

In Reply Refer to CENAB-OP-R

Date 11 July 2000

Requests for U.S. Army Corps of Engineers Jurisdictional
Determinations 00-30

TO WHOM IT MAY CONCERN: The identification and location of jurisdictional Waters of the United States (which includes wetlands) regulated by the U.S. Army Corps of Engineers (Corps) under Section 404 of the Clean Water Act of 1977, is physically determined through a process known as a jurisdictional determination (JD). The method of performing a JD employs a multi-parameter approach defined in Technical Report Y-87-1, Corps of Engineers Wetlands Delineation Manual, dated January 1987, and supplemental guidance. It generally requires positive evidence of hydrophytic vegetation, hydric soils, and wetlands hydrology for a determination that an area is a wetland.

The JD process establishes a line that separates and identifies the Corps-regulated wetland areas from non-wetland (upland) areas that are not regulated by the Corps. The JD provides important information to a landowner or investor for planning purposes or carrying out certain activities on a given parcel of land. It is essential in making an application for a permit from the Corps to determine if work would occur in wetlands or waters of the United States.

The performance of a JD by Corps personnel is a free service available to the public when requested. **However, there is no statutory requirement that the Corps perform JDs, with the exception of when a Department of the Army permit application is involved.** Requests that are not involved with a permit application will receive lower priority. Jurisdictional determinations are prioritized in the following manner:

1. Verification of delineations received with an application.
2. Preparation of field delineations received with an application for “mom and pop” operations (those applicants whom, in the District’s judgement, cannot afford to hire a consultant).
3. Preparation of field delineations received with an application, for larger, non-“mom and pop” operations.
4. Verification of delineations where there is no application.
5. Preparation of field delineations where there is no application.

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On March 28, 2000 an administrative appeals process was established for JDs. Information concerning this process is available at <http://www.usace.army.mil/inet/functions/cw/>.

We will be conducting a workshop in Baltimore County, Maryland on August 9, 2000 from 9:00 a.m. to 5:00 p.m. at Essex Community College, Administration Building Lecture Hall. At the workshop we will 1) review the JD procedures and process, 2) provide an overview of the JD appeals process, 3) clarify waters of the U.S. guidance and 4) address any questions you may have on the regulatory process. To make your reservation for the workshop, please contact April Hipkins, Maryland Section Northern Secretary at (410) 962-4252.

If you are interested in receiving future guidance, please provide your name and e-mail address to Mr. Tom Filip at the letterhead address, telephone at 410-962-3670 or e-mail thomas.j.filip@nab02.usace.army.mil.

/s/
LINDA MORRISON
Chief, Regulatory Section