



Jurisdictional Determination (JD) Information Checklist

U.S. Army Corps of Engineers
Baltimore District

Regulatory Guidance Letter 16-01

(<https://usace.contentdm.oclc.org/utills/getfile/collection/p16021coll9/id/1256>) provides information on JDs to ensure that all parties have a common understanding of the different options for addressing Clean Water Act and Rivers and Harbors Act geographic jurisdiction so that the most appropriate mechanism for addressing the needs of a person requesting a JD can be identified. All parties requesting a JD are encouraged to review the document.

The United States Army Corps of Engineers (USACE) has launched its new Regulatory Request System (RRS). The RRS, currently in a beta version, provides general information on the Regulatory Program and allows the public to submit preapplication meeting requests and JD requests electronically. Use of the system will promote a timelier review and the submission of information needed to complete a JD or preapplication request. You can access the RRS at: <https://rrs.usace.army.mil/rrs>.

To facilitate JD and preapplication requests, the Baltimore District developed this checklist. This checklist includes supporting information to include with your submitted request. Once a Corps Regulatory Project Manager has been assigned to your request, you should coordinate with the Corps Project Manager to determine if additional information is needed to complete your request.

Please note that JDs and delineation verifications may require a site investigation by a Corps Project Manager. Should you wish to have your property or project area delineated for waters of the U.S., the Corps Project Manager may not be able to accomplish this delineation in a timeframe suitable for your needs due to available resources and workload. To expedite your request, the Corps recommends that you contract with an environmental consultant to perform this delineation and coordinate with the Corps to verify the completed delineation. While the Baltimore District does not maintain a list of consultants, nor can we recommend or endorse a consultant, names and contact information can be obtained from local telephone directories, chambers of commerce, internet resources, civil engineering and land surveying companies, or similar resources.

1. **For all Jurisdictional Determinations:** A completed ENG Form 6247, USACE Request for JD, dated November 2023. This form is available on the Corps website at: <https://nab.usace.afpims.mil/Missions/Regulatory/Jurisdictional-Determinations/>.
2. **To request a Preliminary Jurisdictional Determination:** A completed ENG Form 6249, USACE Preliminary Jurisdictional Determination, dated November 2023). This form is available on the Corps website at: <https://nab.usace.afpims.mil/Missions/Regulatory/Jurisdictional-Determinations/>.
3. **Directions** to the site from the nearest interstate highway.

4. ____ **Vicinity map** including the exact location of the proposed project. It should include the nearest intersection of two state highways, identifiable reference points, and concise directions to the site. A United States Geological Survey quadrangle map (at original 1:24,000 scale) and/or street atlas is preferred.
5. ____ **Map of Property or Project Area (jurisdictional determination review area if different from property boundary)** including bearing and distances of property line. The map must clearly depict the boundaries of the review area. On linear projects, start and terminus points are required along with bearings at any major directional change. The Corps evaluator will only determine jurisdiction for the review area(s) on the property that the proponent requests. Omission of other areas on the property does not constitute a “no jurisdiction” determination for those areas.
6. ____ **Name of nearest waterbody.** If the stream is unnamed, identify the receiving waters (e.g., unnamed tributary to Cattail Creek).
7. ____ **Size of Property or Review area (acres).**
8. ____ **The property boundary (or review area boundary)** must be clearly physically marked on the site and on any submitted plans.
9. ____ **Delineation map** that is legible and depicts the aquatic resources and the property/review area. Delineation maps must be no larger than 11 X 17 and should contain the following information:
 - a. ____ **Scale** appropriate for evaluation (no greater than 1” =200’; 1” =50’ or 1” =100’ is preferred). On large or linear projects, multiple sheets of useful scale may be submitted provided an overview map is also provided.
 - b. ____ **Boundary of Review Area.**
 - c. ____ **Location of all “potential” waters of the U.S. showing all data points for each Wetland Determination Data Form or tributary assessment reach** including, but not limited to, streams (perennial, intermittent, ephemeral), wetlands, ponds, watercourses, and/or drainage ditches, etc.
 - d. ____ **Jurisdictional boundary line** (wetland/upland) staked or flagged in the field with corresponding flag number to points on map. Wetland boundaries shall be delineated in accordance with the 1987 Corps Wetland Delineation Manual. Show sampling points and transect(s) locations. Location of the Ordinary High Water (OHW), Mean High Water (MHW), and High Tide Line (HTL) should also be shown.

- e. ____ **Include** north arrow, title block with date, property name, drawing number/preparer, revision dates, roads, and waterway names.
 - f. ____ Clearly **identify the known surveyed point(s) used as a reference** (e.g., property corner, USGS monument).
 - g. ____ **Mapping grade (Differential Global Positioning System)**. Sub-meter (< 1m) accuracy GPS will be acceptable for preliminary field work only. DGPS will be acceptable final survey method provided horizontal positional accuracy is +/- 15 cm (0.5 feet). QA/QC documentation or certification by a Professional Land Surveyor is required for DGPS submissions. Physical survey of the site shall be to current standards and specifications.
 - h. ____ **For Approved Jurisdictional Determinations:**
 - i. Jurisdictional wetland features should be labeled as wetland/waters of the United States. Please include the acreage of these features.
 - ii. Jurisdictional non-wetland features (i.e., tidal/navigable waters, tributaries, impoundments) should be labeled as non-wetland waters of the United States. Please include the acreage and linear length of each of these features as appropriate.
 - iii. Isolated waters (i.e., waters that lack a continuous surface connection) 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, upland feature, no continuous surface connections). Please include the acreage or linear length of these features as appropriate.
 - i. ____ **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 or potential non-wetland waters of the United States. Please include the acreage and linear length of these features, as appropriate.
10. ____ **Wetland Determination Data Forms for both upland and wetland points completed** (at least one wetland and one upland form needs to be completed for each wetland type) along the delineated boundary. Data forms should be complete and legible. Specify the location of the data collected, the methodology used, and the rationale for the choice of methodology (i.e., routine, comprehensive, atypical, etc.). Blank wetland determination data forms are provided at:
https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/reg_supp/.

11. ____ **Reference information** from as many of the following sources as are available (NOTE: all information should have source, data, and a scale):
- a. Aerial photographs (from multiple years where available) on sites greater than 5 acres.
 - b. National Wetland Inventory (NWI) and/or State Wetland maps.
 - c. Soil surveys from the most recent soil survey effort (data available from SSURGO or other source) including series descriptions.
 - d. FEMA 100-year floodplain boundary, and/or local FEMA approved Flood Plain studies.
 - e. USGS Quadrangle topographic map.
 - f. Aerial photography if available.
 - g. LIDAR maps.
 - h. Other Assessment Forms.
12. ____ **Size of waters of the United States** (acreage of each wetland; linear feet and width of each stream) in the jurisdictional determination review area.
13. ____ **Identify site safety** issues by checking with the Environmental Protection Agency (EPA), State (Pennsylvania Department of the Environment in Pennsylvania or Maryland Department of the Environment in Maryland), or other local environmental protection information sources. Ensure site is free of contaminants that are considered hazardous and note any potential "Risk" areas on the site map.

EPA Superfund Sites: <https://www.epa.gov/superfund/search-superfund-sites-where-you-live>

EPA Action Programs: <https://www.epa.gov/hwcorrectiveactioncleanups/corrective-action-programs-around-nation#3>

In Maryland:

https://mde.maryland.gov/programs/land/marylandbrownfieldvcp/pages/bf_info.aspx

In Pennsylvania: <https://www.dep.pa.gov/Business/Land/SiteRemediation/Hazardous-Sites-Cleanup-Program/pages/default.aspx>

14. ____ **Site Access Permission verification.** A right of entry form is required for each property owner. On large or linear projects that cross multiple property boundaries, contact the individual property owners within 48 hours of the site visit to confirm permission for site access by all parties. Signed site access permission forms (or other USACE accepted notification forms) should be brought to the site visit along with a tracking log containing the most recent efforts to contact and verify site permissions with individual property owners. USACE employees are not allowed to access a site for jurisdiction verification unless **explicit** permission is granted by the property owner or their designee.

15. ____ **Optional items** can be supplied that will assist in the jurisdictional determination review and subsequent permit evaluations:
 - a. Note the general **climatological condition** of the site at the time of evaluation.
 - b. Onsite, ground level **photographs** from representative locations with photo index map identifying photograph location and direction.
 - c. **Cowardin Classification** of wetland areas.
 - d. **Current and historic land uses** (i.e., agricultural, industrial, residential, cropland, lawn, forested, etc.).
 - e. **Total acreage of wetlands** to be affected by the project (if known).
 - f. **Rate of average annual flow** in CFS for streams.
 - g. **General geologic and topographic conditions.**

Pre-application Checklist

Note: While a pre-application meeting is not a required component of a JD, the Corps highly recommends using the JD field visit and JD review process as an opportune time to discuss possible impacts to regulated areas. Providing the Corps with as many of these items as is reasonably available generally will enhance the permit review process.

1. ____ **Site development plans** (separate sheet(s); if available).
2. ____ **Environmental Assessment** of aquatic resources on site.
3. ____ **Adjacent property owner(s)** including names, addresses (mailbox number), and reference points (e.g. along the west side of Cattail Creek).
4. ____ **Proposed and existing structures** clearly defined as such.

5. ____ **Location, dimensions, and type** of sewage/septic system proposed.
6. ____ **Dimensions of proposed structures** such as driveway, house, garage, and other.
7. ____ **Structures** which are proposed in wetlands or other potential aquatic resources.
8. ____ List of all **approvals and certifications** required and/or received from other federal, interstate, state, or local agencies for the development of the project site.