



US Army Corps
of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Public Notice Number: SPK-2008-01557

Date: November 7, 2008

Comments Due: Open

In reply, please refer to the Public Notice Number

Subject: Local Processing Procedures for Jurisdictional Determinations

On June 26, 2008, the U.S. Army Corps of Engineers (Corps) issued Regulatory Guidance Letter No. 08-02 (RGL 08-02) to clarify the use of preliminary and approved jurisdictional determinations (JDs). A copy of RGL 08-02 is attached to this notice and available under 2008 at: <http://www.usace.army.mil/cw/cecwo/reg/rglsindx.htm> and under "Reference" on our District website at the link below.

In accordance with RGL 08-02, this special public notice identifies Sacramento District procedures to streamline the process for applicants who want to obtain Corps permit authorizations or jurisdictional determinations.

The Sacramento District will assume that a landowner, permit applicant, or other "affected party" is electing to seek permit authorization based on a preliminary JD and has voluntarily waived or set aside questions regarding jurisdiction over a particular site unless an approved JD is specifically requested in writing. Potential permit applicants may submit a completed and signed copy of the "Preliminary Jurisdictional Determination Form" in RGL 08-02 with the application or pre-construction notification package to help streamline the permit or JD process.

Permit decisions, including the computation of impacts, compensatory mitigation requirements, and other resource protection measures, would generally be made on the basis of the preliminary JD, treating all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. Furthermore, Corps authorization may be based on no "official" JD of any type in appropriate circumstances, such as general inquiries or authorizations by non-reporting general permits.

The Sacramento District retains the discretion to use an approved JD where it is determined to be appropriate given the facts of the particular case. The Sacramento District will continue to follow the guidance provided in RGL 07-01, as appropriate, for permit denials and for those circumstances when approved JDs are requested by a landowner, permit applicant, or "other affected" party, or required by RGL 08-02.

Please refer to identification number SPK-2008-01557 in any correspondence concerning this notice. If you have any questions or comments, please contact Mike Finan in our Regulatory Division at the address above, or email: michael.c.finan@usace.army.mil, or telephone 916-557-5324. You may also use our website: <http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>.

Attachment: RGL-08-02