

U.S. Army Corps of Engineers – Charleston District - Regulatory Division
JURISDICTIONAL DETERMINATION REQUEST

For Identifying Waters of the U.S., Including Wetlands and Tributaries, and Jurisdictional Status

This form is intended for use by anyone requesting a jurisdictional determination from the U.S Army Corps of Engineers, Charleston District (Corps). Please supply the following information and supporting documents described below. This document can be completed electronically and then printed. **This document must be signed by the current property owner(s) to be considered a formal request.** We require original signatures; faxes and emails with scanned copies are not acceptable. Per the required property owner's signature below, please be advised that submitting this request authorizes the Corps to conduct on-site investigations, if necessary, to inform the jurisdictional determination process. Please contact us if you need any assistance with filling out this form, as well as for jurisdictional determination requests associated with corridor projects involving multiple property owners. You may attach extra pages/authorizations if needed. The printed form and supporting documents should be mailed to the appropriate office (refer to the enclosed service area map):

<p>Charleston Office: US Army Corps of Engineers Regulatory Division 69A Hagood Avenue Charleston, SC 29403 (ph) 843-329-8044</p>	<p>Columbia Office: US Army Corps of Engineers Regulatory Office 1835 Assembly Street, Room 865 B-1 Columbia, SC 29201 (ph) 803-253-3444</p>	<p>Conway Office: US Army Corps of Engineers Regulatory Office 1949 Industrial Park Road, Room 140 Conway, SC 29526 (ph) 843-365-4239</p>
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Directions: Sections I-V must be completed upon submittal. Failure to do so may result in additional delays.

I. PROPERTY AND AGENT INFORMATION

A. Project Details/Location:

Project Name: _____ Date: _____
 County: _____ Latitude/Longitude: _____
 Tax Map Sequence (TMS) #(s): _____
 Property Address(es): _____
 Acreage(s): _____

B. Property Owner(s): (if there are multiple property owners, please attach additional pages)

Name: _____
*(*Current Legal Property Owner Name and Contact Information are required.)*
 Company Name (if applicable): _____
 Address: _____
 Phone: _____ Email: _____

C. Requestor Of Jurisdictional Determination (check here [] if same as Property Owner):

Name: _____
 Company Name (if applicable): _____
 Address: _____
 Phone: _____ Email: _____

Select one:

- I am the current property owner
- I am an interested buyer or am under contract to purchase the property
- Other, please explain.

D. Consultant/Agent (if applicable):

Consultant/Agent Name: _____
 Company Name (if applicable): _____
 Address: _____
 Phone: _____ Email: _____

II. PROPERTY ACCESS AUTHORIZATION

I, the undersigned, a duly authorized owner of record of the below parcel number(s), do hereby authorize representatives of the U.S. Army Corps of Engineers, Charleston District, to enter upon the below parcel number(s) for the purposes of conducting on-site investigations (e.g., digging and refilling shallow holes) and issuing a jurisdictional 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.

I acknowledge that under South Carolina common law, a person who authorizes, advises, encourages, procures, or incites another to commit a trespass, is liable along with the actual perpetrator.

I further acknowledge that 18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Mailing Address of Property Owner

Property Address

TMS #(s)

Property Owner Name (please print)

Signature of Property Owner:

Date:

III. AGENT/CONSULTANT AUTHORIZATION Not applicable

I, the undersigned, do authorize the agent/consultant listed above (on page 1) to act in my behalf in the processing of this request and to furnish supplemental information in support of this request.

I acknowledge that 18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.

Property Owner Name (or Requestor Name) (please print)

Signature of Property Owner (or Requestor): **Date:**

The Consultant/Agent is acting on behalf of the *(check all that apply)*:

Property Owner Requestor Other, please explain: _____

IV. Type of Submittal (Select one)

A. I am an environmental/wetland consultant representing a JD requestor who is submitting a wetland delineation for review and verification by the Corps. Please refer to pages **4-8** for the “Information Required for Wetland Delineations and Jurisdictional Determination Submittals.”

B. I am a JD requestor without an environmental/wetland consultant requesting that the Corps investigate the above property for the presence or absence of wetlands, tributaries, or other Waters of the U.S., and establish the geographic extent of these areas. *Please note that while the Corps offers wetland delineation services, time frames to fulfill requests are dependent on site size, property conditions, workload priorities, and staffing levels. To expedite the wetland delineation process, property owners and/or requestors are encouraged to hire an environmental consultant. A courtesy list of environmental consultants can be found on our website at www.sac.usace.army.mil/Missions/Regulatory/PermittingProcess.aspx.*

For requestors with no environmental/wetland consultant for box IV. B. above, the first three items listed below MUST accompany your request. Complete only this page and disregard the following pages.

1. Accurate location maps (from County Map, USGS Quad Sheet, etc.), street address and directions to site from a nearby major intersection.
2. Copy of Survey Property Plat, Tax Map of Property, or depiction showing project review area/property boundary with GPS coordinates.
3. Statement that the project review area/property boundaries are marked and a description of how the project review area/property boundaries are marked onsite. See below note* for more information.
4. Additional information, such as soil survey information, aerial photographs, etc.

*Note: The project review area/property boundaries must be accurately marked onsite PRIOR to the Corps site visit. The property owner may need to hire a registered land surveyor to locate and mark the property corners and/or boundaries. Small sites and/or sparsely vegetated sites may only require the property corners be marked. However, sites that are large, oddly shaped, and/or have thick vegetative cover may require additional marking efforts, such as cut sight lines, the use of a series of flags, etc., in order for Corps staff to identify and locate the boundaries while onsite.

V. Type of Jurisdictional Determination Requested (select one):

- A. Accurate-Approved Preliminary B. Approximate-Approved C. Accurate-Preliminary * D. Approximate-Preliminary**

Description of the Types of Jurisdictional Determinations:

Preliminary – Preliminary determinations will identify whether wetlands or other waters are present on the site and will presume that they are jurisdictional. Preliminary jurisdictional determinations may be completed more quickly than Approved jurisdictional determinations and do not expire.

Approved – Approved jurisdictional determinations will identify whether wetlands or other waters are present on the site and will include a determination of their jurisdictional status. Approved jurisdictional determinations expire in 5 years.

Description of the Types of Delineations:

Accurate: Location and extent (boundaries) of all Waters of the U.S. are identified and surveyed by a registered land surveyor. Project review area/property boundary must be surveyed or represented by a tax map (or by GPS points if no Waters of the U.S. are present).

Approximate: Location and extent (boundaries) of all Waters of the U.S. are identified and depicted approximately on a sketch. Project review area/property boundary must be surveyed or represented by a tax map or GPS coordinates.

***Note: For Accurate-Preliminary Jurisdictional Determinations, although the jurisdictional determination will not expire, the surveyed location and extent (boundaries) of wetlands and/or waters will expire after 5 years.**

Information Required for Delineation and Jurisdictional Determination Submittals

- Pages 4-8 provide a detailed list of all information that is REQUIRED for delineations and jurisdictional determinations submitted to the Corps for approval.
- Items listed in #1- #3 are required for ALL submittals.
- Items listed in #4 are required for “Approximate” depictions of aquatic resources.
- Items listed in #5 are required for “Accurate” depictions of aquatic resources.
- Items listed in #6 are required for “Approved” jurisdictional determinations depicting uplands only.

Note: Prior to site verification by the Corps, all aquatic resource boundaries, data point locations, and property corners must be marked for field inspection. Incomplete submittals may cause a delay in the verification process. Additional information not required below may be included with the submittal.

1. Jurisdictional Determination (JD) Request Form – (Current version from Charleston District website)

- The form must be completed fully and the person signing the form must be the legal and current property owner or have the specific authority of the property owner to authorize Corps of Engineers employees or their agents to inspect the property.
- **The legal and current property owner contact information must be listed on the form.**
- Indicate the type of JD requested.

2. Wetland Determination Data Forms – (Current version from appropriate Regional Supplement available on Corps website)

- Appropriate data forms must be used and completed fully.
- A minimum of one data point (one completed data form) is required for properties containing no wetlands. Additional data points should be taken on larger sites and in any upland areas that appear to be wetlands based on aerial photos, NWI maps, etc.
- Data points must be located such that there is a pair of points at multiple locations for each wetland type, on both sides of the wetland line in positions that illustrate the distinction between wetland and non-wetland.
- Sufficient number/location of data points should be taken to represent the wetland/upland status of the entire investigation area.

3. Maps, Wetland/Upland Sketches and Photos

- Location Maps: large-scale and small-scale maps, including streets, intersections, cities and an accurate depiction of the project boundary.
- Overlay project boundary on
 - Aerial photo
 - USGS topographic map
 - Soil Survey map
 - National Wetlands Inventory map
- Landscape photos of representative upland areas and aquatic resources. Display photo location and direction on wetland/upland sketch.
- Sketch of all aquatic resources and pertinent features that are present (Wetlands, Tributaries, Lakes, Borrow Pits, Ponds, Rivers, Drainage Features, Ditches) preferably on an aerial photo using no-fill polygons.
 - Data point locations with labels

4. Required Elements for “Approximate” Depictions of Aquatic Resources (Non-Surveyed Depiction)

- Title Block with project name, applicant, county, state, date
- Solid bold line depicting project area boundary with label. The project area boundary must be accurate and may be represented by survey, tax map, or GPS coordinates with coordinates provided. Tax maps may only be used if the project area includes the entire parcel. Refer to #6 Option 2 for required information for depictions using tax maps. Refer to #6 Option 3 for required information for depictions using GPS coordinates.
- North arrow
- Clearly marked boundaries of all aquatic resources and other pertinent features that are present (Wetlands, Tributaries, Lakes, Borrow Pits, Ponds, Rivers, Drainage Features, Ditches). Non-jurisdictional linear features or ditches are not required to be included on the approximate depiction but must be shown on a supplemental sketch.
- Label all aquatic resources.
 - Refer to the Jurisdictional Status Label Tables on page 5 for the standardized labels that should be used for Approved and Preliminary jurisdictional determinations.
 - Include size (acres) and length (linear feet) of each aquatic resource on the approximate depiction.
 - A table displaying the above information may be provided on the approximate depiction

5. Required Elements of an Accurate Depiction of Aquatic Resources (Survey Plat)

- Title Block with project name, applicant, county and state
- Vicinity map
- Labeled names of significant adjacent and/or internal roads, water bodies or other unique reference features
- North arrow / compass rose
- Distance scale
- Plat preparation date, revision date(s), surveyor seal, surveyor signature, and date of surveyor signature. All plats must be prepared by a SC-Registered Land Surveyor
- SCDHEC-OCRM signature approving critical line boundaries and acreage (if applicable).**
- Solid bold surveyed line depicting project area boundary and clearly labeled
- Surveyed boundaries of all Jurisdictional Wetlands and Non-Jurisdictional Wetlands
- Non-Jurisdictional Borrow Pits/Ponds do not have to be surveyed but must be shown on the survey plat. (The survey plat can include a note that these features are depicted “Not to Scale”)
- Non-jurisdictional linear features or ditches are not required to be included on the survey plat but must be shown on a supplemental sketch.
- Tributaries should be delineated and displayed on the survey plat.
 - In circumstances when a portion of a tributary is located within wetlands and is no longer distinct from the wetland, then that portion of the tributary need not be surveyed but the approximate location should be displayed on the survey plat.
- “Floating” polygons must be tied to a referenced survey point
- Survey data table, listing prominent labeled polygon point locations, expressed in *Metes & Bounds* or *State-Plane coordinates*
- Label all aquatic resources.
 - Refer to the Jurisdictional Status Label Tables on page 5 for the standardized labels that should be used for Approved and Preliminary jurisdictional determinations.
 - Include size (acres) and length (linear feet) of each aquatic resource on the survey plat.
 - A table displaying the above information may be provided on the survey plat.

** Applicants are encouraged to follow the *Recommended SCDHEC-OCRM/Corps Plat Procedure*. Refer to page 6.

6. Required Elements for Upland Depictions (No Wetlands or Waters Present)- 3 Options Available

Option 1: Survey Plat- Survey Plats may be provided for any Upland Depictions

- Title Block with project name, applicant, county and state
- Vicinity map
- Labeled names of significant adjacent and/or internal roads, water bodies or other unique reference features
- North arrow / compass rose
- Distance scale
- Plat preparation date, revision date(s), surveyor seal, surveyor signature, and date of surveyor signature. All plats must be prepared by a SC-Registered Land Surveyor
- Solid bold surveyed line depicting project area boundary clearly labeled
- Uplands label, including acreage
- Survey data table, listing prominent labeled polygon point locations, expressed in *Metes & Bounds* or *State-Plane coordinates*
- Non-Jurisdictional Borrow Pits/Ponds do not have to be surveyed but must be shown on the survey plat and properly labeled. (The survey plat can include a note that these features are depicted "Not to Scale") Refer to the Jurisdictional Status Label Table 1. for APPROVED jurisdictional determinations on page 5 the standardized labels that should be used.
- Non-Jurisdictional Linear Features or Ditches are not required to be included on the survey plat but must be shown on a supplement sketch.

Option 2: Tax Maps- Valid Tax Maps from County websites may be provided for Upland Depictions if the project area includes the entire parcel

- Title Block with project name, applicant, county, state, source of tax map, date of preparation (print date)
- Tax Map Parcel Numbers, Property Identification Numbers, etc., must be shown on the Tax Map
- Acreage of the parcel must be included
- Non-Jurisdictional Borrow Pits/Ponds must be shown on the Tax Map and properly labeled. Refer to the Jurisdictional Status Label Table 1. for APPROVED jurisdictional determinations on page 5 for the standardized labels that should be used.
- Non-Jurisdictional Linear Features or Ditches are not required to be included on the Tax Map but must be shown on a supplemental sketch.

Option 3: GPS Coordinates- GPS coordinates of project area boundary may be provided for Upland Depictions when the review is for a portion of a parcel

- Title Block with project name, applicant, county, state, date of preparation
- Solid bold line depicting the project area boundary with the points (corners) marked on depiction
- GPS coordinates of the points (corners) of the project area boundary provided on the sketch (at corner points or listed in a table).
- Acreage of project area
- Solid bold line (different color or line type) depicting the boundaries of the larger parcel.
- Non-Jurisdictional Borrow Pits/Ponds must be shown and labeled. Refer to the Jurisdictional Status Label Table 1. for APPROVED jurisdictional determinations on page 5 for the standardized labels that should be used.
- Non-Jurisdictional Linear Features or Ditches are not required to be included on the GPS Upland Depiction, but must be shown on a supplemental sketch.

**Table 1:
Jurisdictional Status Label Table for APPROVED Jurisdictional Determinations**

Label ¹	Description
Jurisdictional Features	
TNW x ²	Traditionally Navigable Water and/or OCRM Critical Area Wetland
TNW Tidal Ditch x	Tidally-influenced ditches (below MHW line)
Jurisdictional pRPW Tributary x	Jurisdictional perennial Relatively Permanent Water
Jurisdictional sRPW Tributary x	Jurisdictional seasonal Relatively Permanent Water
Jurisdictional non-RPW Tributary x	Jurisdictional non-Relatively Permanent Water
Jurisdictional Ditch x ³	Jurisdictional Ditch ³
Jurisdictional Wetland x	Meeting 3-parameters per 1987 Delineation Manual
Jurisdictional Lake x	
Jurisdictional Impoundment of WOUS x	Jurisdictional Impoundment of waters of the U.S.
Jurisdictional Pond x	
Non-jurisdictional Features	
Non-jurisdictional non-RPW Tributary x	Non-jurisdictional non-Relatively Permanent Water
Non-jurisdictional wetland x	
Non-jurisdictional isolated wetland x	
Non-jurisdictional ditch x	
Non-jurisdictional linear conveyance x	
Non-jurisdictional Borrow Pit x	
Non-jurisdictional manmade Lake x	
Non-jurisdictional upland excavated Pond x	
Non-jurisdictional Impoundment x	
Upland	Uplands should be labeled when wetlands or other waters, regardless of jurisdictional status, are present. When no wetlands or other waters are present, the "Upland" label is not necessary.

1 = Labels required for jurisdictional and non-jurisdictional features on depictions that support jurisdictional determinations. Note that for some features more than one label may be acceptable (i.e., a tidal marsh wetland might be labeled "Jurisdictional Wetland x" or "TNW x"). The intent is to have labels that are consistent with current guidance and thus minimize the need to edit plat labels later in the process. Ultimately, determination of the jurisdictional status of aquatic resources is the responsibility of the Corps of Engineers and a plat should not be considered final until the Corps of Engineers has approved all labels regarding jurisdictional status. Additional labels may be added to this list in subsequent revisions of this form.

2 = Each feature label must include a unique alpha-numeric label so that multiple features of a given type can be distinguished (i.e., Jurisdictional Wetland 1, Jurisdictional Wetland 2, etc.). Exception: Upland areas should be labeled "Upland" with no additional label data.

3 = Ditches (including roadside ditches) excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water are generally not waters of the United States because they are not tributaries or they do not have a significant nexus to downstream traditional navigable waters. Consistent with current Rapanos Guidance, the category "jurisdictional ditch" should be reserved for those non-tributary linear conveyance features which are manmade and that do carry a relatively permanent flow of water. The most common examples include ditches excavated between and connecting two or more wetlands or waters of the United States that display no tributary characteristics. The Corps of Engineers will evaluate these features on a case-by-case basis.

**Table 2:
Label Table for PRELIMINARY¹ Jurisdictional Determinations**

Label	Description
Tidal Wetland X	Tidal wetland, OCRM Critical Area Wetland
Freshwater Wetland X	Freshwater wetland (differentiate when tidal wetlands are also present)
Wetland X	When only freshwater wetlands are present
Tributary X	Tributaries, linear non-wetland waters, with unknown flow regime
Tributary-Perennial X	Tributaries, linear non-wetland waters, with perennial flow
Tributary- Seasonal X	Tributaries, linear non-wetland waters, with seasonal flow
Tributary- Intermittent X	Tributaries, linear non-wetland waters, with less than seasonal flow
Pond X	Pond
Water X	Non-linear non-wetland water features, including open water borrow pits and other open water excavated areas.
Non-aquatic feature X	A feature that is determined by the Corps not be an aquatic feature and therefore not potentially jurisdictional. Non-aquatic features do not need to be shown and labeled on plats but must be shown and labeled on supplemental sketches.

1= For Preliminary Jurisdictional Determinations, Aquatic Resources present on a project site are Potentially Jurisdictional and therefore presumed to be jurisdictional. Features that are determined to be non-aquatic resources are not considered Potentially Jurisdictional.

Recommended SCDHEC-OCRM/Corps Plat Procedure

This is a recommended procedure for conducting wetland delineations and obtaining jurisdictional determinations that include **tidal** waters and/or wetlands that are regulated by both SCDHEC-OCRM and the Corps. This procedure was developed by both OCRM and the Corps to help reduce the delays that may occur during the jurisdictional determination process relating to plat revisions.

Step 1: Applicant should delineate and flag wetlands on-site.

Step 2: Applicant should prepare and submit Jurisdictional Determination Request to USACE and Critical Area Line determination request to DHEC OCRM.

Step 3: USACE field review/ DHEC OCRM field reviews (separate reviews).

Step 4: Applicant should survey agency-reviewed wetland boundaries.

Step 5: Applicant should coordinate with USACE to determine appropriate jurisdictional status labels prior to plat submittal.

Step 6: Applicant should provide appropriate jurisdictional status labels and submittal requirements to surveyor.

Step 7: Surveyor produces plat.

Step 8: Applicant must review plat to ensure appropriate labeling/submittal requirements are met prior to submittal.

Step 9: Submit plat to DHEC OCRM for approval of critical area and signing of plat.

Step 10: Submit DHEC OCRM signed plat to USACE for finalizing Jurisdictional Determination.
