DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
Regulatory Division
P.O. Box 4970
Jacksonville, Florida 32232-0019

REPLY TO
ATTENTION OF

Regulatory Division

January 5, 2009

PUBLIC NOTICE

Wetland Delineation Information

TO WHOM IT MAY CONCERN: The Jacksonville District, U.S. Army Corps of Engineers (Corps), is circulating this notice to advise the public of recent changes in District procedures. These changes when fully implemented are designed to increase the efficiency of District staff, and to better serve the public by decreasing the time required for review of Department of the Army permit applications and jurisdictional delineations (JD).

BACKGROUND:
Pursuant to Section 404 of the Clean Water Act (Section 404), a Department of the Army permit is required for excavation of or any discharge of dredged or fill material into "waters of the United States", including wetlands. Wetlands are defined in the Corps of Engineer's (Corps) regulations [33 CFR, 328.3(b)] as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions." For the purposes of Section 404, the identification and delineation of wetlands is currently accomplished in accordance with the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region* (Supplement).

Approved JDs:

(1) Stand-alone JDs will be given the same priority as JD requests associated with applications, and in all cases, if the individual submits the required information, the SAJ-RD goal will be to complete the JD within 120 days of the JD request being received in the respective SAJ-RD office.

(2) SAJ-RD will only "set the line" for an approved JD for non-commercial entities on parcels which total 5 acres or less. For all other approved JD requests, SAJ-RD will only verify an applicant prepared JD.

(a) Information Needed from the requester for Corps-Performed JD: (i) A dated request letter giving the parcel description (development or other project name for reference; Section, Township, and Range, and other legal description, i.e. lot/block/subdivision, if available); name of requestor (owner and authorized agent, if

applicable); address and telephone number of requestor; parcel size; and purpose for requesting determination. In addition to the above, the request should include the latitude and longitude of the center point of the project. (ii) A letter of permission for Corps personnel to enter the property. The letter must be signed by the owner, or by the owner's legal representative, and notarized. Corps personnel will not enter a property to perform a JD without a notarized letter of permission in the file. (iii) An accurate location map with instructions to identify and find the subject parcel. The boundaries of the parcel should be clearly marked by staking, fences, cut lines, or other landmarks, and the interior of the property should be readily accessible. Transect cut lines may be required for access and physical reference in densely vegetated areas. (iv) A legible survey, plat drawing, or other parcel plan showing the configuration and dimensions of the subject parcel; the name of the USGS Quad map on which the parcel is located; the page number of the county soil survey on which the property is depicted. Aerial photographs may be submitted as valuable supplemental information.

(b) Information Needed for Applicant-performed JD: In addition to the information requested above, including the permission to enter the property: (i) Completed regional supplement data forms. Those are included in the Supplement and can also be found on the Regulatory Division's web site at: http://www.saj.usace.army.mil/Divisions/Regulatory/index.htm.. The number of data forms (sampling points) will vary with the complexity of the site, but should be sufficient (minimum of 2) to show how the line between the wetland/non-wetland interface was determined. Normally, two data forms (one on the wetland side of the line and one on the non-wetland side of the line) should be filled out wherever a wetland vegetative community change occurs. When characterizing soils, it will usually not be necessary to go deeper than 12-24 inches. Emphasis should be placed on hydric soils indicators and the profile description to determine which indicators have been met. It will usually not be necessary to confirm whether the soil is the type mapped per the county soil survey. A map showing the location of the project and a map (sketch) of the locations of the sampling points will also be required. (ii) Shallow monitoring well data will not be accepted unless the installation and maintenance of the shallow monitoring wells adheres to the protocol specified in Sprecher, S.W. (2000). Installing monitoring wells/piezometers in wetlands. WRAP Technical Notes Collection (ERDC TN-WRAP-00-02), U.S. Army Engineer and Development Center, Vicksburg, MS. Available from: http://www.wes.army.mil/el/wrap. (iii) If a jurisdictional determination survey is submitted, the survey should show the location of each flag point from the ground delineation, and if the flags are numbered, each point number should be cross-referenced to the corresponding point on the survey drawing. (iv) While applicant-completed Rapanos data forms (issued June 5, 2007) are not required to determine whether an area meets or may meet the technical criteria as stipulated in the Supplement, and is therefore a wetland, their inclusion may greatly expedite the finalization of an approved JD. In addition to the above, it would be helpful if supporting

information contained in the request included the latitude and longitude of the center point of the project.

Preliminary JDs

(1) Preliminary JDs will be utilized as much as possible and will be performed in accordance with the criteria set forth in Regulatory Guidance Letter 08-02. Available at: http://www.usace.army.mil/cw/cecwo/reg/rglsindx.htm

Please note the above-requested information is required to determine whether an area meets or may meet the technical criteria as stipulated in the Supplement and is therefore a wetland. It does not address whether the wetland is jurisdictional. Additional information and an additional form are required to make that determination.

David S. Hobbie
Chief, Regulatory Division