



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
7400 LEAKE AVE
NEW ORLEANS LA 70118-3651

December 4, 2018

Operations Division
Surveillance and Enforcement Section

SPECIAL PUBLIC NOTICE
NOTIFICATION OF WETLAND DELINEATION REPORT
REQUIREMENTS FOR JURISDICTIONAL DETERMINATION REQUESTS
AND PERMIT APPLICATIONS

TO WHOM IT MAY CONCERN: The New Orleans District, U.S. Army Corps of Engineers (Corps) is circulating this notice to advise the public of recent changes to District jurisdictional determination request procedures. These changes, when fully implemented, are designed to increase the efficiency of District staff during the jurisdictional determination process and to better serve the public.

BACKGROUND: Pursuant to Section 404 of the Clean Water Act (Section 404), a Department of the Army permit is required for the discharge of dredged or fill material into "waters of the United States", including wetlands. For the purposes of Section 404, the identification and delineation of wetlands is currently accomplished in accordance with the procedures outlined in the 1987 Corps of Engineers Wetland Delineation Manual (87 Manual) and the associated appropriate Regional Supplement. The New Orleans District area of operation includes the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0, 2010) or any updated versions published thereafter.

JURISDICTIONAL DETERMINATIONS: Approved jurisdictional determinations (AJDs) and preliminary JDs (PJDs) are tools used by the U.S. Army Corps of Engineers (Corps) to help implement Section 404 of the Clean Water Act (CWA) and Sections 9 and 10 of the Rivers and Harbors Act of 1899 (RHA). Both types of JDs specify what geographic areas will be treated as subject to regulation by the Corps under one or both statutes. Regulatory Guidance Letter (RGL) 16-01 explains in detail the differences between these two types of JDs. This RGL and other useful information relating to JDs can be found on Corps Headquarters web page at the following link:

http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/juris_info/

Additionally, any person requesting a JD is required to fill out the Request for Corps Jurisdictional Determination (JD) form, in its entirety, for submission of any request. If you do not wish to use the form, you may submit a letter requesting a JD; however, that letter must include all the same information that is required on the form.

REQUIREMENTS FOR WETLAND DELINEATION REPORTS: Due to the amount, and complex nature, of jurisdictional determination requests in the New Orleans District, we have prepared a set of requirements for wetland delineation reports that are provided with the submission of a jurisdictional determination request or permit application. These requirements will allow the Corps to process the large volume of requests in the most efficient manner possible, and they will reduce the need to request additional information. Any wetland delineation reports received by the District that do not include these requirements will not be processed until any missing information is received. Submission of a wetland delineation report with required information does not guarantee the issuance of a jurisdictional determination. The New Orleans District staff will review all reports and perform site visits (if deemed necessary). In the event revisions are required, representative changes will be identified to the requestor/applicant. The requestor/applicant will be responsible for applying all necessary changes throughout the report. Failure to provide accurate corrections will result in the withdrawal and return of the JD request or permit application. The "MVN Wetland Delineation Report Requirements" document can be found at the below link:

<http://www.mvn.usace.army.mil/Missions/Regulatory/Jurisdiction-Wetlands/>

It is highly encouraged that the requirements set forth in this public notice and the "MVN Wetland Delineation Report Requirements" document be instituted immediately by the public. However, there will be a grace period of **6 months** from the date of this public notice before these requirements become mandatory. Additionally, this does not affect wetland delineation reports submitted as part of a JD request or permit application received prior to the date of this public notice.

Sincerely,

A solid black rectangular box redacting the signature of Martin S. Mayer.

for Martin S. Mayer
Chief, Regulatory Branch

Enclosures

U.S Army Corps of Engineers, New Orleans District Regulatory Branch MVN Wetland Delineation Report Requirements

Information required for a Wetland Delineation Report submitted as part of a Jurisdictional Determination (JD) request or permit application.

The New Orleans District receives well over a thousand requests for JDs in an average year, and many more JDs are required as a component of our regulatory permitting process. Due to our current and long term workload, it is not usually feasible for us to complete a wetland delineation for the JD for properties greater than 5 acres in size. For those properties over 5 acres, we request that requestors and/or applicants obtain the services of an independent wetland consultant to provide us with a wetland delineation report (including all necessary data).

This document provides a list of detailed information that is required to be submitted with all wetland delineations submitted to the Corps for a JD or permit application. In addition, it is required that all aquatic resources referenced in the submittal documents be marked in the field by appropriate flagging. Flags should be spaced so that each flag can be seen from the location of the adjacent ones. Each flag should be marked with a unique identifier mark detailing the wetland ID (e.g. A, B, C, etc.) and a flag number (e.g. 1, 2, 3, etc.) creating a flagging sequence (e.g. A-1, A-2, A-3, etc.).

To reduce delays in your JD, the information provided must be a complete and accurate representation of wetlands and other aquatic resources that are present onsite utilizing methods outlined in the 1987 Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0). Please note that disturbed or problematic sites, as well as sites with previous land use practices such as agriculture and silviculture, should utilize methods outlined in Chapter 5 of the Regional Supplement.

Submittals received without the information listed below will be returned with a request for any lacking requirements (unless the deviation is approved by the Chief of the Surveillance and Enforcement Section). The New Orleans District staff will review all reports and perform site visits (if deemed necessary). In the event revisions are required, representative changes will be identified to the requestor/applicant. The requestor/applicant will be responsible for applying all necessary changes throughout the report. Failure to provide accurate corrections will result in the withdrawal and return of the JD request or permit application.

Further information required for a Wetland Delineation Report submittal:

1) Site specific data and data forms

- Data points should be taken to reflect the current site conditions and accurately represent the vegetative communities on site. The data collected should be dated ***no older than twelve months prior*** to the JD request submittal date.
- A sufficient number/location of data points should be taken to represent the wetland/upland status of the entire investigation area. Data point locations should confirm or refute the potential for aquatic resource presence depicted on the submitted mapping and available resources (Truecolor aerials, Infrared aerials, etc.).

- Data points must be located such that there is at least a pair of points for each wetland identified on both sides of the wetland line in positions that illustrate the distinction between wetland and upland. Multiple small wetlands of the same community type can use one set of data points.
- Additional data points should be placed in areas that have similar signatures to the mapped wetlands, but are delineated as uplands.
- Each data point should be supported with a complete, accurate, and current Wetland Determination Data Form.
 - All site information and summary of findings should be provided.
 - All applicable hydrology indicators must be marked or a statement provided that none are present.
 - Vegetation data must be provided with accurate absolute % cover, including calculations of relative cover (50% and 20%). Use the Four strata or Five strata data sheet as necessary.
 - Soil profile descriptions should be to a minimum depth of 20 inches where practicable. Including all relevant details for Redox features (color, %, type, and location), soil texture, and any appropriate remarks.
 - Mark all appropriate hydric soil indicators.

2) Maps, Figures, and Photos

- A Location Map should be provided including streets, intersections, cities, etc. clearly depicting the location of the site in relation to surroundings.
- A Flagging Key map depicting the location and identifying name (e.g. "A-2") of each wetland flag onsite (see second intro paragraph).
- Project Area/Review Area boundary must be overlain on:
 - Current Truecolor aerial imagery.
 - Infrared aerial imagery (all reasonably available years).
 - USGS Topographic Map.
 - NRCS Hydric Rating by Map Unit Web Soil Survey Map.
 - LiDAR/Elevation mapping.
- Site photographs from locations of data points and other relevant site features. Depict photo location and direction on the aquatic resources figure. Photographs should clearly depict the vegetation within the plot. Photographs showing a clear, well-lit depiction of the soil profile next to the appropriate Munsell page should also be included.
- A Figure depicting all aquatic resources and other pertinent features identified. Figure should include:
 - Title Block with project name, applicant, section, township, range, parish, state, date.
 - Solid BLACK line depicting project review area boundary with label.
 - North arrow.

- All aquatic resources found on site.
 - Wetland features marked in red.
 - Non-wetland waters marked in blue.
 - Uplands marked in solid green outline (Approved JD requests only).
 - Potential Non-jurisdictional waters/wetlands marked in purple (Approved JD requests only). All features labeled as non-jurisdictional must be accompanied by evidence-based justification in the report.
 - Scale bar that accurately depicts dimensions across the entire property (map must not be distorted or angled).
- Provided with the above map will be the following information (can be located on a separate map):
 - Size of the site (acres)
 - The length (linear feet) and width of each individual linear aquatic resource within the review area.
 - The size (acres) of each individual non-linear wetland and/or other aquatic resources within the review area.
 - Data point locations.
 - Photo locations and direction.
 - Digital copies of the shapefiles for all onsite features (wetlands, waters, etc.). These files should be submitted to the Corps and include all necessary information to utilize with ArcMap (*.shp, *.shx and *.dbf at a minimum).
 - Confirmation that the map has been approved by all field personnel that collected the field data and their contact information. These field personnel should be reasonably available to meet on site for a review of the data.