

U.S. Army Corps of Engineers – Charleston District - Regulatory Division
REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD) / DELINEATION
 (For Jurisdictional Status and Identifying Wetlands and Other Aquatic Resources)

The Regulatory Division is now offering paperless/electronic documents as a primary means of accepting project submittals and responding to requests. While electronic submittals are preferred, we will continue to accept paper documents that meet our file requirements in order to accommodate those with limited computer access. Depending on the project location, requests should be submitted to the appropriate office below. Please visit <https://www.sac.usace.army.mil/Missions/Regulatory/Electronic-Submittals/> for additional information on electronic submittals.

Charleston Office: 69A Hagood Avenue Charleston, SC 29403 843-329-8044 SAC.RD.Charleston@usace.army.mil	Columbia Office: 151R Taylor Street Columbia, SC 29201 803-253-3444 SAC.RD.Columbia@usace.army.mil	Conway Office: 1949 Industrial Park Road, Room 140 Conway, SC 29526 843-365-4239 SAC.RD.Conway@usace.army.mil	Greenville Office: 750 Executive Center Dr, Suite 103 Greenville, SC 29615 864-606-4326 SAC.RD.Greenville@usace.army.mil
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I. PROPERTY AND AGENT INFORMATION

A. Site Details/Location:

Site Name: Kato Bay Road Date: 6-11-24
 City/Township/Parish: Hardeeville, SC County: Jasper
 Latitude/Longitude: 32.9417002 N, -81.0483296 W
 Tax Map Sequence (TMS) #(s): 042-00-02-024 Acreage: 10 Acres
 Property Address(es): Property does not have physical address. (Site Location Maps attached)

An accurate depiction of the review area must be provided (survey, tax map, OR GPS coordinates). Tax maps may only be used if the site includes the entire tax map parcel. **See the attached Checklist for information that should be submitted for a complete and proper submittal.**

B. Requestor of Jurisdictional Determination/Delineation (if there are multiple property owners, please attach additional pages)

Name: Brian Russo Company Name (if applicable): Kato Bay Investments LLC
 Address: 121 Arabian Court, St. Augustine, FL 32025
 Phone: 881-702-8870 Email: brianrusso@gmail.com
 Check one: ☒ I currently own this property ☐ I plan to purchase this property ☐ Other: _____

C. Agent/Environmental Consultant Acting on Behalf of the Requestor (if applicable):

Consultant/Agent Name: Tara Merrill
 Company Name: Environmental Science & Technologies Inc. (ES&T)
 Address: PO Box 30548 Phone: 912-224-7312
 Email: tmerrill@es-and-t.com

II. REASON FOR REQUEST (check all that apply):

- ☒ I intend to construct/develop a project or perform activities on this site which would be designed to avoid all aquatic resources.
- ☐ I intend to construct/develop a project or perform activities on this site which would be designed to avoid all jurisdictional aquatic resources under Corps authority.
- ☐ I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps, and the Jurisdictional Determination would be used to avoid and minimize impacts to jurisdictional aquatic resources and as an initial step in a future permitting process.
- ☐ I intend to construct/develop a project or perform activities on this site which may require authorization from the Corps; this request is accompanied by my permit application and the jurisdictional determination is to be used in the permitting process.
- ☐ I intend to construct/develop a project or perform activities in a navigable water of the U.S. which is subject to the ebb and flow of the tide.
- ☐ A Corps jurisdictional determination is required in order to obtain my local/state authorization.
- ☐ I intend to contest jurisdiction over a particular aquatic resource and the request the Corps to confirm that jurisdiction does/does not exist over the aquatic resource on the parcel.
- ☐ I believe that the site may be comprised entirely of dry land.
- ☐ Other: _____

*Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

Disclosure: Submission of requested information is voluntary, however, if information is not provided, the request for an jurisdictional determination cannot be evaluated nor can a jurisdictional determination be issued.

III. TYPE OF REQUEST:

¹**Delineation Concurrence (DC)** – A DC provides concurrence that the delineated boundaries of wetlands on a property are a reasonable representation of the aquatic resources on-site. A DC does not address the jurisdictional status of the aquatic resources. (NOTE: A DC is generally the quickest type of standalone request for the Corps to review and process.)

²**Approved** – An AJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, an AJD is used to indicate that this office has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status. AJDs are valid for 5 years.

³**Preliminary** – A PJD is defined in Corps regulations at 33 CFR 331.2. As explained in further detail in RGL 16-01, a PJD is used to indicate that this office has identified the approximate location(s) and boundaries of wetlands and/or other aquatic resources on a site that are presumed to be subject to regulatory jurisdiction of the Corps of Engineers. Unlike an AJD, a PJD does not represent a definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a site, and does not have an expiration date.

⁴**"No Permit Required" (NPR) Letter** – A NPR letter may be provided by the Corps to notify the requestor that an activity will not require a permit (authorization) from the Corps; this letter can only be used if the proposed activity is not a regulated activity, regardless of where the activity may occur. A NPR letter cannot be used to indicate the presence or absence of wetlands and/or other aquatic resources, nor can it be used to determine their jurisdictional status.

NOTE 1: Pre-approved Delineations and/or JDs are **NOT** a pre-requisite for submitting a DA permit application. Requests for JDs and/or DCs that are not associated with a DA permit application (Standalone Delineation / JD requests) will be reviewed and processed as time allows and based on available resources.

NOTE 2: Although not a requirement, it is recommended that Standalone requests be prepared and submitted by an environmental consultant to expedite the review process.

Select the Appropriate Request:

☐ **Pre-Construction Notification or Department of the Army permit application**

☐ with Delineation only (no written concurrence of delineation)

☐ with Delineation Concurrence¹

☐ with Preliminary Jurisdictional Determination (PJD)³

☐ with Approved Jurisdictional Determination (AJD)²

☒ **Standalone Delineation / Jurisdictional Determination**

Standalone Delineation / Jurisdictional Determination requests will be reviewed and processed as time allows and based on available resources.

☒ Delineation Concurrence¹

☐ Preliminary Jurisdictional Determination (PJD)³

☐ Approved Jurisdictional Determination (AJD)²

☐ I request that the Corps delineate the wetlands and/or other aquatic resources that may be present on my property.

These requests have historically been conducted as a courtesy for private property owners for minor actions. Due to current workload and priorities, the Charleston District Regulatory Division will only provide this service on a limited basis for private individuals on small tracts of land (typically 1 acre or less).

☐ with the attached Pre-Construction Notification or Department of the Army permit application

(This may delay processing times. The review of the permit application will not start until the delineation has been completed by the Corps.)

☐ with a Delineation Only, an AJD or PJD

☐ **"No Permit Required" (NPR) Letter** as I believe my proposed activity is not regulated⁴

☐ **Unclear** and require additional information to inform my decision.

IV. LEGAL RIGHT OF ENTRY

By signing below, I am indicating that I have the authority, or am acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant U.S. Army Corps of Engineers personnel right of entry to legally access the property(ies) subject to this request for the purposes of conducting on-site investigations (e.g., digging and refilling shallow holes) and issuing a jurisdictional determination. I acknowledge that my signature is an affirmation that I possess the requisite property rights to request a jurisdictional determination on the properties subject to this request.

121 Arabian Ct, St Augustine, FL 32095

Mailing Address

brianfrusso@gmail.com

Email Address

*Signature:

Kato Bay Rd / 042-00-02-024

Property Address / TMS #(s)

561-702-8870

Daytime Phone Number

Brian Russo

Printed Name and Date

*Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

Principal Purpose: The information that you provide will be used in evaluating your request to determine whether there are any aquatic resources within the project area subject to federal jurisdiction under the regulatory authorities referenced above.

Baseline Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public, and may be made available as part of a public notice as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in the approved jurisdictional determination (AJD), which will be made available to the public on the District's website and on the Headquarters USACE website.

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JURISDICTIONAL DETERMINATION AND DELINEATION CHECKLIST:

This checklist is to assist prospective requesters in submitting complete and proper information. This is NOT a comprehensive list nor are all items mandatory for all projects. However, the list contains general information typically necessary for this office to confirm jurisdictional and/or wetland delineations as part of the permitting process. Required items are indicated by an asterisk (*). To reduce delays in verifying Jurisdictional Determinations and Delineations, it is recommended that the information provided is a complete and true representation of wetlands and other aquatic resources that may be present onsite. It is also recommended that submissions be prepared and submitted by an environmental consultant. Although this is not a requirement, it will significantly expedite the review process.

Following these standards will help to expedite our review. Flexibility of these standards may be determined by the Regulatory Division on a case-by-case basis only. Please note the Corps has the ability to reject delineation work that is incomplete or inaccurate.

■ ***Completed Request For Corps Jurisdictional Determination (JD) / Delineation AND Legal Right of Entry**

■ **Site Information:**

- ***Location Maps:** large-scale and small-scale maps, including streets, intersections, cities and an accurate depiction of the site boundary shown.

Note: Only contiguous/adjoining parcels can be submitted under one JD request. If there is an area not within the JD request that separates the areas of review (i.e., a road, utility line, etc.), a separate JD request should be submitted each area.

- ***Overlay of site boundary** on aerial photo, USGS topographic map, soil survey, NWI Map, etc.
- ***Site's coordinates** should be based on a standard coordinate system, i.e., Geographic (at least to the nearest tenth of a second), State Plane or UTM. Indicate the coordinate system (and zone for UTM), units (English or metric) and the corresponding geodetic datum, either NAD27 or NAD83.
- ***Property lines with measurements** illustrating all existing land features, including streams, ditches, trails, etc.
- **Landscape photos** of representative upland areas and aquatic resources, with the photo locations and directions of photos marked on a depiction.
- **Current land use and plant communities** located on and adjacent to the area under review (i.e., agricultural, industrial, residential, cropland, lawn, forested, etc.). If known, a brief history of the previous land use will be helpful.
- ☐ **Proposed & existing structures** clearly defined as such.
- ☐ **Dimensions of proposed structures** such as a driveway, house, garage, and other structures which are proposed in wetlands.
- ☐ **Sewage/septic system:** location, dimensions and type.
- ☐ **Drainage ditches and/or berms:** location and dimensions.

- ***Wetland Determination Data Forms:** Record wetland delineation information for both the upland and wetland side of various points along the boundary. Current version from appropriate Regional Supplement found at:
<https://www.sac.usace.army.mil/Missions/Regulatory.aspx>

■ **Elements for Depictions of All Sites:**

- ***Title Block** with project name, applicant, county, state, date.
- ***North arrow**
- ***Solid bold line depicting project area boundary with label.** The project area boundary should be accurate and may be represented by survey, tax map, or GPS coordinates with coordinates provided. Please note that a survey is NOT required. Tax maps may only be used if the project area includes the entire parcel(s). Include the Tax Map Parcel Numbers, Property Identification Numbers, etc., the source of the map, and date of preparation (print date).
- ***Clearly marked boundaries of all wetlands and/or other aquatic resources and other pertinent features that are present** (Wetlands, Tributaries, Lakes, Borrow Pits, Ponds, Rivers, Drainage Features, Ditches) and have been flagged in the field. Surveyed or GPS coordinates of the boundaries should be provided. (At a minimum, potentially non-jurisdictional linear features should be included on a supplement sketch/depiction.)
- ***Labels of wetlands and/or other aquatic resources.** Refer to the below tables for the standardized labels that should be used for AJDs, PJDs and/or Delineation Concurrence.
- ***Size (acres) and length (linear feet) of each individual wetlands or aquatic resource included on the depiction.**
- ***Wetland Determination Data Form point locations with labels.** (At a minimum, this should be included on a supplement sketch/depiction.)

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

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***Standardized Labels for Depictions of Wetlands and Aquatic Resources**

Table 1: Labels for PJDs and Delineation Concurrence

Label	Description
Wetland X (tidal, non-tidal)	All wetlands, including tidal wetlands.
Non-wetlands waters X (tidal, non-tidal)	All non-wetland aquatic resources (ponds, linear features, tributaries, tidal open water).
Upland	Uplands should be labeled
Non-aquatic resource X (Optional) *	Features determined by the Corps to be non-aquatic resources.

Table 2: Labels for AJDs

Jurisdictional Feature Label	Description
TNW X	Traditionally Navigable Water, tidal wetland, or and/or OCRM Critical Area Wetland
Jurisdictional Tributary X	Tributary, relatively permanent water, or stream bed
Jurisdictional Wetland X	Meeting 3-parameters per 1987 Delineation Manual
Other Jurisdictional WOUS X	Other Waters of the United States such as ponds, lakes, ditches, impoundments, etc.
Non-jurisdictional Wetland X	Wetland determined by the Corps to be non-jurisdictional
Non-jurisdictional Feature X (Optional)*	Non-jurisdictional ponds, borrow-pits, linear features, ditches, etc.
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.

***Authorities:** Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Program of the U.S. Army Corps of Engineers; Final Rule for 33 CFR Parts 320-332.

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