

**Guidelines for Preliminary Jurisdictional Determinations**  
**U.S. Army Corps of Engineers (ACOE)**  
**Regulatory Division, Arizona Branch**

National guidance for the processing of Jurisdictional Determinations (JDs) is described in Regulatory Guidance Letter 16-01 (RGL 16-01). This guidance letter is available online at [http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl\\_6-01\\_app1-2.pdf?ver=2016-11-01-091706-840](http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl_6-01_app1-2.pdf?ver=2016-11-01-091706-840). The review and processing of your Preliminary Jurisdictional Determination (PJD) will be facilitated if you follow the guidelines recommended by the Arizona Branch.

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**Notes:**

- Please upload electronic copy to - <https://safe.amrdec.army.mil/safe/>. Or send in an email or multiple emails (10MB max per email).
- PJD request requires aerial photograph(s) of project area (electronic or 2 hardcopies).
- PJD request requires only one copy of PJD request letter and all other supporting documentation/reports (electronic or hardcopy).
- Do not “bind” information submitted to Army Corps of Engineers (ACOE). Binder clips are preferred. A jurisdictional delineation is not a report but a package of the items below.
- Cultural survey reports and biological evaluations are not required if you are only requesting a PJD.

**Minimum information required for processing:**

**Cover (Request) Letter (see attached sample with guidance):**

1. Provide a short description of project area, identify people and date(s) of any site visits, and identify all other resources used.
2. Name, address, telephone number and e-mail address of landowner(s) requesting PJD.. If agent is used to request the PJD a signed statement from the landowner(s) must be included that clearly empowers the authorized agent to act on behalf of the landowner(s).
3. Letter from landowner(s) authorizing ACOE staff access the property for PJD purposes. Driving directions to the site and site access information for ACOE staff to make a site visit if necessary.
4. Cadastral location - Township, Range, and Section (e.g. T4N, R3E, Sec. 4, NE¼) and latitude and longitude in Degree Decimal format (i.e. 32.123456N and 110.123456W) of the project area midpoint. Please include datum, NAD 83 is preferred.

**Request for Corps Jurisdictional Determination form (see attached sample with guidance):**

1. Fill out all fields in form and sign and date.

**PJD form (see attached sample with guidance):**

1. Fill out all fields in form. If more than 6 washes, request aquatic resources (AR) excel file. Some tips below when using AR excel form.
  - a. If copying use ‘paste only values’.
  - b. Do not disable macros, use Orange shield to validate info.

- c. Verify locations by exporting to csv and open in Google Earth.
- d. Submit in excel format and not PDF.
2. Link - <http://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/Guidance-Letters/>

**JD Characteristics Table (See attached sample):**

1. Wash name or for unnamed drainage features create alpha or alpha-numeric names such as Wash A, Wash B1, Wash B2, and Wash C etc.). May need to coordinate with Regulatory PM if a complex site.
2. Note what characteristics were used to make jurisdictional/non-jurisdictional recommendations (i.e. OHWM, scour, debris, change in vegetation, soil change, isolated, man-made, water source, and etc)
3. Wash width (feet), depth (feet), length (feet) and total wash area (acres) any existing drainage structure information.
4. Recommend as jurisdictional or non-jurisdictional each drainage feature in table.

**Mapping (See attached sample with guidance):**

1. Follow mapping standards, Updated Map and Drawing Standards for the South Pacific Division Regulatory Program, February 10, 2016,  
<http://www.spd.usace.army.mil/Portals/13/docs/regulatory/standards/MapStand020816.pdf>
2. Site Map – 8.5 x 11 portion of USGS map (1:24000 scale) with project/survey area outlined in black. Include quad name.
3. If more than one landowner please provide a landowner map. Does not need to be to scale.
4. Aerial photographs – within two years (preferred) and no smaller than 1" = 100'. Date of aerial and scale can be changed with prior approval from ACOE PM. Good resolution and full color in an 11x17 size or approved size by ACOE PM. The aerial must include:
  - a. Survey/Project area outlined in black, OHWM in red and waters of the United States in transparent yellow along with wash name and flow direction arrow.
  - b. Legend to include north arrow, scale, scale bar, date photograph taken, project name, preparer's name and date printed.
  - c. Optional – placing the Corps label (below)

**Ground Level Photographs (see attached sample):**





1. In color, and clearly capture the characteristics of that drainage to demonstrate whether it's jurisdictional or non-jurisdictional.
2. Clearly key ground level photographs onto the aerial to indicate location and direction.
3. Provide photographs in one document clearly labeled. Note: each photograph should be around 500kb or less in size but still retain quality on 8.5 x 11 document.
4. Provide sufficient photos to accurately represent the characteristics of any questionable site feature. If roads, swales, trails etc. are located on the site and appear to be drainages, label on the aerial photograph and provide sufficient photos to sufficiently document the nature of the feature. Please use a rod for scale in the photos and note the size of the rod.

**Wetlands:**

1. Mapping - Use a transparent green color to indicate wetland area, transparent blue for open water.
2. Provide a report (Use template) with data sheets which clearly demonstrate how the boundary was established in accordance with the Regional Supplement to the Corps Wetland Delineation: Arid West Region or Western Mountains, Valleys, and Coast Region.  
<http://www.spl.usace.army.mil/Missions/Regulatory/JurisdictionalDetermination/WetlandDelineations.aspx>
3. If features are present on the site which may be interpreted from the aerial photo as wetlands but are not delineated provide sufficient information to clarify their status.

Please send only information which will assist in the evaluation of the PJD request. Concise and organized information is much easier to review. If your submittal lacks any of the requested information listed above, it may be returned to you for additional information.

Last updated: December 2, 2016

<b>***PRELIMINARY(RGL 16-01)***</b>	
<b>SECTION 404 JURISDICTIONAL DELINEATION</b>	
U.S. Army Corps of Engineers, Los Angeles District	
Application No. SPL -	
	Boundary of area surveyed for jurisdictional waters of the United States
	Approximate Ordinary High Water Mark
	Potential Waters of the United States
	Potential Wetlands (If legend is blank no wetlands occur with survey area.)
Scale: See scale bar    Photograph Date:	
Site Visit by Corps(Y/N)    Date:	
Determination Issued:	
Corps Project Manager:	
Sheet    or	



US Army Corps  
of Engineers ®

# REGULATORY GUIDANCE LETTER

No. 16-01

Date: October 2016

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SUBJECT: Jurisdictional Determinations

1. **Purpose.** 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. This Regulatory Guidance Letter (RGL) explains the differences between these two types of JDs and provides guidance to the field and the regulated public on when it may be appropriate to issue an AJD as opposed to a PJD, or when it may be appropriate to not prepare any JD whatsoever.

The Corps has long provided JDs as a public service. In U.S. Army Corps of Engineers v. Hawkes Co., 136 S.Ct. 1807 (2016), the Supreme Court held that AJDs are subject to judicial review, and several members of the Court highlighted that the availability of AJDs is important for fostering predictability for landowners. The Corps recognizes the value of JDs to the public and reaffirms the Corps commitment to continue its practice of providing JDs when requested to do so, consistent with the guidance below. This clarification RGL does not change or modify the definitions of AJDs and PJDs included in Corps regulations, the documentation practices for each type of JD, or when an AJD is required by the terms of its definition (e.g., only an AJD can be used to determine presence/absence of waters of the U.S.). This RGL also does not address which aquatic resources are subject to CWA or RHA jurisdiction.

The aim of this RGL is to encourage discussions between Corps districts and parties interested in obtaining the Corps views on jurisdiction to ensure that all parties have a common understanding of the different options for addressing CWA and RHA geographic jurisdiction so that the most appropriate mechanism for addressing the needs of a person requesting a JD can be identified. This RGL does not limit the discretion afforded a district engineer by the regulations to ultimately determine, consistent with the guidance below, how to respond to a request for a JD. After a requestor is fully informed of the options available for addressing geographic jurisdiction, the Corps will continue its current practice of providing an AJD consistent with this guidance if the party continues to request one. The uniform understanding of the different types of JDs and the well-reasoned use of discretion in the manner described in this guidance is of substantial importance within the Regulatory Program. The district engineer should set reasonable priorities based on the district's workload and available regulatory resources. For example, it may be reasonable to give higher priority to a JD request when it accompanies a permit request. This RGL addresses similar issues included in RGLs 07-01 and 08-02. Both RGL 07-01 and 08-02 are hereby superseded by this RGL.

2. Background. The regulations implementing the CWA and RHA introduced the concept of JDs when they "...authorized its district engineers to issue formal determinations of the applicability of the [CWA or RHA] to . . . tracts of land." 33 C.F.R. 320.1(a)(6). The use of such determinations was not addressed by either statute, and the regulations make their use discretionary and do not create a right to a JD. The regulations authorize their use as a service to the public, and the Corps has developed a practice of providing JDs when requested, and in appropriate circumstances.

Corps practice has evolved to address questions of jurisdiction through the use of AJDs and PJDs. However, some jurisdictional inquiries may be resolved without a JD. For example, a letter confirming that no Corps permit is required for activities on a site may be sufficient for responding to requests in a particular case. These different means of addressing questions of jurisdiction are discussed further below.

It is the Corps responsibility to ensure that the various types of JDs, their characteristics, and the reasons behind the JD request, have been adequately discussed with the requestor so requestors can make an informed decision regarding what type of documentation will best serve their needs. The JD requestor, after being advised by the Corps, will determine what form of JD, if any, is best for his/her particular circumstance, based on all the relevant factors. These factors include, but are not limited to, the requestor's preference and reasons for the request, whether any kind of permit authorization is associated with the request for a JD (e.g., individual permit or general permit), and the nature of any proposed activity needing authorization. Such factors are also relevant to how such requests are prioritized by the district engineer. The Corps regulations implementing the CWA and RHA leave the decision of whether to issue a JD to the discretion of the district engineer. However, it will continue to be the agency's practice to honor requests for JDs unless it is impracticable to do so, such as when the Corps is unable to gain access to a site to complete a JD or the Corps lacks other information necessary to respond to the request based on a sound technical record.

3. Approved JDs. An AJD is defined in Corps regulations at 33 CFR 331.2. A definitive, official determination that there are, or that there are not, jurisdictional aquatic resources on a parcel and the identification of the geographic limits of jurisdictional aquatic resources on a parcel can only be made by means of an AJD. AJDs may be either "stand-alone" AJDs or AJDs associated with permit actions. Some "stand-alone" AJDs may later be associated with permit actions, but at time of issuance are not related to a permit application. A "stand-alone" AJD may be requested so that impacts to jurisdictional aquatic resources may be avoided or minimized during the planning stages of a project, or it may be requested in order to fulfill a local/state authorization requirement.

- a. Except as provided otherwise in this RGL, and provided that the Corps is allowed legal access to the property and is otherwise able to complete an AJD, the Corps will issue an AJD upon receiving a request for a formal determination regarding the jurisdictional status of aquatic resources on a parcel, whether or not the request specifically refers to an "AJD."

- b. An AJD:
      - (1) will be used if the Corps is determining the presence or absence of jurisdictional aquatic resources on a parcel;
      - (2) will be used if the Corps is identifying the geographic limits of

jurisdictional aquatic resources on a parcel;

(3) will remain valid for a period of five years (subject to certain limited exceptions explained in RGL 05-02);

(4) can be administratively appealed through the Corps administrative appeal process set out at 33 CFR Part 331; and,

(5) may be requested through the use of the enclosed "Request for Corps Jurisdictional Determination (JD)" in Appendix 1. Even if the JD requestor does not use the enclosed "Request for Corps JD", the same information and signature provided in the "Request for Corps JD" should be submitted to the Corps district with each JD request.

4. Preliminary JDs. A PJD is defined in Corps regulations at 33 CFR 331.2. When the Corps provides a PJD, or authorizes an activity through a general or individual permit relying on an issued PJD, the Corps is making no legally binding determination of any type regarding whether jurisdiction exists over the particular aquatic resource in question. A PJD is "preliminary" in the sense that a recipient of a PJD can later request and obtain an AJD if that becomes necessary or appropriate during the permit process or during the administrative appeal process. See Appendix 2 for the PJD form.

a. A PJD:

(1) may be requested in order to move ahead expeditiously to obtain a Corps permit authorization where the requestor determines that it is in his or her best interest to do so;

(2) may be requested even where initial indications are that the aquatic resources on a parcel may not be jurisdictional, if the requestor makes an informed, voluntary decision that it is in his or her best interest not to request and obtain an AJD;

(3) may be used as the basis for a permit decision; however, for purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a PJD will treat all aquatic resources that would be affected in any way by the permitted activity on the parcel as jurisdictional;

(4) may include the delineation limits of all aquatic resources on a parcel, without determining the jurisdictional status of such aquatic resources; and,

(5) may be requested through the use of the enclosed "Request for Corps Jurisdictional Determination (JD)" in Appendix 1. Even if the JD requestor does not use the enclosed "Request for Corps JD", the same information and signature provided in the "Request for Corps JD" should be submitted to the Corps district with each JD request.

5. No JD Whatsoever. The Corps generally does not issue a JD of any type where no JD has been requested and there are certain circumstances where a JD would not be necessary (such as authorizations by non-reporting nationwide general permits). In some circumstances, including where the Corps verifies general permits or issues letters of permission and/or standard permits, jurisdictional questions may not arise. In other circumstances, where no DA permit would be required because the proposed activity is not a regulated activity or is exempt under Section 404(f) of the CWA and is not recaptured, preparation of a "no permit required" letter may be appropriate, and no JD is required, so long as that letter makes clear that it is not addressing geographic jurisdiction.

6. Processing. The "Request for Corps Jurisdiction (JD)" in Appendix 1 of this RGL is intended to help both the requestor and the Corps in determining which type of JD, if any, is appropriate. When the Corps receives a request for a JD, the Corps should first explain to the requestor the various types of JDs and their characteristics to ensure that an informed decision is made by the requestor as to the type of JD the Corps will issue, if any. The Corps should discuss with the requestor the intent and purpose of the JD request rather than responding to the request through issuance of a JD without such understanding. Providing an explanation upfront as to the differences between the types of JDs and discussing what the requestor may need can help clarify which JD type may be appropriate for the requestor, if any. It is agency practice to honor requests for JDs unless it is clearly impracticable to do so, such as when the Corps is unable to gain access to a site to complete a JD or the Corps lacks other information necessary to respond to the request based on a sound technical record.
7. Coordination with U.S. Environmental Protection Agency (EPA) and posting. The Corps will continue to coordinate with EPA per applicable memoranda. The Corps will also continue to post final AJDs on Corps websites until the AJDs expire (generally five years, see RGL 05-02). PJDs will not be coordinated with EPA or posted on Corps websites.
8. This RGL remains in effect unless revised, superseded, or rescinded.



DONALD E. JACKSON  
Major General, USA  
Deputy Commanding General  
for Civil and Emergency Operations

31 Oct 2016

Date

Appendices

## **Appendix 1 - REQUEST FOR CORPS JURISDICTIONAL DETERMINATION (JD)**

To: District Name Here

- I am requesting a JD on property located at: \_\_\_\_\_  
(Street Address)  
City/Township/Parish: \_\_\_\_\_ County: \_\_\_\_\_ State: \_\_\_\_\_  
Acreage of Parcel/Review Area for JD: \_\_\_\_\_  
Section: \_\_\_\_\_ Township: \_\_\_\_\_ Range: \_\_\_\_\_  
Latitude (decimal degrees): \_\_\_\_\_ Longitude (decimal degrees): \_\_\_\_\_  
(For linear projects, please include the center point of the proposed alignment.)
- Please attach a survey/plat map and vicinity map identifying location and review area for the JD.
- ☐ I currently own this property. ☐ I plan to purchase this property.  
☐ I am an agent/consultant acting on behalf of the requestor.  
☐ Other (please explain): \_\_\_\_\_.
- Reason for request: (check as many as applicable)  
☐ I intend to construct/develop a project or perform activities on this parcel which would be designed to avoid all aquatic resources.  
☐ I intend to construct/develop a project or perform activities on this parcel 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 parcel which may require authorization from the Corps, and the JD 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 parcel which may require authorization from the Corps; this request is accompanied by my permit application and the JD 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 included on the district Section 10 list and/or is subject to the ebb and flow of the tide.  
☐ A Corps JD is required in order to obtain my local/state authorization.  
☐ I intend to contest jurisdiction over a particular aquatic resource and request the Corps 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: \_\_\_\_\_
- Type of determination being requested:  
☐ I am requesting an approved JD.  
☐ I am requesting a preliminary JD.  
☐ I am requesting a "no permit required" letter as I believe my proposed activity is not regulated.  
☐ I am unclear as to which JD I would like to request and require additional information to inform my decision.

By signing below, you are indicating that you have the authority, or are acting as the duly authorized agent of a person or entity with such authority, to and do hereby grant Corps personnel right of entry to legally access the site if needed to perform the JD. Your signature shall be an affirmation that you possess the requisite property rights to request a JD on the subject property.

\*Signature: \_\_\_\_\_ Date: \_\_\_\_\_

- Typed or printed name: \_\_\_\_\_  
Company name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Daytime phone no.: \_\_\_\_\_  
Email address: \_\_\_\_\_

**\*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 AJD cannot be evaluated nor can an AJD be issued.



## BACKGROUND INFORMATION

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

#### D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

State: County/parish/borough: City:

Lat.: Long.:

Name of nearest waterbody:

☐ Office (Desk) Determination. Date:☐ Field Determination. Date(s):[illegible]

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☐ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: \_\_\_\_\_.
- ☐ Data sheets prepared/submitted by or on behalf of the PJD requestor.  
☐ Office concurs with data sheets/delineation report.  
☐ Office does not concur with data sheets/delineation report. Rationale: \_\_\_\_\_.
- ☐ Data sheets prepared by the Corps: \_\_\_\_\_.
- ☐ Corps navigable waters' study: \_\_\_\_\_.
- ☐ U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.  
☐ USGS NHD data.  
☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name: \_\_\_\_\_.
- ☐ Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_.
- ☐ National wetlands inventory map(s). Cite name: \_\_\_\_\_.
- ☐ State/local wetland inventory map(s): \_\_\_\_\_.
- ☐ FEMA/FIRM maps: \_\_\_\_\_.
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_.(National Geodetic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date): \_\_\_\_\_.  
or ☐ Other (Name & Date): \_\_\_\_\_.
- ☐ Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- ☐ Other information (please specify): \_\_\_\_\_.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

\_\_\_\_\_  
Signature and date of  
Regulatory staff member  
completing PJD

\_\_\_\_\_  
Signature and date of  
person requesting PJD  
(REQUIRED, unless obtaining  
the signature is impracticable)<sup>1</sup>

<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

(Place letter on Landowner/agent letterhead)

Ms. Sallie Diebolt, Chief  
Arizona Section Regulatory Branch  
US Army Corps of Engineers  
3636 North Central Avenue, Suite 900  
Phoenix, AZ 85012

Attention: Regulatory PM

RE: Preliminary Jurisdictional Delineation  
Project name and number  
USACE File No.:

Dear Ms. Diebolt:

The Arizona Department of Transportation (ADOT) is planning to install concrete scour protection at the Eastbound (EB) Dead River bridge Structure No. 565 on Interstate 40 (I-40) from milepost (MP) 315.87 to MP 316.17 located approximately 30 miles northeast of Holbrook, Apache County, Arizona (Figures 1 and 2). The project occurs within and adjacent to an ADOT easement through undeveloped New Lands under the jurisdiction of the Navajo Nation. The cadastral location for the project area is SE ¼ of Section 32, Township 20N, Range 25E (Gila and Salt River Baseline and Meridian). The Dead River EB bridge crosses the Dead Wash at UTM 618010mE, 3883003mN, NAD 83, Zone 12N.

A ground survey to identify waters of the US in the project area was completed on October 25, 2007 by . The aerial photograph used during the ground survey was taken on an unknown date in 2005. Although the aerial photograph is more than 2 years old, it still accurately depicts waters of the US. Within the survey area, approximately 2.42 acres of the Dead Wash is proposed as waters of the US.

This letter serves as a request for review and issue of the preliminary jurisdictional delineation. Included for your review are the following items:

- State Location (Figure 1) and Project Vicinity (Figure 2) Maps
- Topographic and Floodplain Map (Figure 3)
- Drainage Area Map (Figure 4)
- Proposed Jurisdictional Delineation with Photo Points (Figure 5)
- Ground Photos
- JD Tables with Physical Characteristics and Other Information

If you have any questions or require additional information, please feel free to call me at 000.000.0000. Thank you for your assistance.

Sincerely,

Printed Name  
Title  
Company

**Comment [I1]:** Will be assigned by Regulatory Project manager once package is received.

**Comment [I2]:** Provide brief project description including: type of project (roadway, development, utility, maintenance), location such as highway, milepost, geographic reference point, Township, Range, Section, LAT/LONG NAD83, and USGS maps reference. See example below

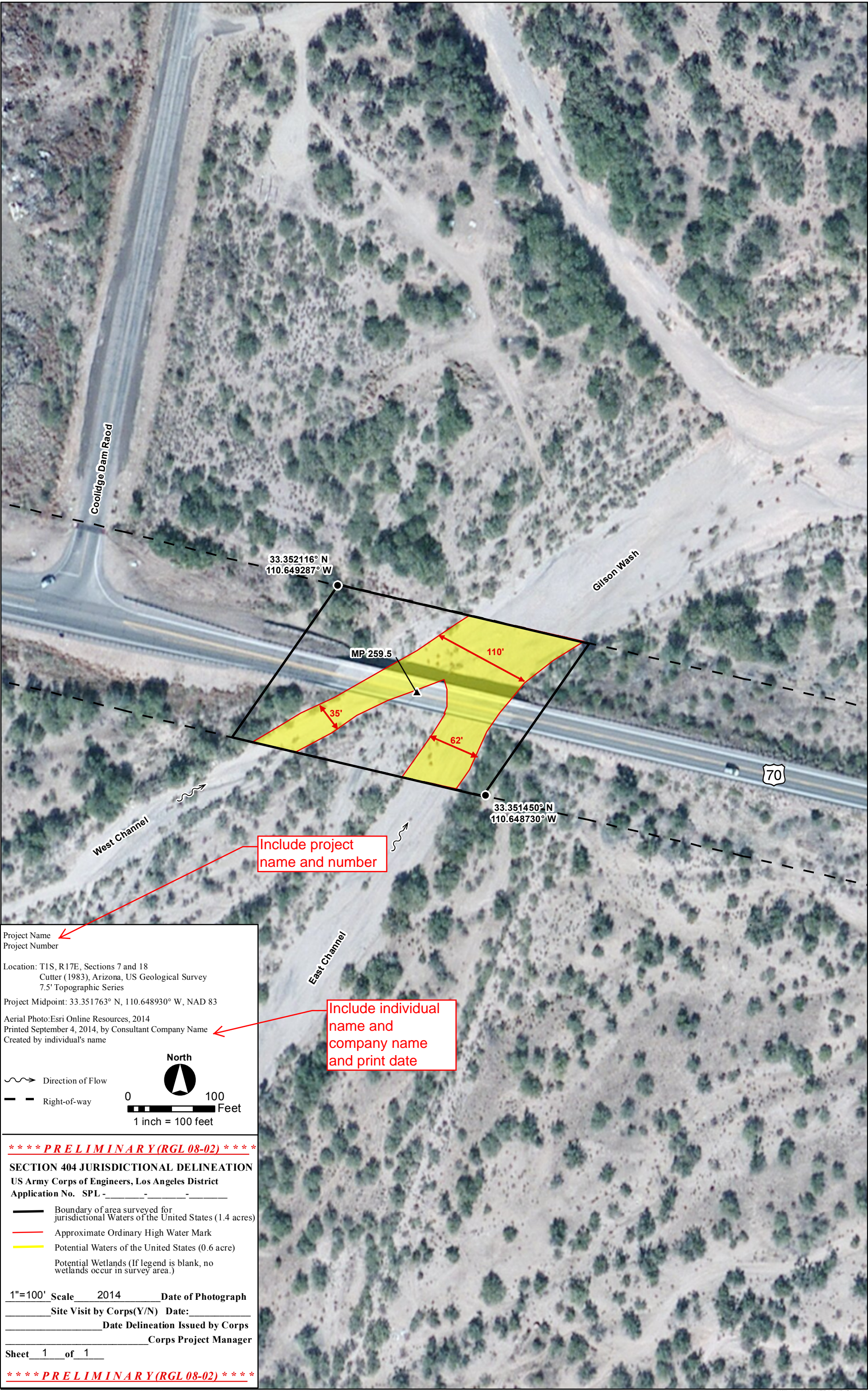
**Comment [I3]:** Do not need copies of previous Corps delineation letters just reference corps file number. Provide any other pertinent info that is not documented in any of the attached documents.

**Comment [I4]:** Place consultant name, firm's name here.

**Comment [I5]:** Provide a list of attachments, if necessary.

**Comment [I6]:** Name, address, telephone number and e-mail address of landowner requesting PJD. Copy of a recorded deed or tax record showing the landowner. If agent is used to request the PJD a signed statement from the landowner must be included that clearly empowers the authorized agent to act on behalf of the landowner.





Project Name  
Project Number

Location: T1S, R17E, Sections 7 and 18  
Cutter (1983), Arizona, US Geological Survey  
7.5' Topographic Series

Project Midpoint: 33.351763° N, 110.648930° W, NAD 83

Aerial Photo: Esri Online Resources, 2014  
Printed September 4, 2014, by Consultant Company Name  
Created by individual's name

North

Direction of Flow

Right-of-way

0 100 Feet  
1 inch = 100 feet

\*\*\* PRELIMINARY (RGL 08-02) \*\*\*

**SECTION 404 JURISDICTIONAL DELINEATION**  
US Army Corps of Engineers, Los Angeles District  
Application No. SPL - - - - -

— Boundary of area surveyed for jurisdictional Waters of the United States (1.4 acres)  
— Approximate Ordinary High Water Mark  
— Potential Waters of the United States (0.6 acre)  
Potential Wetlands (If legend is blank, no wetlands occur in survey area.)

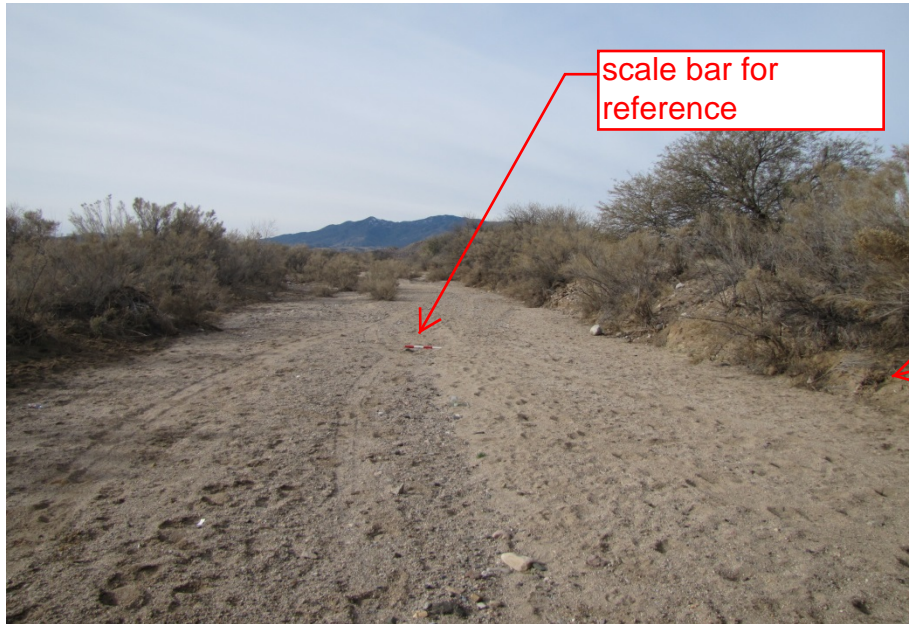
1"=100' Scale 2014 Date of Photograph  
Site Visit by Corps(Y/N) Date:  
Date Delineation Issued by Corps  
Corps Project Manager

Sheet 1 of 1

\*\*\* PRELIMINARY (RGL 08-02) \*\*\*



Photos were taken January 11, 2012. The scale bar is 2 feet long with 6-inch segments.



**Gilson Wash, Photo 1. View upstream from the west channel wash bed, facing southwest.**



**Gilson Wash, Photo 2. View downstream toward Gilson Wash Bridge from the west channel wash bed, facing northeast.**



**Gilson Wash, Photo 3. View upstream of the high-flow area between the east and west channels, facing southwest.**



**Gilson Wash, Photo 4. View downstream toward Gilson Wash Bridge from the high-flow area between the east and west channels, facing northeast.**



Photos were taken January 11, 2012. The scale bar is 2 feet long with 6-inch segments.



**Gilson Wash, Photo 5. View upstream from the east channel wash bed, facing southwest.**



**Gilson Wash, Photo 7. View downstream from the wash bed, facing northeast.**



**Gilson Wash, Photo 6. View downstream toward Gilson Wash Bridge from the east channel wash bed, facing northeast.**



**Gilson Wash, Photo 8. View upstream toward Gilson Wash Bridge from the wash bed, facing southwest.**



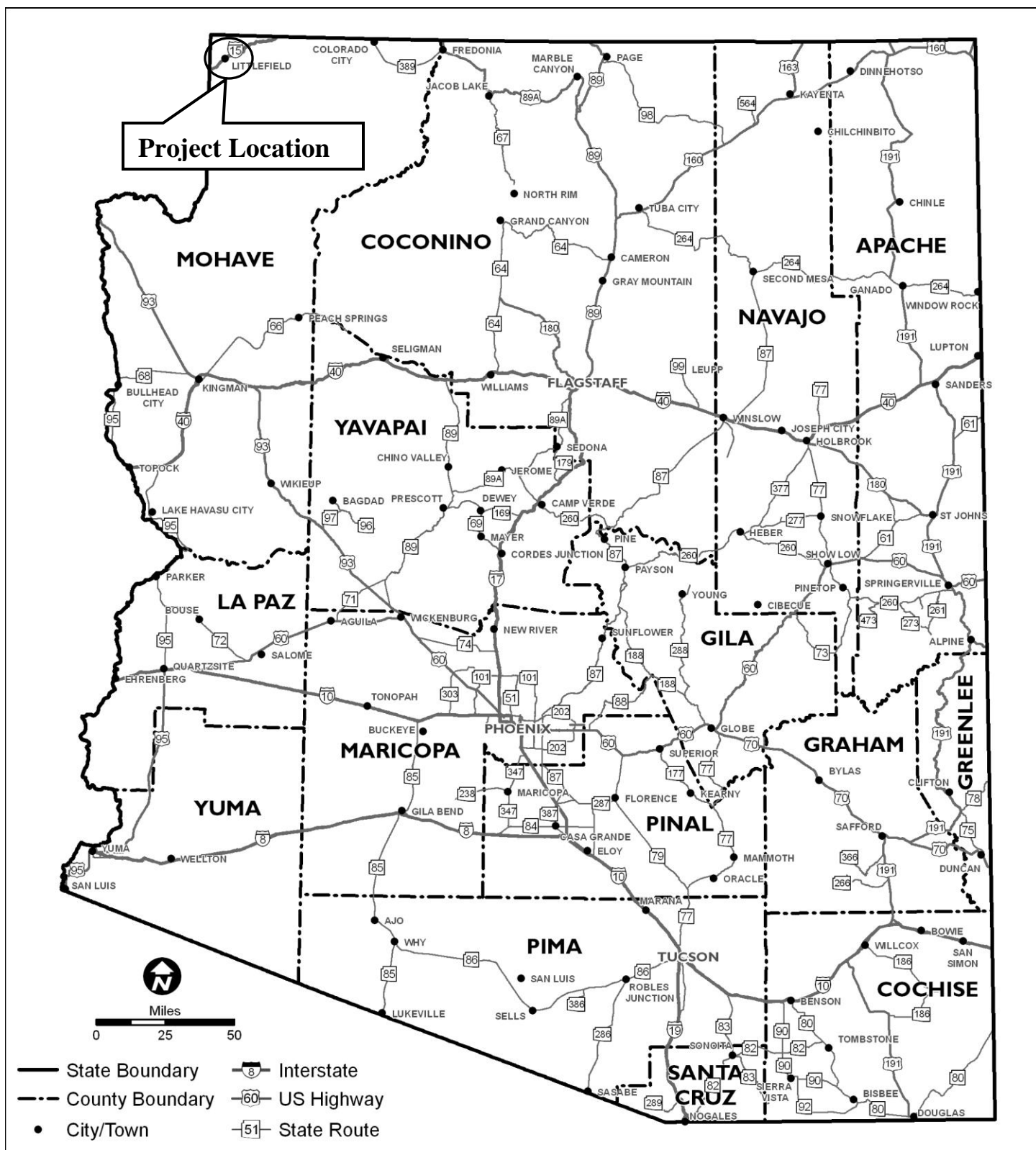


Figure 1. State Location Map

Project Name  
Project Number

Include Project  
Name and Project  
Number (if  
applicable) Typical  
for all graphics



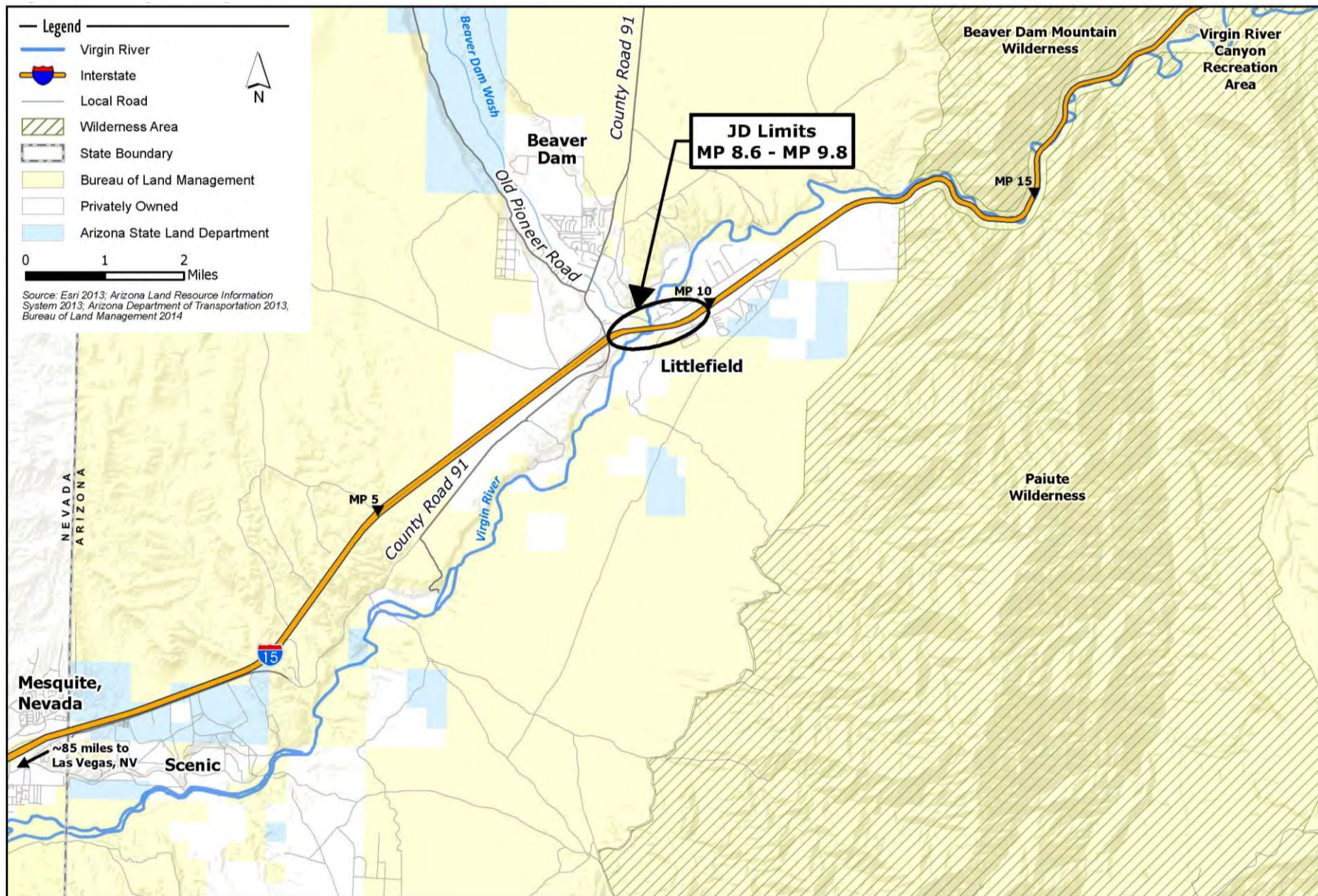


Figure 2. Vicinity Map

Project Name

Project Number



