

U.S. Army Corps of Engineers (USACE)  
**PRELIMINARY JURISDICTIONAL DETERMINATION (PJD)**

For use of this form, see Sec 404 CWA, Sec 10 RHA, Sec 103 MPRSA; the proponent agency is CECW-COR.

**Form Approved -**  
**OMB No. 0710-0024**  
**Expires 2024-04-30**

**DATA REQUIRED BY THE PRIVACY ACT OF 1974**

**Authority** 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 review area that may be 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 or FOIA request as required by federal law. Your name and property location where federal jurisdiction is to be determined will be included in any resulting jurisdictional determination (JD), which may be made available to the public on the District's website and/or on the Headquarters USACE website.

**Disclosure** Submission of requested information is voluntary; however, if information is not provided, the request for a JD cannot be evaluated nor can a PJD be issued.

**The Agency Disclosure Notice (ADN)**

The public reporting burden for this collection of information, 0710-0024, is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.

**SECTION I - BACKGROUND INFORMATION**

A. REPORT COMPLETION DATE FOR PJD:

B. NAME AND ADDRESS OF PERSON REQUESTING PJD:

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

D. PROJECT LOCATION AND BACKGROUND INFORMATION:

*(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)*

State: Alabama County/Parish/Borough: \_\_\_\_\_ City: \_\_\_\_\_

Center coordinates of site (*lat/long in degree decimal format*): Latitude: \_\_\_\_\_ ° Longitude: \_\_\_\_\_ °

Universal Transverse Mercator: \_\_\_\_\_

Name of nearest waterbody: \_\_\_\_\_

E. REVIEW PERFORMED FOR SITE EVALUATION (*CHECK ALL THAT APPLY*):

Office (*Desk*) Determination. Date: \_\_\_\_\_

Field Determination

Date(s): \_\_\_\_\_

**TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.**

Site Number	Latitude ( <i>decimal degrees</i> )	Longitude ( <i>decimal degrees</i> )	Estimated amount of aquatic resource in review area ( <i>acreage and linear feet, if applicable</i> )	Type of aquatic resource ( <i>i.e., wetland vs. non-wetland waters</i> )	Geographic authority to which the aquatic resource "may be" subject ( <i>i.e., Section 404 or Section 10/404</i> )

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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 "preconstruction 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 or no JD whatsoever, which do 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 USACE 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 or reliance on no JD whatsoever; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of USACE permit authorization based on a PJD or no JD whatsoever 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 USACE 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:

F. 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 USACE:
- 
- 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:

USDA 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 Geodectic 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 USACE and should not be relied upon for later jurisdictional determinations.**

Name of Regulatory Staff Member Completing PJD	Date	Signature of Regulatory Staff Member Completing PJD
Name of Person Requesting PJD	Date	Signature of Person Requesting PJD ( <i>REQUIRED, unless obtaining the Signature is Impracticable</i> )

<sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester 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.