



**US Army Corps
of Engineers®**

**U.S. Army Corps of Engineers
Albuquerque District**

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Albuquerque District Policy for Processing Jurisdictional Determinations

On June 26, 2008, the U.S. Army Corps of Engineers (Corps) issued Regulatory Guidance Letter No. 08-02 (RGL 08-02) to clarify the use of preliminary and approved jurisdictional determinations (JDs). A copy of RGL 08-02 is available at: <http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rgl08-02.pdf>. In accordance with RGL 08-02, this policy identifies Albuquerque District procedures to streamline the process for applicants who want to obtain Corps permit authorizations or jurisdictional determinations.

The Albuquerque District will assume that a landowner, permit applicant, or other “affected party” is electing to seek permit authorization based on a preliminary JD and has voluntarily waived or set aside questions regarding jurisdiction over a particular site unless an approved JD is specifically requested in writing. In order to help streamline the permit or JD process, permit applicants may submit a completed and signed copy of the “Preliminary Jurisdictional Determination Form” in RGL 08-02 with the application or pre-construction notification package.

Permit decisions, including the computation of impacts, compensatory mitigation requirements, and other resource protection measures, will generally be made on the basis of the preliminary JD, treating all potential waters and wetlands that would be affected by the permitted activity as if they are waters of the U.S. In appropriate circumstances, the Corps may elect to base decisions on no “official” JD of any type, such as responding to requests for activities authorized by non-reporting nationwide permits, projects that do not involve a regulated discharge, or acknowledgment of exempt activities.

The Albuquerque District retains the discretion to use an approved JD where it is determined to be appropriate given the facts of the particular case. The Albuquerque District will continue to follow the guidance provided in RGL 07-01 (Practices for Documenting Jurisdiction under Section 404 of the Clean Water Act (CWA) and Sections 9 & 10 of the River and Harbors Act (RHA) of 1899, as appropriate, for permit denials and for those circumstances when approved JDs are requested by a landowner, permit applicant, or “other affected” party, or required by RGL 08-02.

If you have any questions concerning this policy, please contact the Regulatory Division at the address above.