



**US Army Corps  
of Engineers®**  
Albuquerque District

# SPECIAL PUBLIC NOTICE

**Date: December 19, 2016**

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**SUBJECT:** Albuquerque District Implementation of Regulatory Guidance Letter (RGL) 16-01,  
Subject: Jurisdictional Determinations

On October 31, 2016, the U.S. Army Corps of Engineers (USACE) issued [RGL 16-01, Subject: Jurisdictional Determinations](#). The RGL explains the difference between Preliminary Jurisdictional Determinations (PJD) and Approved Jurisdictional Determinations (AJD) and provides guidance to USACE districts and the regulated public on when it may be appropriate to issue jurisdictional determinations (JD) in light of recent Supreme Court decisions.

The RGL discusses the need for USACE districts to communicate with parties interested in obtaining USACE views on geographic jurisdiction under the Clean Water Act and Rivers and Harbors Act to ensure that all parties have a common understanding of the various options for addressing such jurisdiction. The RGL makes it clear that the USACE will continue its practice of providing an AJD if, after the requestor is fully informed of the options available for addressing geographic jurisdiction, the party continues to request one. The RGL also provides additional guidance regarding documenting JDs.

For permit applications, it is unnecessary to request a JD. The USACE Albuquerque District will only complete a JD (PJD or AJD) for an application when it has received a specific request to do one. “No JD” means the USACE will assume all aquatic resources delineated on a property or in the review area are jurisdictional for the purpose of processing the application. The time to process a permit application may be less if no JD is requested.

The applicant may submit a completed and signed JD request (PJD or AJD) at any time during the permit application process, noting that to do so later in this process may result in permitting delays. The information required to complete a JD can be found in [“Appendix 1 - Request for Corps Jurisdictional Determination”](#). The requestor may fill out the Appendix 1 sheet or provide the same information in another format. The requestor’s signature is required regardless of the format of the request. Where the JD is being requested as part of a permitting action the USACE Albuquerque District recommends that the completed and signed JD request accompany the permit application in order to prevent delays in permit processing. When an applicant indicates their preference for a JD but does not submit the Appendix 1 information within 15 working days of submitting their permit application, USACE may issue the permit without issuing a JD.

When a PJD is requested, USACE must fill out a PJD form (see [“Appendix 2 – Preliminary Jurisdictional Determination \(PJD\) Form”](#)) which will be sent to the requestor for signature. If the requestor does not sign and return the PJD form within 10 working days, USACE may complete the permit process without issuing a JD.

The timeframes in this public notice are intended to facilitate timely processing of permit applications.