MINIMUM STANDARDS FOR ACCEPTANCE OF AQUATIC RESOURCES DELINEATION REPORTS

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The U.S Army Corps of Engineers, through its Regulatory Program, regulates certain activities in waters of the United States. Waters of the United States are defined under 33 CFR Part 328. In order for the Corps to determine the amount and extent of waters of the United States at a site, aquatic resources must first be delineated in accordance with established regulatory standards, guidance and protocol, such as the 1987 Corps of Engineers Wetlands Delineation Manual and appropriate regional supplements. Before making any permit decision, the Corps is responsible for conducting or verifying the delineation and determining which of the aquatic resources have the potential to fall under federal jurisdiction.

Due to limited staffing and resources, the North Dakota State Regulatory Office recommends permit applicants employ the services of individuals experienced in delineating aquatic resources. Permit applicants are encouraged early in the project planning stages to contact the Corps to determine what level of documentation is required for their project. A permit applicant should submit their aquatic resources delineation, along with a request for a preliminary or approved jurisdictional determination. Early consultation may help identify potential concerns and could result in a more prompt permit decision.

The North Dakota Regulatory Office has established minimum standards for delineation reports to insure consistency and accuracy in aquatic resources delineations, which will minimize potential delays. The standards are based on years of experience conducting and verifying delineations, as well as the best practices of environmental consultants. **Delineations submitted for verification must follow the standards, unless determined to not be practical on a case-by-case basis. The Corps may determine that a desktop delineation may be appropriate instead of a full field aquatic resource delineation**. Please contact the State Program Manager for approval for desktop evaluations. A desktop delineation includes analysis of an area using current and historical aerial photographs, NRCS Soils Mapping, and NWI maps. We will not accept desktop evaluations where the only reference is NWI maps. These are only to be used as a tool to determine the potential for wetlands on-site and should not replace the use of good aerial photography. Situations where adherence to the standards may not be practical include activities with small permanent or temporary impacts to aquatic resources (under 0.10 acre), applicants with limited financial resources, and emergencies. The ND State Office will notify the requestor for delineation submittals

that do not contain enough information to accurately identify the limits of waters of the United States.

It should be noted that the Corps does not accept any variations of these standards as provided by other agencies. It is the Corps that determines whether a water is jurisdictional. **THERE SHOULD BE NO REFERENCE IN THE REPORT REGARDING THE JURISDICTION OF ANY WATER. THIS INCLUDES NO REFERENCES TO ARTIFICIAL WETLANDS**. **THIS IS A CORPS DECISION.**

U.S. Army Corps of Engineers
North Dakota Regulatory Office
Minimum Standards for Aquatic Resource Delineation Reports

Reviewer_____ Date _____

An aquatic resources delineation report submitted to the North Dakota Regulatory Office must include the following:

☐ (Mandatory) A cover letter requesting a jurisdictional determination. The letter must specify whether a preliminary and/or approved jurisdiction determination is requested.

☐ (Mandatory) A signed statement from the property owner(s) allowing Corps personnel to enter the property and to collect samples during normal business hours. If the property is land-locked, the owner or proponent must obtain permission from the adjacent property owner(s) to provide access for Corps personnel.

☐ (Mandatory) A statement that the delineation has been conducted in accordance with the 1987 Corps of Engineers Wetlands Delineation Manual and appropriate regional supplement(s). The regional supplement(s) used must be identified. For ordinary high water mark (OHWM) delineations, a statement identifying the use of the OHWM field guide must be included.

☐ (Mandatory) Directions to the survey area, and the location of the Access Point of Entry. A map of the location is sufficient as long as the site can be easily located. Google Maps can be used to provide directions and included in the Appendices.

☐ (Mandatory) Contact information for the applicant(s), property owner(s), and agent(s).

☐ (Mandatory) The total acreage of the survey area.

☐ (Mandatory) Date(s) field work was completed.

☐ A site location map on a 7.5-minute USGS quadrangle. The map must provide the name of the USGS quadrangle, Section, Township, Range, and the latitude and longitude **(in decimal degrees).**

☐ (Mandatory) A map of all delineated aquatic resources ("Aquatic Resources Delineation Map") showing the following:

- ☐ All aquatic resources delineated must be clearly shown on the map. Because only the Corps determines the regulatory status of each aquatic resource, the map must not include any labeling about jurisdiction. If the

requestor believes one or more aquatic resources are not jurisdictional, the rationale should be included in the delineation report and the resource(s) should be identified on the map.

☐ At least one set of paired data points, documented in data forms, for each aquatic resource or complex. The paired data points must be located close to the delineated boundary. Additional data points may be necessary, depending on various factors including the size and shape of the aquatic resource, changes in vegetation communities, and slope. **The location of all data points should be shown on the wetland delineation map.**

☐ A reference block that identifies the survey or project name, individual(s) who conducted the delineation, date of the map, and date(s) of any revisions or the company or agency that created the maps.

☐ Digital data for the site, aquatic resource boundaries, and data point locations must be provided in a geographic information system (GIS) format, with ESRI Shape-files being the preferred format. Each GIS data file must be accompanied by a metadata file containing the appropriate geographic coordinate system, projection, and datum. If GIS data is unavailable or otherwise cannot be produced and the Corps determines a site visit is necessary, the aquatic resource boundaries must be physically marked with numbered flags or stakes before the North Dakota Regulatory Office can complete a delineation verification. **This is optional depending on the size of the proposed project.**

☐ (Mandatory) A table listing all aquatic resources. The table will include the name of each aquatic resource, its Cowardin type, acreage, and location (**latitude/longitude, in decimal degrees**). For linear features, the table must show both acreage and linear feet. **THE TABLE SHOULD NOT INCLUDE REFERENCES TO ARTIFICIAL WETLANDS!**

☐ If remote sensing was used in the delineation, provide an explanation of how it was used and include the name, date and source of the tools used and copies of applicable maps/photographs. Typically for desktop evaluations.

☐ (Mandatory) A narrative describing all aquatic resources at the site and an explanation for the mapped boundaries, especially for resources containing complex transition zones. On large projects, the narrative can combine similar resources into one descriptive paragraph. THIS SHOULD NOT INCLUDE REFERENCE TO ARTIFICIAL WETLANDS OR ARTIFICIAL DITCHES. THIS HAS NO BEARING ON WHETHER A WATER IS JURISDICTIONAL. A description of a “ditch” wetlands does not need a qualifier that it is artificial.

☐ (Mandatory) A description of existing field conditions. The field condition description may include current land use, flood/drought conditions, irrigation practices, and any characteristics considered atypical.

☐ A discussion of the hydrology at the site, including all known surface or subsurface sources, drainage gradients, surface water connections to the nearest traditional navigable waterway or interstate water, and any potential influence for manmade water sources, such as irrigation. The discussion should also identify the nearest "blue-line" waterway or other feature found on the most recent USGS map.

☐ A discussion of plant communities and habitat types present at the site and a list of the scientific name, common name, and wetland indicator status of all plants.

☐ Soil descriptions, soil map(s), and a discussion of hydric soils or soils with hydric inclusions at the site. The NRCS soils map should only be included with the delineation if the soils are being discussed within the delineation report. If the report does not identify the actual soils observed on the site, then soils reports should not be included.

☐ Any observed or documented interstate or foreign commerce associated with aquatic resources found on the site, specifically recreation or other use by interstate or foreign travelers, sale of fish or shellfish in interstate or foreign commerce, and use by industries operating in interstate or foreign commerce. **Optional:** this information helps in the evaluation of the waters on site but is not required for processing of the delineation and subsequent Jurisdictional determination.

☐ A completed copy of the *Aquatic Resources Excel* spreadsheet must be submitted. For delineations that include greater than 25 separate waters, the spreadsheet will be required by the ND Regulatory Office.

☐ (Mandatory) Completed data forms for each sample point including all essential information to make a decision.

☐ For long linear projects, such as pipelines and road projects, similarly situated waters can be assessed as a group and not as individual waters. This applies especially to road projects that may include linear roadside ditches that may be assessed as a man-made tributary. For these situations, a pre-application meeting should be scheduled with the Corps for further clarification.

Often, additional information can expedite the verification of a delineation. Particularly helpful data includes site specific topographic maps, Light Detection and Ranging (LIDAR), satellite, aerial and ground photographs, floodplain maps, and related reports.

More information regarding aquatic resource delineation, including reference materials, can be found on our website at:
http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/NorthDakota.aspx