

Edited APPROVED JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

To view the unedited version of the form go to: <http://www.mvn.usace.army.mil/regulatory/finalform.htm>.

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): March 11, 2014

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2011-02319-SC

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Atchafalaya River batture

State: Louisiana County/parish/borough: Pointe Coupee City: Simmesport

Center coordinates of site (lat/long in degree decimal format): Lat. 30.978155° **N**, Long. -91.798747° **W**.

Universal Transverse Mercator:

Name of nearest waterbody: Atchafalaya River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Atchafalaya River

Name of watershed or Hydrologic Unit Code (HUC): 08080101

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

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

Office (Desk) Determination. Date: March 11, 2014

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: Atchafalaya River is a navigable in fact and a Corps' project waterway used for the transport of commerce.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):

TNWs, including territorial seas

Wetlands adjacent to TNWs

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 750 linear feet: width (ft) and/or acres.

Wetlands: 2.3 acres.

c. Limits (boundaries) of jurisdiction based on: Established by OHWM.

Elevation of established OHWM (if known): Approximately 35 feet NGVD.

2. Non-regulated waters/wetlands (check if applicable):

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: .

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: **Atchafalaya River and wetlands below the OHWM.**

Summarize rationale supporting determination: The river and wetlands are below the OHWM as demonstrated by gage data and aerial photographs.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Wetlands are in the immediate vicinity of the river and flow directly into it.

Section III B and III C - Not Applicable

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

- TNWs: 750 linear feet of water and 1.7 acres of wetland.
- Wetlands adjacent to TNWs: 0.6acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- 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:1:24,000, Simmesport.
- USDA Natural Resources Conservation Service Soil Survey. Citation:NRCS wss.
- 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):Sonris & Google, 1998, 2004, 2008, 2009 & 2012.
 - or Other (Name & Date):Photos furnished by applicant dated 2011.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: Gage data indicates an Ordinary High Water Mark at 34-35 feet.