

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): 15 October 2012

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New Orleans, Alizadeh, MVN 2012-01847-SE

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Louisiana County/parish/borough: Jefferson City: Barataria, Lafitte, Crown Point

Center coordinates of site (lat/long in degree decimal format): Lat. 29.70277° N, Long. 90.109444° W.

Universal Transverse Mercator:

Name of nearest waterbody: Bayou Barataria, GIWW, The Pen, Bayou Perrot, Bayou Rigolets, Fleming Canal, Six Mile Lake, Kenta Canal, multiple un-named tidal waterways, open waters, and marsh.

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Bayou Barataria, GIWW, The Pen, Bayou Perrot, Bayou Rigolets, Fleming Canal, Six Mile Lake, Kenta Canal, multiple un-named tidal waterways, open waters, and marsh.

Name of watershed or Hydrologic Unit Code (HUC): 08090301 - East Central LA Coastal. LA

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: 15 October 2012

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: The GIWW and Barataria Bayou are currently used in the transport of interstate and foreign 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: linear feet: width (ft) and/or Undetermined (Mixed/Not Delineated) acres.

Wetlands: Undetermined (Mixed/Not Delineated) acres.

c. Limits (boundaries) of jurisdiction based on: Established by mean (average) high waters.

Elevation of established OHWM (if known): .

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: **Bayou Barataria, GIWW, The Pen, Bayou Perrot, Bayou Rigolets, Fleming Canal, Six Mile Lake, Kenta Canal, multiple un-named tidal waterways, open waters, and marsh.**

Summarize rationale supporting determination: All waterbodies listed above are tidally influenced.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Mixed/ Not Delineated wetlands that are above MHW are directly abutting one of the TNWs listed above and are not separated from the TNW by uplands, a berm, dike, or similar feature.

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: linear feet width (ft), Or, Undetermined (Mixed/Not Delineated) acres.
- Wetlands adjacent to TNWs: Undetermined (Mixed/Not Delineated) acres.

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: Application provided by consultant - NO DATA.
- 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: 08090301 - East Central LA Coastal. LA.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24000 - Lafitte, Barataria, Lake Cataouatche, Bertrandville.
- USDA Natural Resources Conservation Service Soil Survey. Citation: too many to list.
- 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):1998, 2004, 2010.
 - or Other (Name & Date): .
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): LIDAR, multiple adjacent determinations.

B. ADDITIONAL COMMENTS TO SUPPORT JD: There are too many previous JDs and adjacent JDs to list on the basis form given the scope of the project. Only current JDs were considered when creating the maps for this determination. When data is submitted for mixed/not delineated areas a more thorough search can be done regarding previous determinations.