

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): 28 March 2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New Orleans, Kimmel, MVN 2013-00205-SE

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Louisiana County/parish/borough: WBR/EBR City:
Center coordinates of site (lat/long in degree decimal format): Lat. 30.492231° N, Long. 91.190300° W.
Universal Transverse Mercator:

Name of nearest waterbody: Mississippi River
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Mississippi River
Name of watershed or Hydrologic Unit Code (HUC): 08070300, 08070201

- 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: 26 March 2013
 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 Mississippi River is currently used in the transport of foreign and interstate 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 0.07 acres.
Wetlands: 0.7 acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual

Elevation of established OHWM (if known): 37 FT.

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: **Mississippi River and area below the OHWM of the Mississippi River.**

Summarize rationale supporting determination: The Mississippi River is currently used in the transport of foreign and interstate commerce.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": The wetland is 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, 0.07 acres.
- Wetlands adjacent to TNWs: 0.7 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: Map provided by 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: 08070300, 08070201.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24000 - Baton Rouge West.
- USDA Natural Resources Conservation Service Soil Survey. Citation: WSS [CRC, UrA, Ce, Ct, Cm].
- 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): MS River LIDAR, adjacent determination.

B. ADDITIONAL COMMENTS TO SUPPORT JD: OHWM = 37ft, GS 14 day flood approx 35 ft.