

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): 19 April 2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: New Orleans, Bacon, MVN 2013-00226-SE

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Louisiana

County/parish/borough: St. Bernard

City: Reggio

Center coordinates of site (lat/long in degree decimal format): Lat. 29.850019° **N**, Long. 89.750726° **W**.

Universal Transverse Mercator:

Name of nearest waterbody: Bayou la Loutre

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Bayou la Loutre

Name of watershed or Hydrologic Unit Code (HUC): 08090203 - Eastern 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: 19 April 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: .

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 8 acres.

Wetlands: 155 acres.

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

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 la Loutre, un-named canals, and tidal wetlands.**

Summarize rationale supporting determination: These areas are tidally influenced.

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, 8 (non-vegetated) +/- 155 (partial below MHW) vegetated acres.
- ☒ Wetlands adjacent to TNWs: +/- 155 acre (partial above MHW) 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: 08080203.
 - ☐ USGS NHD data.
 - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24000 - Delacroix, Yscloskey.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: WSS [Co, FA, Sh, Sk].
- ☐ National wetlands inventory map(s). Cite name: .
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): 1998, 2004, 2008, 2010.
 - or ☐ Other (Name & Date): .
- ☒ Previous determination(s). File no. and date of response letter: 2007-03294-SU (1 Feb 2008), 2008-02242-SY (26 Jan 2009).
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): LIDAR.

B. ADDITIONAL COMMENTS TO SUPPORT JD: The waters and a portion of the wetlands are subject to tidal influence. Wetlands above mean high water are subject to section 404 of the CWA only.