

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): November 5, 2013

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2013-02502-SC

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Louisiana County/parish/borough: Calcasieu City: Lake Charles

Center coordinates of site (lat/long in degree decimal format): Lat. 30.082016° **N**, Long. -93.228145° **W**.

Universal Transverse Mercator:

Name of nearest waterbody: Black Bayou

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

Name of watershed or Hydrologic Unit Code (HUC): 0808206

☒ 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:

☒ Field Determination. Date(s): 10-24-13

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: Black Bayou is a navigable in-fact waterway and is used for the transport of commercial goods such as seafood. Also the waterway is utilized for recreational boating & fishing.

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 0.08-acre.

Wetlands: 0.31 acres.

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

Elevation of established OHWM (if known): Not determined.

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: **Black Bayou and wetlands below the OHWM of Black Bayou.**

Summarize rationale supporting determination: Black Bayou is a navigable in-fact waterway used for the transport of commercial goods such as seafood. Also utilized for recreational boating and fishing. Wetlands are below the OHWM of Black Bayou. The site is also subject to the ebb and flow of the tide.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

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, 0.08-acre of waters and 0.31 wetland acres.
☐ Wetlands adjacent to TNWs: 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: .
☐ 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, Lake Charles.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Calcasieu Parish NRCS Web Soil Survey.
☒ National wetlands inventory map(s). Cite name: U.S. Fish & Wildlife NWI., E2EM1P6.
☐ State/Local wetland inventory map(s): .
☒ FEMA/FIRM maps: ORM-site is within the 100 yr. flood zone.
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 1998, 2004, 2005, 2008, 2010, 2012 & 2013 DOQQ CIR, Google.
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): Louisiana LIDAR.

B. ADDITIONAL COMMENTS TO SUPPORT JD: .