

**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): 11-20-13**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2013-02658-SR**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Louisiana County/parish/borough: Calcasieu City:  
Center coordinates of site (lat/long in degree decimal format): Lat. 30.210541° **N**, Long. 93.240553° **W**.  
Universal Transverse Mercator:

Name of nearest waterbody: Contraband Bayou

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

Name of watershed or Hydrologic Unit Code (HUC): 08080206

☒ 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: 11-19-13

☐ 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: Contraband Bayou is both navigable in fact and subject to the ebb and flow of the tide.

**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: 510 linear feet: width (ft) and/or acres.

Wetlands: <9.5 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: **Contraband Bayou and wetlands below mean high tide.**

Summarize rationale supporting determination: Contraband Bayou is both navigable in fact and subject to the ebb and flow of the tide.

##### **2. Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent": Those wetlands that are not below mean high tide neighbor the TNW.

#### **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: 510 linear feet width (ft), AND, 1.5 wetland acres.

☒ Wetlands adjacent to TNWs: <8 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: 1:24000 Lake Charles.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS wss.

☒ National wetlands inventory map(s). Cite name: USFWS nwi.

☐ State/Local wetland inventory map(s): .

☒ FEMA/FIRM maps: lidar.

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): CIR: 98, 04, 08, 10.

or ☒ Other (Name & Date): google earth.

☒ Previous determination(s). File no. and date of response letter: 2011-2916 (3-20-12); 2009-2514 (11-20-09); 2005-3215 (11-9-05); 2003-0094 (2-18-03); 1998-3702 (10-7-98).

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

#### **B. ADDITIONAL COMMENTS TO SUPPORT JD:** .