

**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):** JAN 15 2016

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** MVN-2015-02532-SA

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

State: Louisiana

County/parish/borough: Calcasieu

City:

Center coordinates of site (lat/long in degree decimal format): Lat. 30.273015° N, Long. 93.175607° W.

Universal Transverse Mercator:

Name of nearest waterbody: English Bayou

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

Name of watershed or Hydrologic Unit Code (HUC): 08090301 East Central Louisiana Coastal

☒ 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: 4 January 2016

☐ 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: English Bayou is currently and was historically used to transport 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: N/A linear feet: N/A width (ft) and/or 0.06 acres.

Wetlands: 0.33 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: English Bayou.

Summarize rationale supporting determination: English Bayou is currently and was historically used to transport interstate and foreign commerce. Additionally, English Bayou is subject to the ebb and flow of the tide.

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

Summarize rationale supporting conclusion that wetland is "adjacent": The project wetlands are not separated from English Bayou by uplands, berms, dikes or other similar features.

**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: N/A linear feet N/A width (ft), Or, 0.06 acres.
- ☒ Wetlands adjacent to TNWs: 0.33 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: Delineation.
- ☐ 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 Moss Bluff.
- ☒ 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.
- ☐ 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, 2005, 2008, 2010, 2012, 2013 DOQQ CIR.  
or ☐ Other (Name & Date):
- ☒ Previous determination(s). File no. and date of response letter: MVN-2000-03440-SC (16 November 2000).
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): Louisiana LIDAR.

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** This basis form documents a TNW (English Bayou) and wetlands adjacent to a TNW.