

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):

NOV 16 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2015-00044-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. 30.140854° N, Long. 93.305725° W.

Universal Transverse Mercator:

Name of nearest waterbody: Calcasieu River and incorporated wetlands

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: alcasieu River and incorporated wetlands

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: 6-25-15, 9-23-15

☒ Field Determination. Date(s): 7-28-15

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 calcasieu River is both a navigable in fact waterway and it is also 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: linear feet: width (ft) and/or acres.

Wetlands: 13.78 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: **The Calcasieu River and incorporated tidal wetlands.**

Summarize rationale supporting determination: The Calcasieu River is both a navigable in fact waterway and it is also subject to the ebb and flow of the tide..

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Those wetlands which are not below mean high tide are part of a matrix of wetlands that abuts and neighbors 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: linear feet width (ft), Or, 1.9 wetland acres.
- ☒ Wetlands adjacent to TNWs: 11.88 acres.

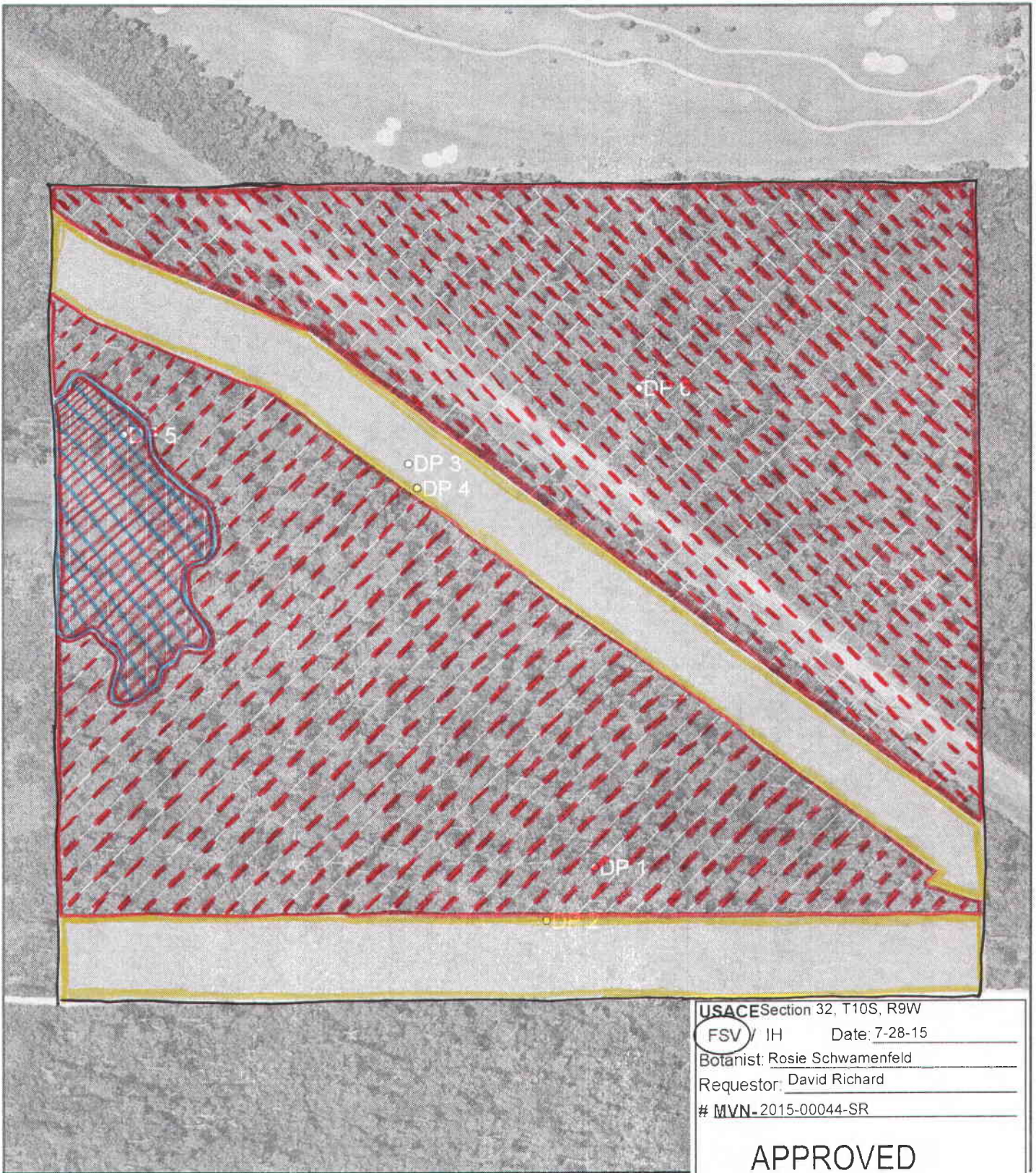
SECTION IV: DATA SOURCES.

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 Moss Lake.
- ☒ 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: 1% and 0.2% annual flood hazard.
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): CIR: 98, 04, 08, 10.
or ☐ Other (Name & Date):
- ☒ Previous determination(s). File no. and date of response letter: MVN-2015-00485-SR (3-18-15).
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): lidar.

B. ADDITIONAL COMMENTS TO SUPPORT JD:

**Figure 2: Wetland Delineation
Proposed Lotus Subdivision, Calcasieu Parish, LA**



USACE Section 32, T10S, R9W

FSV/ IH Date: 7-28-15

Botanist: Rosie Schwamenfeld

Requestor: David Richard

MVN-2015-00044-SR

APPROVED

JURISDICTIONAL DETERMINATION

Legend

Project Boundary

Data Point

Mixed 37% Wetland (Sec 404)
(approx. 15.1 acres)

Tidal Wetland (Sec 10 and 404)
(approx. 1.9 acres)

Mixed 40% wetland (Sec 404)
(approx. 15.7 acres)

Previous JD
(approx. 8.0 acres)

See: MVN-2014-00485-SR

