

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): DEC 15 2015

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2015-01389-SK

C. PROJECT LOCATION AND BACKGROUND INFORMATION: 38-acre tract east of Bayou Pero & west of Bayou Barataria

State: Louisiana

County/parish/borough: Jefferson Parish

City: Lafitte

Center coordinates of site (lat/long in degree decimal format): Lat. 29.6934° **N**, Long. -90.1881° **W**.

Universal Transverse Mercator: 15N

Name of nearest waterbody: Intracoastal Canal

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: site is a TNW (tidal)

Name of watershed or Hydrologic Unit Code (HUC): 08090301

☒ 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: 7/10/15

☐ 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: The Intracoastal Canal is used in transportation of interstate and or 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: +/-700 linear feet: width (ft) and/or acres.

Wetlands: +/-38 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: **Intracoastal Canal and tidal wetlands.**

Summarize rationale supporting determination: The Intracoastal canal is tidal and used to transport interstate and/or foreign commerce. Wetlands within the project area are subject to the ebb and flow of tide.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": mixed acreage is immediately adjacent of Bayou Barataria and tidal marsh.

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:

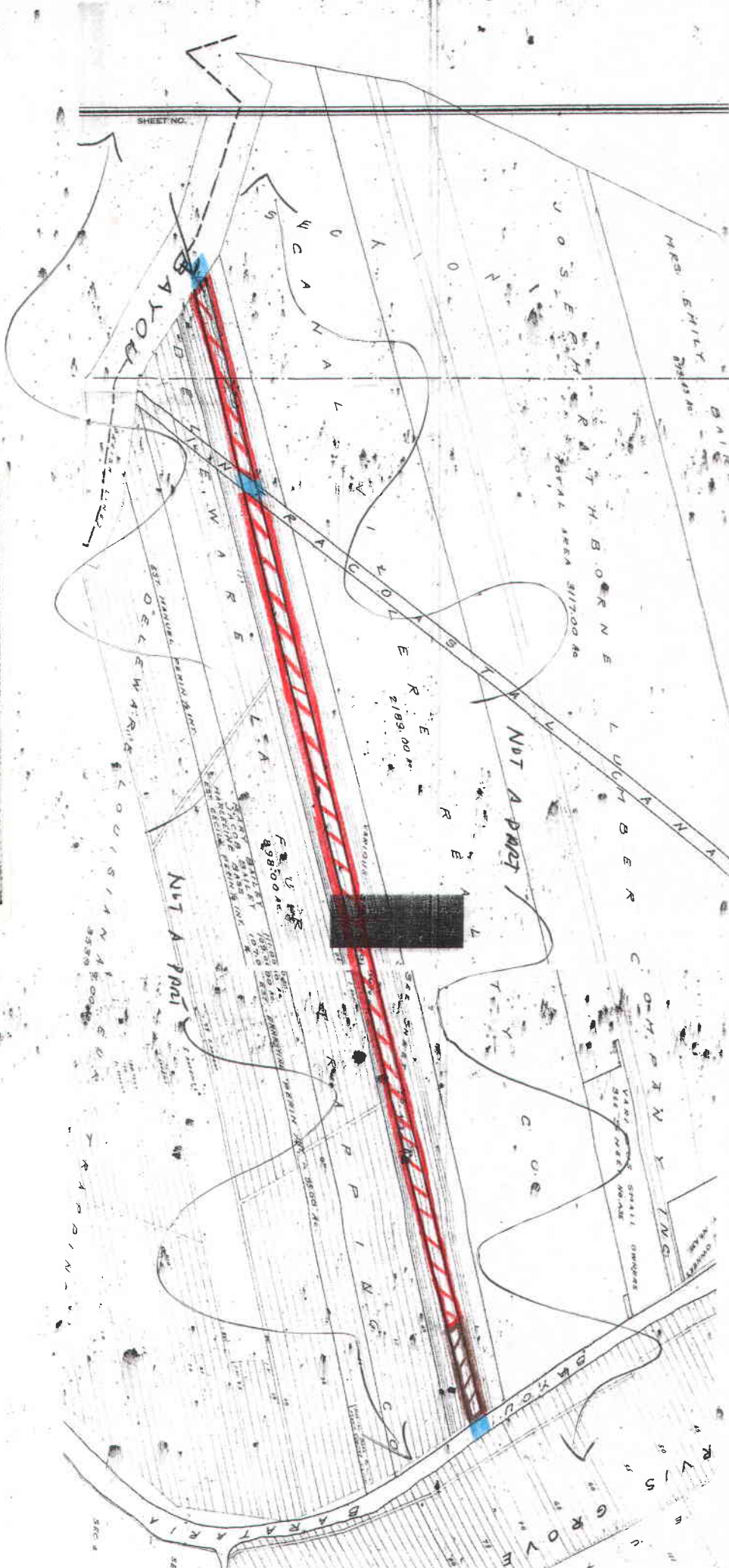
- ☒ TNWs: linear feet width (ft), Or, +/-38-acres.
- ☒ Wetlands adjacent to TNWs: mixed acres.

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: Barataria.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS WSS Jefferson Parish.
- ☒ National wetlands inventory map(s). Cite name: ORM(USFWS).
- ☐ 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, 2006, 2008, 2010, 2013 ArcMap.
 - or ☒ Other (Name & Date): Google Earth Pro.
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☒ Other information (please specify): LIDAR.

B. ADDITIONAL COMMENTS TO SUPPORT JD: This basis form documents TNWs (Intracoastal Canal and tidal wetlands) and an unspecified acreage of wetlands adjacent to TNWs. The unspecified acreage has not been delineated and consists of wetlands and nonwetlands.



USACE
FSV (IH) Date: 11/9/15
 Botanist: WINDHAM
 Requestor: POZELIA
 # MVN-2015-01389-SK
 - WETLAND (105404)
 - WATERS OF THE US (105404)
 - MIXED, NOT DETERMINED (105404)

U.S. ARMY CORPS OF ENGINEERS
APPROVED
 JURISDICTIONAL DETERMINATION