



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 01-JUL-2020

ORM Number: MVK-2020-317

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: LA City: County/Parish/Borough: Rapides Parish

Center Coordinates of Review Area: Latitude 31.338978 Longitude -92.192397

**II. FINDINGS**

**A. Summary:** Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ephemeral stream 1	218.99 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Consultant report, photos. The US topo map portrays no blue line that traditionally indicates the presence of a defined linear aquatic feature. Indicates that it is does not have intermittent or perennial flow.
Ephemeral stream 2	126.4 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Consultant report describes no defined channel or obvious surface hydrology connection between this feature and upslope perched wetland at time of visit; (sheet flow only). The US topo map portrays no blue line that traditionally indicates the presence of a defined linear aquatic feature. Indicates that it is does not have intermittent or perennial flow.
Ephemeral stream 3	128.37 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Consultant report, photos. The US topo map portrays no blue line that traditionally indicates the presence of a defined linear aquatic feature. Indicates that it is does not have intermittent or perennial flow.
Isolated wetlands 1	1.53 acres	(b)(1) Non-adjacent wetland	The consultant report demonstrates that this wetland is upslope (at a higher elevation) than the jurisdictional PFO (confirmed by LiDAR), thus is unlikely to be inundated by floodwaters from lower elevation waters. Consultant report also describes no defined channel or obvious surface hydrology connection between this feature and downslope wetlands at time of visit; (sheet flow only). As such, these isolated wetlands are surrounded by uplands not connected to a WOTUS
Isolated wetlands 2	1.26 acres	(b)(1) Non-adjacent wetland	The consultant report demonstrates that this wetland is upslope (at a higher elevation) than the jurisdictional PFO (confirmed by LiDAR), thus is unlikely to be inundated by floodwaters from lower elevation waters. Consultant report also describes no defined channel or obvious surface hydrology connection between this feature and downslope wetlands at time of visit; (sheet flow only). As such, these isolated wetlands are surrounded by uplands not connected to a WOTUS

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: Full site delineation with datasheets, maps.

This information *IS* sufficient for purposes of this AJD.

Rationale: *Concur with JD report.*

☐ Data sheets prepared by the Corps: *N/A.*

☒ Photographs: *Aerial and other:* ESRI World Imagery; Google Earth Pro.

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- \_\_\_ Corps Site visit(s) conducted on: *N/A*.
- \_\_\_ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*.
- x** Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- x** USDA NRCS Soil Survey: Rapides Parish, LA [01-July-2020].
- x** USFWS NWI maps: NWI Wetlands Map [01-July-2020].
- x** USGS topographic maps: Buckeye Quadrangle (1:24,000) [01-July-2020].

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS/ WBD/NHD data/maps	HUC-8: 08040301; HUC-12: Big Creek
USDA Sources	Soil survey used to obtain potential slope of property
NOAA Sources	N/A.
USACE Sources	N/A.
LiDAR data/maps	Derived from LSU GIS Atlas [01-July-2020]
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	NFHL Firmette [01-July-2020]

- B. Typical year assessment(s):** APT analysis demonstrates that the 30-year rolling average for site-points (DP5 and DP6) in the transition zone between ephemeral features and the isolated (perched) wetlands were under Normal Conditions on the date of field observation. This supports their exclusion under the NWPR.
- C. Additional comments to support AJD:** 473.76 If of ephemeral streams in proposed project boundary and 2.79-ac of isolated PFO-PSS wetlands are not regulated (AJD). The remaining wetlands and intermittent are regulated using PJD.

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