



**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): 4/27/2021

ORM Number: SWG-2005-01108

Associated JDs: N/A

Review Area Location¹: State/Territory: Louisiana City: Toomey County/Parish/Borough: Calcasieu

Center Coordinates of Review Area: Latitude 30.152456 Longitude -93.633595

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)²

§ 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): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	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.	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.	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.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² 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.

³ 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 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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Borrow Pit 1	9.18	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Borrow Pit 1 is an artificial water-filled pit constructed or excavated wholly in uplands. According to historic USGS topographic quadrangle maps, this feature was created at some point between 1961 and 1968 during the construction of Interstate Highway 10. Therefore, this feature meets the 33 CFR 328.3(b)(8) exclusion.
Borrow Pit 2	4.49	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Borrow Pit 2 is an artificial water-filled pit constructed or excavated wholly in uplands. According to historic USGS topographic quadrangle maps, this feature was created at some point between 1961 and 1968 during the construction of Interstate Highway 10. Therefore, this feature meets the 33 CFR 328.3(b)(8) exclusion.
Artificial Pond 1	0.2	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Artificial Pond 1 is an artificial water-filled pond constructed or excavated wholly in uplands to collect and retain water. According to historic aerial imagery this feature was excavated at some point between 2005 and 2006. Based on this information, this feature meets the 33 CFR 328.3(b)(8) exclusion.
Ditch 1	0.71	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and	Ditch 1 is an excavated channel used to convey surface water. According to historic USGS topographic quadrangle maps, this feature was

⁴ 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.

⁵ 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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	excavated at some point between 1957 and 1961. When excavated this feature neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, this feature meets the 33 CFR 328.3(b)(5) exclusion.
Ditch 2	0.36	acre(s) (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch 2 is an excavated channel used to convey surface water. According to historic USGS topographic quadrangle maps, this feature was excavated at some point between 1957 and 1961. When excavated this feature neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, this feature meets the 33 CFR 328.3(b)(5) exclusion.

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: 2016 AJD request.
This information is and is not sufficient for purposes of this AJD.
Rationale: Additional details gathered from detailed off-site data.
- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☒ Photographs: Aerial: National Geospatial-Intelligence Agency (NGA), Global Enhanced Geographic Intelligence (GEOINT) Delivery (G-EGD), Digital Globe High Resolution Near Color (NC) Aerial Imagery – 8 November 2017, and 4 October and 11 November 2020; Google Earth Aerial Images (1989 to 2017).
- ☐ Corps site visit(s) conducted on: Date(s).
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWG-2005-01108 (23 June 2016).
- ☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☐ USDA NRCS Soil Survey: Title(s) and/or date(s).
- ☐ USFWS NWI maps: Title(s) and/or date(s).
- ☐ USGS topographic maps: Title(s) and/or date(s).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map: Calcasieu Parish, Louisiana and Incorporated Areas, Panel 22019C0395F (02/18/2011), 0.2%



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Data Source (select)	Name and/or date and other relevant information
	annual chance flood zone (500-year floodplain) associated with Gum Gully/Gray Canal. 2002, Digital Elevation Model (USGS DEM), SE quadrant of Echo quadrangle, Louisiana, UTM 15 NAD83, Louisiana, UTM 15 NAD83, Louisiana Federal Emergency Management Agency (FEMA) Project - Phase 2 of Louisiana LIDAR Data Development: Calcasieu Parish, Louisiana

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: This AJD identifies three (3) additional aquatic resources which were discussed in the previous administrative record as non-jurisdictional features.