

# APPENDIX D

## WETLAND DELINEATION



Engineers · Surveyors  
Environmental  
Consultants

## ***FIELD VISIT REPORT***

CITY OF CARENCRO  
POST ROAD CHANNEL IMPROVEMENTS  
SECTIONS 27 & 121, T8S-R4E  
LAFAYETTE PARISH, LOUISIANA

Prepared: May 13, 2014

### **Field Visit – May 14, 2014**

#### **1.0 Wetland Delineation**

C.H. Fenstermaker & Associates, Inc. (Fenstermaker) conducted a routine wetland delineation on May 13<sup>th</sup>, 2014 on the proposed coulee (other waters) drainage improvements located in Carencro, Louisiana. The delineation was limited to the surface area and areas adjacent to the coulee for the Post Road Channel Improvements, herein referred to as the Site. Enclosed is an aerial map (**Figure 1**) illustrating the approximate boundary of the Site.

The proposed coulee drainage improvements Point-of-Beginning (POB) starts south and west of an existing water treatment pond for the City of Carencro and traverses easterly approximately 900' to the Point-of-Ending (POE), just east of Post Road.

Fenstermaker conducted the delineation in accordance with the (Version 2.0, November 2010) Regional Supplement to the Corps of Engineers (COE) Wetlands Delineation Manual: Atlantic and Gulf Coast Plain Region and the Corps of Engineers Wetland Delineation Manual, 1987. The purpose of the wetland delineation was to determine the presence/absence of wetlands using the three technical criteria: vegetation, hydrology, and soils. It is necessary that all three criteria be present in order to be a jurisdictional wetland. The absence of any one of these criteria could exclude an area from being a wetland under the jurisdiction of the Corps of Engineers.

One recorded data point (Plot) was taken on the Site (See enclosed photographs and wetland data sheets, Plot 1). The enclosed map (**Figure 1**) illustrates the location of the plot and the delineation boundary of the Site. The recorded data point did not meet any of the three criteria to be considered a wetland under the jurisdiction of the Army Corps of Engineers. Plot (1) lacked hydric soils, wetland hydrology and hydrophytic vegetation. The vegetation within and adjacent to the Site consisted of well maintained herbaceous communities, and a few scattered hardwood trees and tree lines at the POB and POE. No wetlands were observed within the boundary of the delineation area (approximately 20' on both sides of the coulee) along the coulee. Characteristics of surface hydrology were not observed in the aerial images (**Figure 1**), except for within the boundaries of the coulee.

According to the Lafayette Parish Soil survey, most of the Site is mapped in the FoA- Frost silt loam soil type. The FoA soil type is rated as “Predominantly Hydric” (**Figure 1**).

## **2.0 Findings & Conclusions**

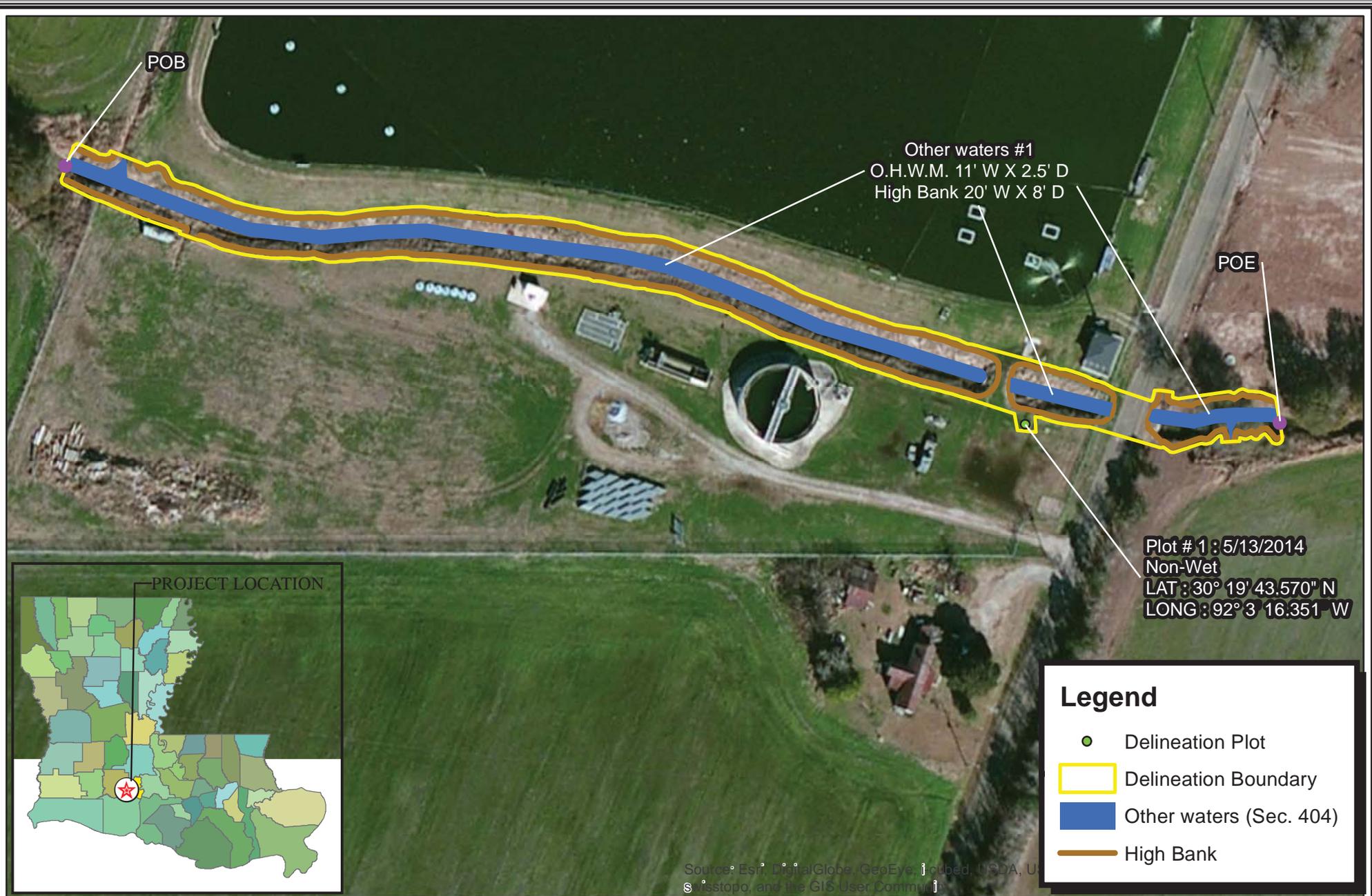
In conclusion, the recorded data point (Plot 1) did not meet the criteria of a wetland. Based on the data collected during the field investigation and records researched, it is Fenstermaker’s opinion that wetlands do not exist on the Site; however, the area below the Ordinary High Water Mark (OHWM) of the coulee will likely be jurisdictional due to the indirect connectivity to the Vermilion River. It is Fenstermaker’s opinion that the High Bank of the Coulee is approximately 20’ wide and 8’ deep and the Ordinary High Water Mark (OHWM) is approximately 11’ wide and 2.5’ deep. It is Fenstermaker’s opinion that a Department of the Army Permit should be obtained prior to mechanized land clearing activities, dredging, or the deposition of fill material within the boundaries of the coulee.

### **NOTE**

The findings and conclusions of this report are Fenstermaker’s opinion based upon the data that was collected for the wetland delineation. Consultants such as Fenstermaker can perform field investigations (delineations), collect data in a prescribed manner, and submit it to the regulatory agency along with recommendations; however, it is the regulatory agency that makes the final determination.

Prepared By: Ronnie Fontenot, Environmental Field Specialist

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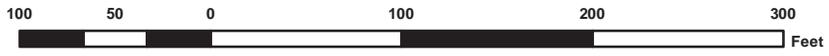


**Legend**

- Delineation Plot
- Delineation Boundary
- Other waters (Sec. 404)
- High Bank

**FIGURE 1 : WETLAND  
(BING HYBRID) DETAIL**

City of Carencro  
Post Road Channel Improvements  
SECTION 27 & 121: T 8S -R4 E  
Lafayette Parish, LOUISIANA  
5/14/2014



**WETLAND DETERMINATION DATA FORM - Atlantic and Gulf Coastal Plain Region**

Project/Site: Post Channel Improvements City/County: Lafayette Sampling Date: 11-May-14  
 Applicant/Owner: City of Carencro State: La Sampling Point: 1  
 Investigator(s): Ronnie Fontenot & Coy LeBlanc Section, Township, Range: S 121 T 8 S R 4 E  
 Landform (hillslope, terrace, etc.): Flat Local relief (concave, convex, none): convex Slope: 0.0 % / 0.0 °  
 Subregion (LRR or MLRA): LRR P Lat.: 30°19'43.57" Long.: 92°03'16.35" Datum: WGS84  
 Soil Map Unit Name: FoA - Frost silt loam NWI classification: N/A

Are climatic/hydrologic conditions on the site typical for this time of year? Yes  No  (If no, explain in Remarks.)  
 Are Vegetation , Soil , or Hydrology  significantly disturbed? Are "Normal Circumstances" present? Yes  No   
 Are Vegetation , Soil , or Hydrology  naturally problematic? (If needed, explain any answers in Remarks.)

**SUMMARY OF FINDINGS - Attach site map showing sampling point locations, transects, important features, etc.**

Hydrophytic Vegetation Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Hydric Soil Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>	Is the Sampled Area within a Wetland? Yes <input type="radio"/> No <input checked="" type="radio"/>
Remarks:	

**HYDROLOGY**

<b>Wetland Hydrology Indicators:</b> Primary Indicators (minimum of one required; check all that apply)		Secondary Indicators (minimum of 2 required)
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Saturation (A3) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Sediment Deposits (B2) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Inundation Visible on Aerial Imagery (B7) <input type="checkbox"/> Water-Stained Leaves (B9)	<input type="checkbox"/> Aquatic Fauna (B13) <input type="checkbox"/> Marl Deposits (B15) (LRR U) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Oxidized Rhizospheres along Living Roots (C3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Other (Explain in Remarks)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> FAC-Neutral Test (D5) <input type="checkbox"/> Sphagnum moss (D8) (LRR T, U)
<b>Field Observations:</b> Surface Water Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Water Table Present? Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____ Saturation Present? (includes capillary fringe) Yes <input type="radio"/> No <input checked="" type="radio"/> Depth (inches): _____		Wetland Hydrology Present? Yes <input type="radio"/> No <input checked="" type="radio"/>
Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:		
Remarks:		

VEGETATION (Five/Four Strata) - Use scientific names of plants.

Sampling Point: 1

Tree Stratum (Plot size: _____)	Absolute % Cover	Dominant Species? Rel.Strat. Cover	Indicator Status
1. _____	0	<input type="checkbox"/> 0.0%	_____
2. _____	0	<input type="checkbox"/> 0.0%	_____
3. _____	0	<input type="checkbox"/> 0.0%	_____
4. _____	0	<input type="checkbox"/> 0.0%	_____
5. _____	0	<input type="checkbox"/> 0.0%	_____
6. _____	0	<input type="checkbox"/> 0.0%	_____
7. _____	0	<input type="checkbox"/> 0.0%	_____
8. _____	0	<input type="checkbox"/> 0.0%	_____
50% of Total Cover: <u>0</u> 20% of Total Cover: <u>0</u>	<u>0</u>	= Total Cover	
Sapling or Sapling/Shrub Stratum (Plot size: _____)			
1. _____	0	<input type="checkbox"/> 0.0%	_____
2. _____	0	<input type="checkbox"/> 0.0%	_____
3. _____	0	<input type="checkbox"/> 0.0%	_____
4. _____	0	<input type="checkbox"/> 0.0%	_____
5. _____	0	<input type="checkbox"/> 0.0%	_____
6. _____	0	<input type="checkbox"/> 0.0%	_____
7. _____	0	<input type="checkbox"/> 0.0%	_____
8. _____	0	<input type="checkbox"/> 0.0%	_____
50% of Total Cover: <u>0</u> 20% of Total Cover: <u>0</u>	<u>0</u>	= Total Cover	
Shrub Stratum (Plot size: _____)			
1. _____	0	<input type="checkbox"/> 0.0%	_____
2. _____	0	<input type="checkbox"/> 0.0%	_____
3. _____	0	<input type="checkbox"/> 0.0%	_____
4. _____	0	<input type="checkbox"/> 0.0%	_____
5. _____	0	<input type="checkbox"/> 0.0%	_____
6. _____	0	<input type="checkbox"/> 0.0%	_____
50% of Total Cover: <u>0</u> 20% of Total Cover: <u>0</u>	<u>0</u>	= Total Cover	
Herb Stratum (Plot size: _____)			
1. <i>Paspalum notatum</i>	35	<input checked="" type="checkbox"/> 28.5%	FACU
2. <i>Axonopus fissifolius</i>	35	<input checked="" type="checkbox"/> 28.5%	FACW
3. <i>Cynodon dactylon</i>	15	<input type="checkbox"/> 12.2%	FACU
4. <i>Ranunculus sardous</i>	10	<input type="checkbox"/> 8.1%	FAC
5. <i>Trifolium repens</i>	10	<input type="checkbox"/> 8.1%	FACU
6. <i>Dichondra carolinensis</i>	10	<input type="checkbox"/> 8.1%	FAC
7. <i>Paspalum laeve</i>	5	<input type="checkbox"/> 4.1%	FACW
8. <i>Lolium perenne</i>	2	<input type="checkbox"/> 1.6%	FACU
9. <i>Ambrosia artemisiifolia</i>	1	<input type="checkbox"/> 0.8%	FACU
10. _____	0	<input type="checkbox"/> 0.0%	_____
11. _____	0	<input type="checkbox"/> 0.0%	_____
12. _____	0	<input type="checkbox"/> 0.0%	_____
50% of Total Cover: <u>61.5</u> 20% of Total Cover: <u>24.6</u>	<u>123</u>	= Total Cover	
Woody Vine Stratum (Plot size: _____)			
1. _____	0	<input type="checkbox"/> 0.0%	_____
2. _____	0	<input type="checkbox"/> 0.0%	_____
3. _____	0	<input type="checkbox"/> 0.0%	_____
4. _____	0	<input type="checkbox"/> 0.0%	_____
5. _____	0	<input type="checkbox"/> 0.0%	_____
50% of Total Cover: <u>0</u> 20% of Total Cover: <u>0</u>	<u>0</u>	= Total Cover	

**Dominance Test worksheet:**

Number of Dominant Species That are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 2 (B)

Percent of dominant Species That Are OBL, FACW, or FAC: 50.0% (A/B)

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**Prevalence Index worksheet:**

Total % Cover of: \_\_\_\_\_ Multiply by: \_\_\_\_\_

OBL species 0 x 1 = 0

FACW species 40 x 2 = 80

FAC species 20 x 3 = 60

FACU species 63 x 4 = 252

UPL species 0 x 5 = 0

Column Total s: 123 (A)    392 (B)

Prevalence Index = B/A = 3.187

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**Hydrophytic Vegetation Indicators:**

1 - Rapid Test for Hydrophytic Vegetation

2 - Dominance Test is > 50%

3 - Prevalence Index is ≤ 3.0<sup>1</sup>

Problematic Hydrophytic Vegetation † (Explain)

<sup>1</sup> Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

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**Definition of Vegetation Strata:**

Tree - Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and 3 in. (7.6 cm) or larger in diameter at breast height (DBH).

Sapling - Woody plants, excluding woody vines, approximately 20 ft (6 m) or more in height and less than 3 in. (7.6 cm) DBH.

Sapling/Shrub - Woody plants, excluding vines, less than 3 in. DBH and greater than 3.28 ft (1m) tall.

Shrub - Woody plants, excluding woody vines, approximately 3 to 20 ft (1 to 6 m) in height.

Herb - All herbaceous (non-woody) plants, including herbaceous vines, regardless of size, and woody plants, except woody vines, less than approximately 3 ft (1 m) in height.

Woody vine - All woody vines, regardless of height.

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Hydrophytic Vegetation Present?    Yes     No

Remarks: (If observed, list morphological adaptations below).

\*Indicator suffix = National status or professional decision assigned because Regional status not defined by FWS.





Photo 1: Soil Sample



Photo 2: Vegetation facing north



Photo 3: Vegetation facing east



Photo 4: Vegetation facing south



Photo 5: Vegetation facing west



Photo 6: Point of Beginning facing easterly



Photo 7: Coulee facing easterly



Photo 8: Coulee facing westerly



Photo 9: From Post Rd. facing towards Point of Ending



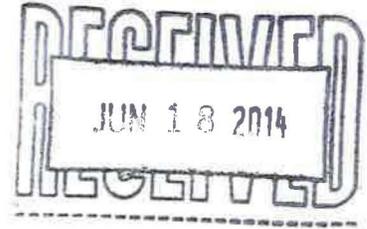
Photo 10: From Post Rd facing westerly



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF

JUN 13 2014



Operations Division  
Surveillance and Enforcement Section

Mr. Coy LeBlanc  
C. H. Fenstermaker & Associates, Inc.  
135 Regency Square  
Lafayette, Louisiana 70508

Dear Mr. LeBlanc:

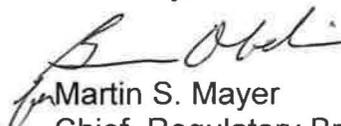
Reference is made to your request, on behalf of the City of Carencro, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Sections 27 and 123, Township 8 South, Range 4 East, Lafayette Parish, Louisiana (enclosed map). Specifically, this property is identified as the Post Road Channel Improvements.

Based on review of recent maps, aerial photography, soils data, and the information provided with your request, we have determined that this property is not in a wetland subject to Corps' jurisdiction. However, a Department of the Army permit under Section 404 of the Clean Water Act will be required if you propose to deposit dredged or fill material into the unnamed coulee marked in blue.

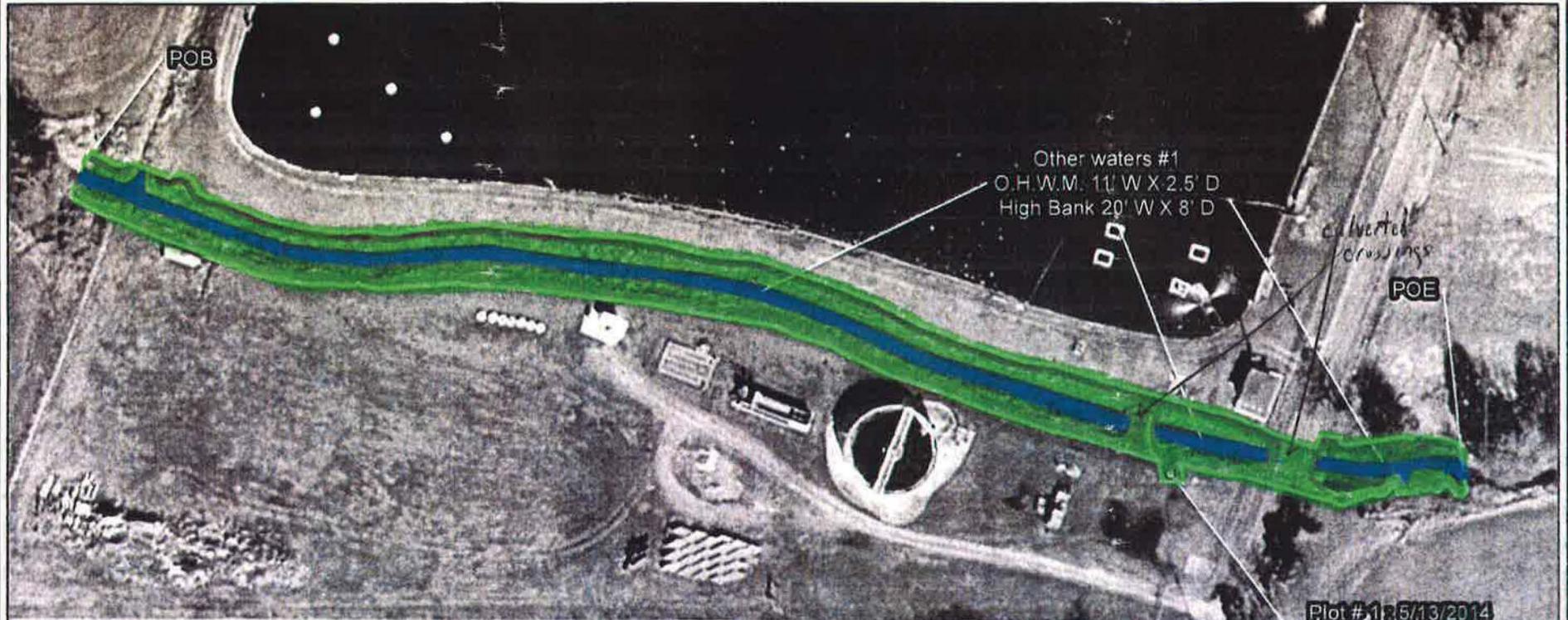
You and your client are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Michael Windham at (504) 862-1235 and reference our Account No. MVN-2014-01439-SK. If you have specific questions regarding the permit process or permit applications, please contact our Western Evaluation Section at (504) 862-2261. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

  
Martin S. Mayer  
Chief, Regulatory Branch

Enclosure



Plot # 1: 5/13/2014  
 Non-Wet  
 LAT: 30° 19' 43.570" N  
 LONG: 92° 3' 16.351" W



US ARMY CORPS OF ENGINEERS  
**APPROVED**  
 JURISDICTIONAL DETERMINATION

**USACE**  
 FSV IH Date: 4/3/14  
 Botanist: WINDHAM  
 Requestor: LeBlanc  
 # MVN-2014-01439-SK  
 ■ - NON-WETLAND  
 ■ - WATERS OF THE US (4.1)

Source: Esri, DigitalGlobe, GeoEye, swisstopo, and the GIS User Comm



**FIGURE 1 : WETLAND  
 (BING HYBRID) DETAIL**

City of Carencro  
 Post Road Channel Improvements  
 SECTION 27 & 121: T8S - R4E  
 Lafayette Parish, LOUISIANA  
 5/14/2014

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Coy Leblanc, obo City of Carencro	File Number: 2014-01439-SK	Date: JUN 13 2014
Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at [http://www.usace.army.mil/cecw/pages/reg\\_materials.aspx](http://www.usace.army.mil/cecw/pages/reg_materials.aspx) or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact: Rob Heffner (504-862-1288)  
Chief, Surveillance & Enforcement Section  
U.S. Army Corps of Engineers  
P.O. Box 60627  
New Orleans, LA 70160

If you only have questions regarding the appeal process you may also contact: Ms. Tonya Acuff  
Administrative Appeals Review Officer  
USACE – Mississippi Valley Division  
P.O. Box 80  
Vicksburg, MS 39181-0080  
(601) 634-5820

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.

Date:

Telephone number:

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

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): June 12, 2014**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: MVN-2014-01439-SK**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION: Post Road Channel Improvements**

State: Louisiana County/parish/borough: Lafayette City: Carrencro  
Center coordinates of site (lat/long in degree decimal format): Lat. 30.3291° N, Long. -92.0553° W.  
Universal Transverse Mercator: 15N

Name of nearest waterbody: Unnamed Coulee

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

Name of watershed or Hydrologic Unit Code (HUC): 08080103

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: 6/3/14

Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are no** "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:

**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):<sup>1</sup>**

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: +/- 900 linear feet: width (ft) and/or acres.

Wetlands: 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):<sup>3</sup>**

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain:

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**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:

Summarize rationale supporting determination:

- 2. **Wetland adjacent to TNW**  
Summarize rationale supporting conclusion that wetland is “adjacent”:

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):**

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

**1. Characteristics of non-TNWs that flow directly or indirectly into TNW**

- (i) **General Area Conditions:**  
Watershed size: **Pick List**  
Drainage area: **Pick List**  
Average annual rainfall: inches  
Average annual snowfall: inches

**(ii) Physical Characteristics:**

- (a) **Relationship with TNW:**  
 Tributary flows directly into TNW.  
 Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.  
Project waters are **Pick List** river miles from RPW.  
Project waters are **Pick List** aerial (straight) miles from TNW.  
Project waters are **Pick List** aerial (straight) miles from RPW.  
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW<sup>5</sup>:

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known:

(b) **General Tributary Characteristics (check all that apply):**

- Tributary is:**  Natural  
 Artificial (man-made). Explain:  
 Manipulated (man-altered). Explain:

**Tributary properties with respect to top of bank (estimate):**

- Average width: feet  
Average depth: feet  
Average side slopes: **Pick List**.

**Primary tributary substrate composition (check all that apply):**

- |  |  |                                   |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts           | <input type="checkbox"/> Sands                     | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles         | <input type="checkbox"/> Gravel                    | <input type="checkbox"/> Muck     |
| <input type="checkbox"/> Bedrock         | <input type="checkbox"/> Vegetation. Type/% cover: |                                   |
| <input type="checkbox"/> Other. Explain: |  |                                   |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) **Flow:**

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- |   |   |
|---|---|
| <input type="checkbox"/> Bed and banks  |   |
| <input type="checkbox"/> OHWM <sup>6</sup> (check all indicators that apply): |   |
| <input type="checkbox"/> clear, natural line impressed on the bank            | <input type="checkbox"/> the presence of litter and debris          |
| <input type="checkbox"/> changes in the character of soil                     | <input type="checkbox"/> destruction of terrestrial vegetation      |
| <input type="checkbox"/> shelving   | <input type="checkbox"/> the presence of wrack line                 |
| <input type="checkbox"/> vegetation matted down, bent, or absent              | <input type="checkbox"/> sediment sorting                           |
| <input type="checkbox"/> leaf litter disturbed or washed away                 | <input type="checkbox"/> scour                                      |
| <input type="checkbox"/> sediment deposition                                  | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining                                       | <input type="checkbox"/> abrupt change in plant community           |
| <input type="checkbox"/> other (list):  |   |
| <input type="checkbox"/> Discontinuous OHWM. <sup>7</sup> Explain:            |   |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- |  |  |
|--|--|
| <input type="checkbox"/> High Tide Line indicated by:              | <input type="checkbox"/> Mean High Water Mark indicated by:            |
| <input type="checkbox"/> oil or scum line along shore objects      | <input type="checkbox"/> survey to available datum;                    |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list):                             |  |

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size:        acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain:

Surface flow is: **Pick List**

Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
  - Federally Listed species. Explain findings:
  - Fish/spawn areas. Explain findings:
  - Other environmentally-sensitive species. Explain findings:
  - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately (        ) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

### C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

### 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, acres.
  - Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
  - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Aerial photography and photos verify as an RPW.
  - Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **900** linear feet      width (ft).  
 Other non-wetland waters:      acres.  
Identify type(s) of waters: .

**3. Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters:      linear feet      width (ft).  
 Other non-wetland waters:      acres.  
Identify type(s) of waters: .

**4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .  
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area:      acres.

**5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area:      acres.

**6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area:      acres.

**7. Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or  
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
 Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- which are or could be used by interstate or foreign travelers for recreational or other purposes.  
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
 which are or could be used for industrial purposes by industries in interstate commerce.  
 Interstate isolated waters. Explain: .  
 Other factors. Explain: .

**Identify water body and summarize rationale supporting determination:**

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

<sup>10</sup>Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.  
Identify type(s) of waters: .
- Wetlands: acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: 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: Carencro, 1:24,000.
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS WSS Lafayette Parish.
- National wetlands inventory map(s). Cite name:
- 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, 2008, 2010.  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter: 2005-833.
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
  
- Other information (please specify): Google Earth Pro (street view).

**B. ADDITIONAL COMMENTS TO SUPPORT JD: This Basis Form documents a RPW (unnamed coulee).**

