

APPENDIX E

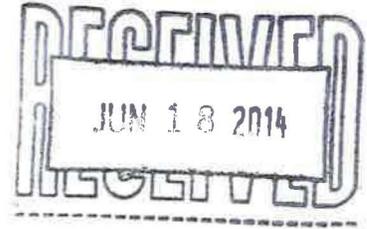
SECTION 404 PERMIT



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:

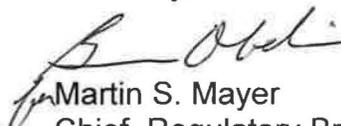
Reference is made to your request, on behalf of the City of Carencro, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Sections 27 and 123, Township 8 South, Range 4 East, Lafayette Parish, Louisiana (enclosed map). Specifically, this property is identified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

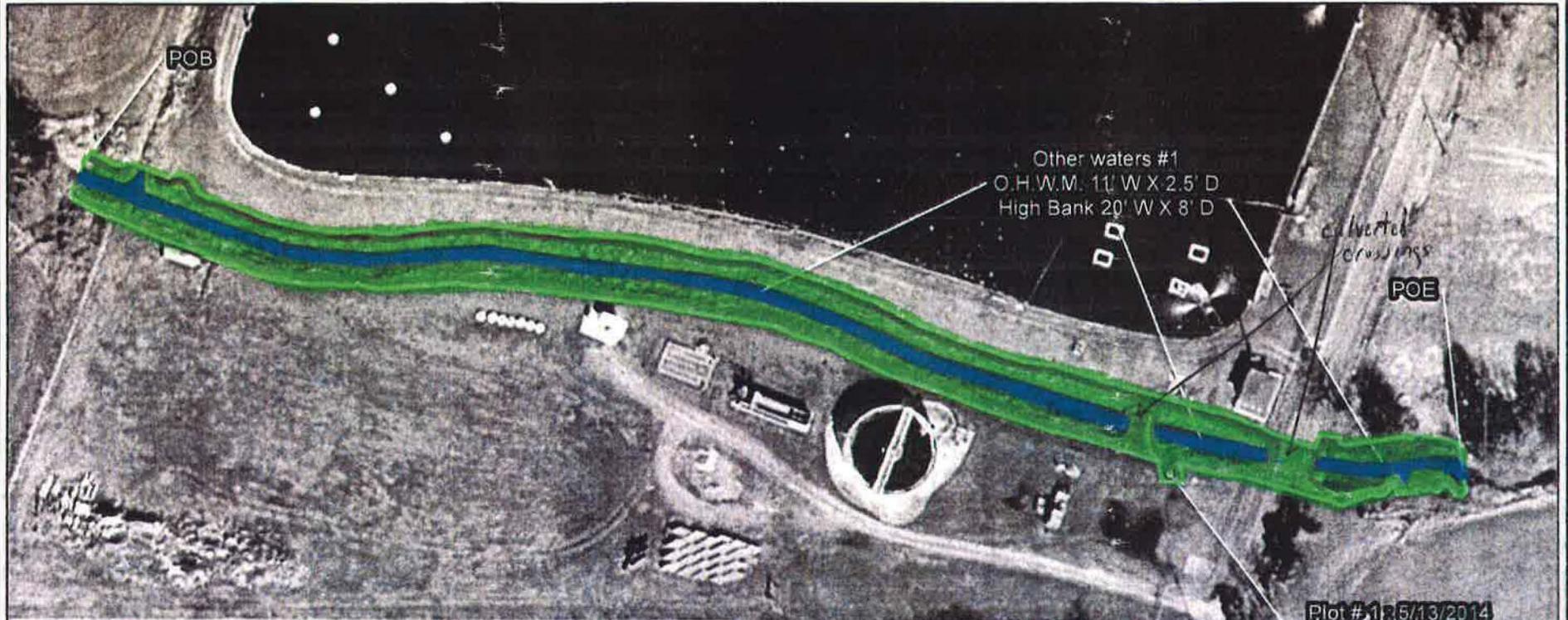
You and your client are advised that this approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific 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
 [Green Box] - NON-WETLAND
 [Blue Box] - WATERS OF THE US (4.4)

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 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):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (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):³

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

Explain:

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

² 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).

³ 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 waterbody⁴ 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 TNW⁵:

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

⁵ 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 ⁶ (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. ⁷ 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:

⁶A 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.

⁷ibid.

(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-RPWs⁸ 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.⁹

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):¹⁰

- 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: _____

⁸See Footnote # 3.

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

¹⁰Prior 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).



REPLY TO
ATTENTION OF

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

FEB 25 2015

RECEIVED
FEB 27 2015

Operations Division
Surveillance and Enforcement Section

Mr. Coy LeBlanc
C.H. Fenstermaker & Associates, Inc
135 Regency Square
Lafayette, LA 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 28, Township 8 South, Range 4 East, Lafayette Parish, Louisiana (enclosed map). Specifically, this property is identified as the wastewater sludge processing unit on and west of Post Road, and the site of proposed post road channel improvements.

Based on review of recent maps, aerial photography, and soils data, we have determined that part of the property is wetland and may be subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into wetlands that are waters of the United States. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into other waters subject to Corps' jurisdiction. Other waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

You and your client are advised that this preliminary 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 Dr. Rosie Schwamenfeld at (337) 291-3045 and reference our Account No. MVN-2014-01439-1-SR. If you have specific questions regarding the permit process or permit applications, please contact Mr. Bobby Quebedeaux of our Western Evaluation Section at (504) 862-2224 and reference our Account No. MVN-2014-02649-WJJ.

Sincerely,

Martin S. Mayer
Chief, Regulatory Branch

Enclosures



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

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



PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office New Orleans District File/ORM # 2014-01439-1-SR PJD Date: Jan 21, 2015

| | |
|-----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| State <u>LA</u> City/County <u>Lafayette</u> | Name/ Address of Person Requesting PJD |
| Nearest Waterbody: <u>unnamed trib to Beau Basin Coulee</u> | <u>Coy LeBlanc</u> <u>C.H. Fenstermaker & Associates, Inc.</u> <u>135 Regency Square</u> <u>Lafayette, Louisiana 70508</u> |
| Location: TRS, LatLong or UTM: <u>T8S, R4E, sections 27 and 28</u> | |

| | |
|----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Identify (Estimate) Amount of Waters in the Review Area: | Name of Any Water Bodies Tidal: _____ |
| <u>Non-Wetland Waters:</u> | on the Site Identified as _____ |
| <u>905</u> linear ft _____ width _____ acres _____ | Section 10 Waters: Non-Tidal: _____ |
| Stream Flow: _____ Per. (seasonal) | |
| <u>Wetlands:</u> <u>0.01</u> acre(s) Cowardin Class: <u>Palustrine, emergent</u> | <input checked="" type="checkbox"/> Office (Desk) Determination <input type="checkbox"/> Field Determination: _____ Date of Field Trip: _____ |

SUPPORTING DATA: Data reviewed for preliminary JD (check all that apply - checked items should 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 quad name: Carenero
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS wss
- National wetlands inventory map(s). Cite name: _____
- State/Local wetland inventory map(s): _____
- FEMA/FIRM maps: _____
- 100-year Floodplain Elevation is: _____
- Photographs: Aerial (Name & Date): CIR: 98, 04, 08, 10
 - Other (Name & Date): _____
- Previous determination(s). File no. and date of response letter: 2014-01439-SK (6-13-14)
- Other information (please specify): _____

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Rosie Schwarzenfeld 1-21-15
Signature and Date of Regulatory Project Manager
(REQUIRED)

Coy LeBlanc by mail dated 9-18-14
Signature and Date of Person Requesting Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

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

| | | |
|-------------------------------------|--------------------------------------------------------------------|--------------------------|
| Applicant: City of Carencro | File No.: MVN-2014-01439-1-SR | Date: FEB 25 2015 |
| 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 type="checkbox"/> | APPROVED JURISDICTIONAL DETERMINATION | D |
| <input checked="" 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://usace.army.mil/inet/functions/cw/cecwo/reg> 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:

Mr. Rob Heffner
Chief, Surveillance and Enforcement Section
U.S. Army Corps of Engineers, New Orleans District
P.O. Box 60267
New Orleans, LA 70160-0267
504-862-1288

If you only have questions regarding the appeal process you may also contact the Division Engineer through:

Mr. Thomas McCabe
Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX: 601-634-5816

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: _____



RECEIVED
APR 06 2015

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

MAR 31 2015

REPLY TO
ATTENTION OF

Operations Division
Western Evaluation Section

SUBJECT: MVN-2014-2649-WJJ (General Permit NOD-159)

City of Carencro
Attn: Glenn Brasseaux
210 E. St. Peter Street
Carencro, Louisiana 70520

Dear Mr. Brasseaux:

Receipt is acknowledged of your application dated November 4, 2014, requesting Department of the Army authorization to dredge an existing coulee channel, remove an existing 96" diameter pipe and replace with a new 8' x 8' box culvert, located on Beau Bassin Coulee in Carencro, Louisiana, in Lafayette Parish (30.328889, -92.056111).

The proposed work is permitted under authority of General Permit **NOD-159**. This approval to perform work is valid for **5 years** from the date of this letter. This authorization does not eliminate the need to obtain a Louisiana Coastal Use Permit or any other federal, state, or local approval that may be required by law.

The following special conditions are made part of this authorization:

1. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at P.O. Box 661, Charenton, LA 70523, and the Army Corps of Engineers, New Orleans District (CEMVN) Regulatory Branch. CEMVN will initiate the required Federal, State, and Tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.
2. The authorized work shall not diminish or impact natural hydrologic conditions of on-site and/or adjacent wetlands, not authorized herein. Should it be determined by the District Engineer or his authorized representative(s) or designee(s) that wetlands not considered under this authorization are impacted as a result of this permitted activity, the permittee shall be required to submit a mitigation plan that compensates for wetland losses and/or a remediation plan that restores wetland hydrology. Failure to mitigate and/or restore wetland hydrology will be considered grounds for permit suspension, permit revocation, and/or restoration of the permit site.

The opinion has been made on the basis of information provided by your letter. If it is later established that you furnished erroneous data, you may be directed to alter or modify your plans, to remove structures you have installed, and/or to restore the work area to pre-project conditions at your own expense. If it is established that you knowingly furnished erroneous data, you could also be subject to legal action.

The drawings submitted with your letter are attached hereto and made a part of the record. Should you have any further questions concerning this matter, please call Bobby Quebedeaux with this office, at (504) 862-2224.

Sincerely,

Darrell S. Barbara

for: Martin S. Mayer
Chief, Regulatory Branch

Enclosures



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT, CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

JUL 03 2006

Operations Division
Western Evaluation Section

SUBJECT: (General Permit)NOD-159
MVN 2001-1267 WB

PUBLIC NOTICE

TIME EXTENSION AND MODIFICATION
FOR

A GENERAL PERMIT AUTHORIZING DREDGING IN EXISTING WATERBODIES
FOR DRAINAGE MAINTENANCE INSIDE AND OUTSIDE OF THE
LOUISIANA COASTAL ZONE

Interested parties are hereby notified that (General Permit)NOD-159, originally issued by this office on March 30, 1996, authorizing dredging in existing waterbodies for the purpose of maintaining drainage inside and outside of the Louisiana Coastal Zone is being extended until March 30, 2011.

The proposed time extension was advertised for public comment on March 10, 2006.

Although the general permit is being extended, persons who become aware of problems or adverse impacts are required to notify the Regulatory Branch of this District at the above address. The general permit will be suspended, revoked, or modified if it is shown to be in the public interest to do so.

A copy of the general permit is attached. Additional copies are available upon written request to the Regulatory Branch of this District at the above address.


Ronald J. Ventola
Chief, Regulatory Branch

Enclosures



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

JUL 6 2003

REPLY TO
ATTENTION OF

Operations Division
Regulatory Branch

DEPARTMENT OF THE ARMY GENERAL PERMIT

Authorization No.: (General Permit)NOD-159
MVN 2001-1257

Original Effective Date: March 30, 1996

Proposed Expiration Date: March 30, 2011

Under authorization granted by applicable sections of Parts 320 through 330 of Title 33, Code of Federal Regulations, and delegated authority from the Commander, U.S. Army Corps of Engineers, District Engineer at New Orleans has determined that it is in the public interest to issue a general permit for dredging in existing waterbodies for the purpose of maintaining drainage inside and outside of the Louisiana Coastal Zone (CZ) within the boundaries of the New Orleans District (NOD). A map showing the boundaries of the NOD and CZ is attached as enclosure 1.

Specific legislation requiring Department of the Army permits for work of this nature are:

- a. Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 USC 403), and/or
- b. Section 404 of the Clean Water Act (33 USC 1344).

This general permit excludes any activity:

- a. Which is likely to adversely affect federally listed threatened or endangered species, a species proposed for such designation, or which is likely to destroy or adversely modify the critical habitat of such species. This includes activities within 3,000 feet of a bald eagle nesting site unless written concurrence is obtained from the U. S. Fish & Wildlife Service that the specific individual activity proposed for authorization will not adversely affect that species.

- b. Within 1,500 feet of colonial bird nesting sites.
- c. In navigation channels constructed or maintained with federal funds.
- d. Within 1,000 feet of any mainline flood control or hurricane protection levee constructed and/or maintained with federal funds without prior coordination with, and the approval of, the New Orleans District.
- e. At or in close proximity to any known historic or archeological site or within the boundaries of a historic district.
- f. That would impinge upon the value (habitat, hydrology, etc.) of any National Wildlife Refuge, National Forest, or areas administered by the National Park Service, Louisiana Departments of Natural Resources or Wildlife & Fisheries, or other similar publicly held areas administered by federal, state, or local government authority, unless special permission from these agencies is submitted with the application for this general permit.
- g. Within areas of concentrated shellfish production.
- h. Within the vicinity of water supply intakes.
- i. Which would result in new channel excavation, excavation for fill material, sand and gravel mining activities, or dredging for navigational purposes.
- j. Which would modify the effectiveness of an existing, functional water control structure.
- k. Within a component of the National or Wild and Scenic River System or state scenic river system.
- l. In waterbodies which have not been previously excavated or otherwise channelized. In general, excavation under this general permit will not be authorized where the previous maintenance dredging activities occurred more than 40 years from the date of the request.
- m. Where the previously authorized, documented, or permitted excavation depths and specifications are proposed to be exceeded (i.e., deeper, wider, or realigned).

n. In wetland areas where the functions and values of the wetland habitat being impacted are determined to be high, and/or reasonable and practicable less environmentally damaging alternatives exist such that an evaluation of the project impacts under the individual permit procedure is warranted.

o. That would permanently drain or facilitate the drainage of a jurisdictional wetland. In the case of USDA program participants, the activity must not permanently drain or facilitate the drainage of jurisdictional wetlands such that a participant may lose benefits (i.e., swampbusting). To insure this, the applicant shall contact the local Consolidated Farm Service Agency and provide documentation that such activities will not occur as a result of the proposed maintenance dredging. This documentation must be submitted as part of the complete permit application.

Work authorized by this general permit is subject to the applicable standard conditions of permit form ENG Form 1721 (enclosure 2), and the following special conditions:

a. The work must not interfere with the public's right to free navigation on all navigable waters of the United States.

b. Any safety lights and signals prescribed by the U. S. Coast Guard, through regulations or otherwise, must be installed and maintained at the applicant's expense.

c. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration. Any modification, suspension, or revocation of this general permit, or any individual authorization granted under this general permit, will not be the basis of any claim for damages against the United States.

d. If the proposed project, or future maintenance work, involves the use of floating construction equipment (barge mounted cranes, barge mounted pile driving equipment, floating dredge equipment, dredge discharge pipelines, etc.,) in the waterway, you are advised to notify the U.S. Coast Guard so that a Notice to Mariners, if required, may be prepared. Notification, with a copy of your permit approval and drawings, should be mailed to the U.S. Coast Guard, Sector New Orleans Command Center, 201 Hammond Highway, Metairie, Louisiana 70005, about 1 month before you plan to start work. Telephone inquiries can be directed to (504) 846-5923.

e. When the activity authorized herein involves a discharge of any pollutant (including dredged or fill material) into waters of the U. S. during its construction operation, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this general permit, be modified, if necessary, to conform with such revised or modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer periods of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

f. The permittee agrees to make every reasonable effort to prosecute the construction or operation of the work authorized herein in a manner so as to minimize any degradation of water quality or any adverse impact on fish, wildlife, special aquatic sites, and natural environmental values.

g. This general permit cannot be used for piecemeal dredge or fill activities or other piecemeal work, nor is this general permit valid for any activity that is part of an overall project for which the Corps has determined that an individual permit is required.

h. Wetlands that are not part of the authorized project site, but that are disturbed during construction, including the temporary crossing of wetland areas, will be restored to their preproject elevations and conditions, and may include replanting. Following project completion, those jurisdictional areas not required for future maintenance of the waterway, but which suffered disturbance as a result of construction activities, shall be restored to preproject conditions, and replanted in accordance with recommendations from the NOD as determined in coordination with appropriate resource agencies.

i. When work is done by heavy equipment in wetland areas that are not a part of the authorized project area, or heavy materials are temporarily stored in such wetland areas, mats will be utilized and activities confined to matted areas. When work is completed, mats must be removed.

j. Material discharged into wetlands must be clean dredged material, must be contained or stabilized, must be compatible with existing soils, and must not otherwise constitute a non-point pollution source.

k. Misrepresentation of the proposed project or falsification of facts may be cause to exclude the project from further general proceedings. If the misrepresentation or falsification was intentional, the applicant shall forfeit the right to conduct work at the proposed project site under this general permit.

l. No work may be performed under this general permit unless and until all required local, state, and other federal permits, licenses, authorizations, and certifications are obtained. This includes, but is not limited to, a coastal use permit or waiver from the Louisiana Department of Natural Resources, and a water quality certification from the Louisiana Department of Environmental Quality.

m. Appropriate measures to minimize a proposed activity's impact on the aquatic ecosystem may be required such as limiting removal of woody vegetation to that necessary for spoil deposition; limiting work to one side of the channel; protecting trees with a breast height diameter greater than 16 inches from construction activities; confining deposition of dredged material to existing spoil banks, prior converted cropland, and upland areas whenever possible; depositing dredged material in a manner which could create or enhance wetland habitat; and including gaps in spoil banks.

n. Appropriate erosion and siltation controls must be used and maintained in effective operating condition during construction and all deposited material shall be stabilized within 2 weeks following completion or disturbance.

o. If there is a reason to believe that dredged material may contain contaminated sediments, a sediment analysis developed in coordination with the NOD will be required.

p. Unless designated otherwise, all existing streams and sloughs shall remain open and unimpeded. Culverts shall be placed in all streams and sloughs to maintain water circulation and flow.

q. Individual approvals granted to applicants under this general permit allow 5 years from the date of the individual approval letter for completion of the project. Activities approved under this general permit and completed within the above time limit may be maintained for 10 years from the date of the individual authorization.

r. Additional conditions may be added to this general permit by the District Engineer if it is found to be in the public interest to do so.

s. This general permit may be suspended, in whole or part, by the District Engineer if it is found to be in the public interest to do so.

t. The District Engineer may choose not to grant approval under this general permit and require the applicant to go through individual permit evaluation procedures when he finds that such action is in the public interest.

Reporting/Acknowledgement Procedures

Applying for permit approval under General Permit (NOD-159) is identical to applying for an individual permit for work within the CZ or NOD. If located within the CZ (see enclosure 1), the application request must be submitted electronically which consists of an application form and a set of drawings with a \$100.00 application fee for commercial and \$20.00 for non-commercial. The Coastal Management Division will review the application for completeness and, if complete, will assign it a coastal use permit number and forward an electronic copy of the application to the NOD. If the project is not located within the CZ, the application required should be sent directly to the New Orleans District, ATTN: Regulatory Branch, Post Office Box 60267, New Orleans, Louisiana 70160-0267.

A complete application includes ALL of the following:

(1) A Department of the Army application form (ENG Form 4345) that includes the signature of the applicant; latitude and longitude; section, township and range; a statement indicating the need for the project; a clear description of the proposed work and intended use; the date and specifications of previously permitted or documented dredging operations; and a discussion of alternatives considered and details supporting the chosen alternative. The application must also include a statement that the fill material will be free of contaminants, to the best of the applicant's knowledge. A joint application form must be completed for projects that occur within the Coastal Zone.

(2) A vicinity map on which the project site is clearly indicated, and accurately scaled drawings (plan view and cross section with mean high and low water lines) with all dimensions clearly labeled and the number of cubic yards of dredged or fill material involved. When project works will be constructed with, be adjacent to, or otherwise in proximity to other works conducted under this general permit, drawings MUST show the relationship of such work to the proposed activity and their appropriate permit numbers.

(3) For most projects requiring authorization under Section 404 of the Clean Water Act, a compensatory mitigation plan to offset unavoidable wetland losses will generally be required. This plan will adhere as closely as possible to the requirements of the Memorandum of Agreement between the

Department of the Army and the Environmental Protection Agency (i.e., compensatory mitigation will generally be in-kind, performed within the same geographical area as the project site, etc.). The compensatory mitigation plan will generally provide a minimum of 1 to 1 acreage replacement, with each plan evaluated on the basis of conditions existing at the proposed project site. Compensatory mitigation may consist of wetland restoration, enhancement of degraded wetlands, wetland creation, or participation in an approved mitigation bank. The plan should be designed to replace the functions and values of the affected project site. It may be performed in federal wildlife refuges, state wildlife management areas, and parish or private lands. The plan must include a letter from the refuge or land manager agreeing to the proposed plan. Compensatory mitigation shall be commenced within 90 days (or the first planting season of December 15th through March 15th, if applicable) of commencement of work under the general permit, and shall be completed no later than 2 years from the date of commencement of work authorized under this general permit.

(4) Documentation from the local Consolidated Farm Service Agency as required by exclusion o. above (pgs. 2 and 3).

Upon receipt of a copy of the application form, drawings, and additional information described above, we will review the application for completeness and eligibility for processing under NOD-159. Incomplete applications will be returned to the applicant and/or the applicant will be advised of the application deficiencies. Work not eligible for evaluation under NOD-159 will be evaluated under individual permit procedures, to include a public notice, if applicable.

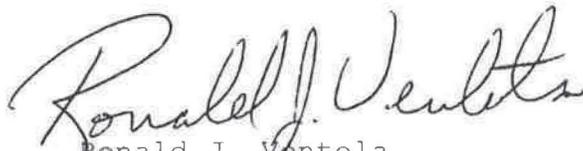
Applicants whose proposals meet the requirements of NOD-159 will be notified by letter that their project is being considered for approval under the general permit. Copies of the letter will be sent to the U. S. Fish & Wildlife Service, National Marine Fisheries Service, and the Louisiana Department of Wildlife & Fisheries for review and comment. These agencies will have 5 days in which to comment. Concurrences may be forwarded to the Corps via telephone; however, non-concurrences must be made in writing with an information copy sent to the applicant and must include a description of the impact(s) considered to be more than minimal. These agencies may comment on the project or request additional information needed for

their analysis during the comment period. If additional time is needed for this evaluation, they may make a written request for a time extension of up to 20 days. Lack of response within 5 days by these agencies will be considered as no objection or no position by those agencies. Corps of Engineers' decision of non-concurrence with reviewing agencies' objections and/or recommendations will be made in writing by the District Engineer to the respective agency.

After receipt of comments from the agencies or after 5 days from the start of the comment period, the proposal will be evaluated in consideration of the comments from the federal and state agencies and a decision will be made to issue the general permit approval as requested, issue the general permit approval with modification, or require the project to be evaluated as an individual permit to include a public notice. The applicant will be notified of our decision by letter.

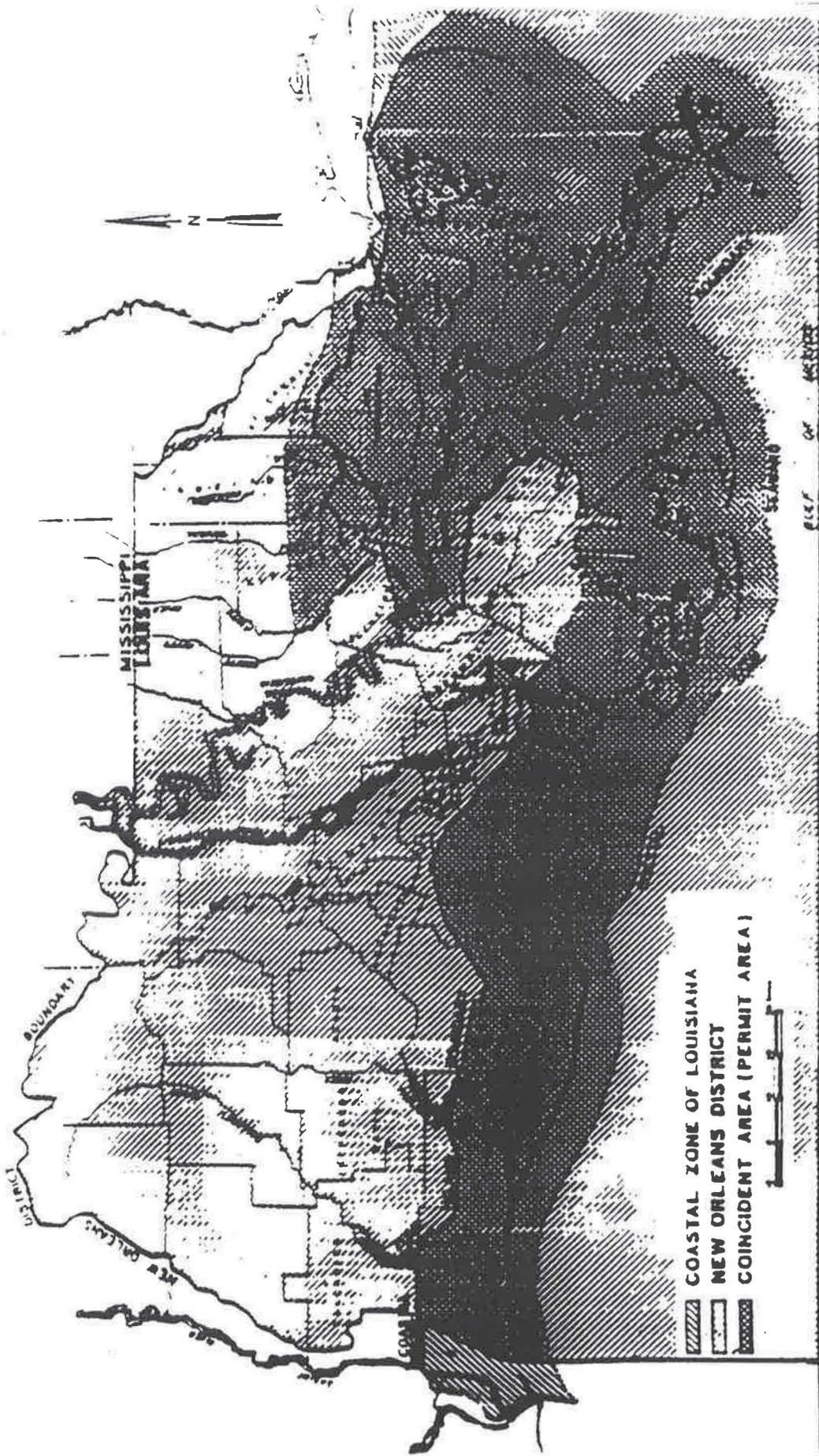
Approval of work under (General Permit)NOD-159 only indicates authorization from the New Orleans District, Corps of Engineers. It does not relieve the applicant from obtaining a coastal use permit or waiver (if required) signed by the Secretary of the Louisiana Department of Natural Resources or his designee, and/or a water quality certification from the Louisiana Department of Environmental Quality, or any other permits, licenses, or certifications required by law, prior to commencement of work.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:



Ronald J. Ventola
Chief, Regulatory Branch
for

Richard P. Wagenaar
Colonel, U.S. Army
District Commander



ENCL

DEPARTMENT OF THE ARMY PERMIT

Permittee:

Permit No.:

Issuing Office: New Orleans District

NOTE: ~~The term you and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.~~

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description:

Project Location:

Permit Conditions:

General Conditions:

~~The time limit for completing the work authorized ends on . . . you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.~~

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, ~~although you may make a good faith transfer to a third party in conformance with General Condition 4 below.~~ Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office or what you have found. We will initiate the federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

~~4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.~~

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

(X) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

~~() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).~~

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed federal project.

3. Limits of Federal Liability. In issuing this permit, the federal government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

~~5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.~~

~~Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.~~

PERMITTEE)

(DATE)

~~This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.~~

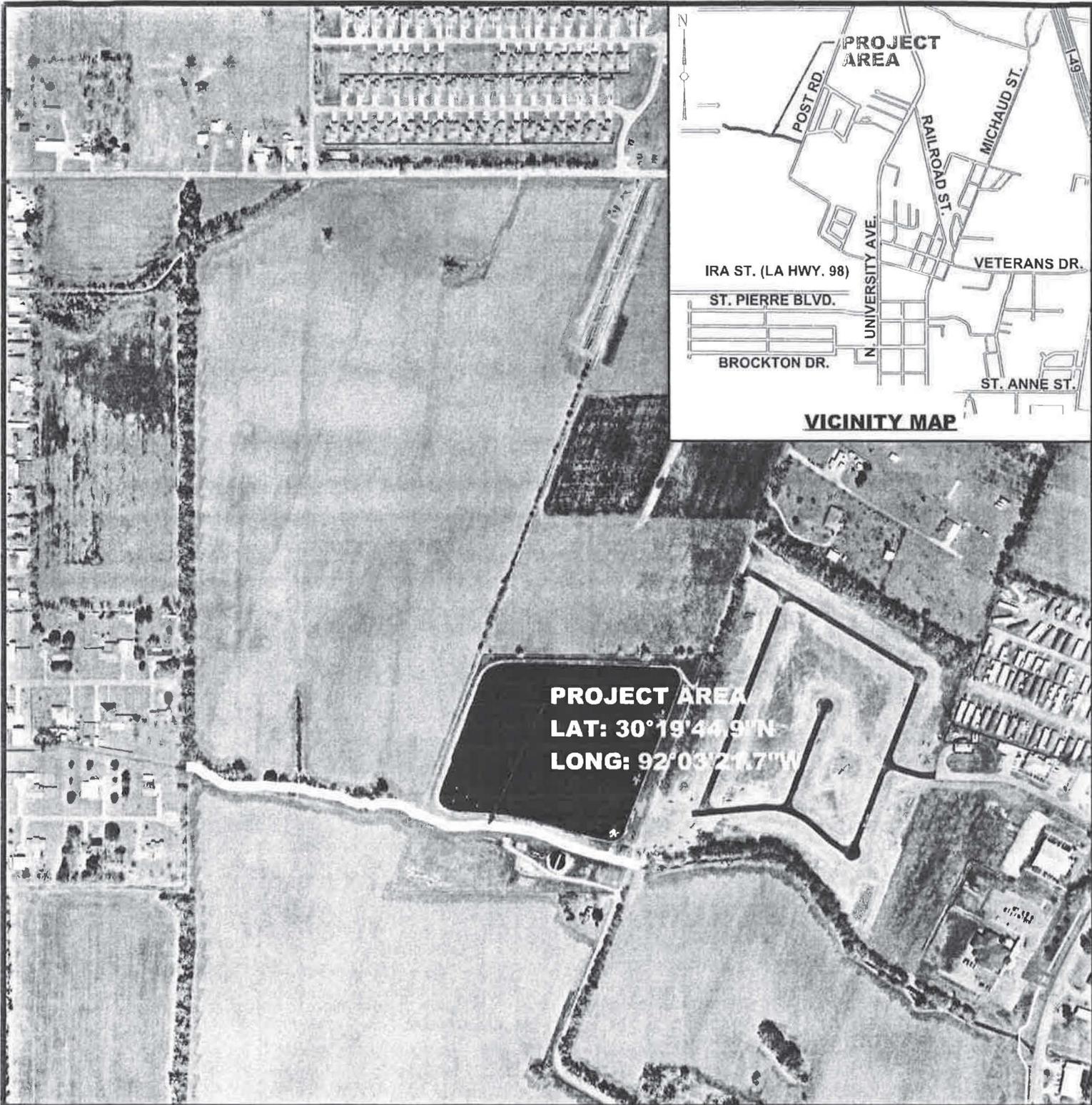
DISTRICT ENGINEER)

(DATE)

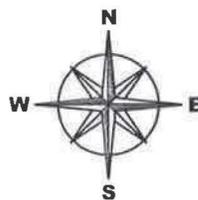
~~When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owners of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.~~

(TRANSFEREE)

(DATE)



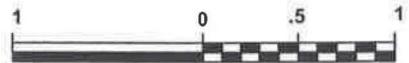
135 REGENCY SQUARE, LAFAYETTE, LA 70508
 PHONE: (337) 237-2200 FAX: (337) 232-3299



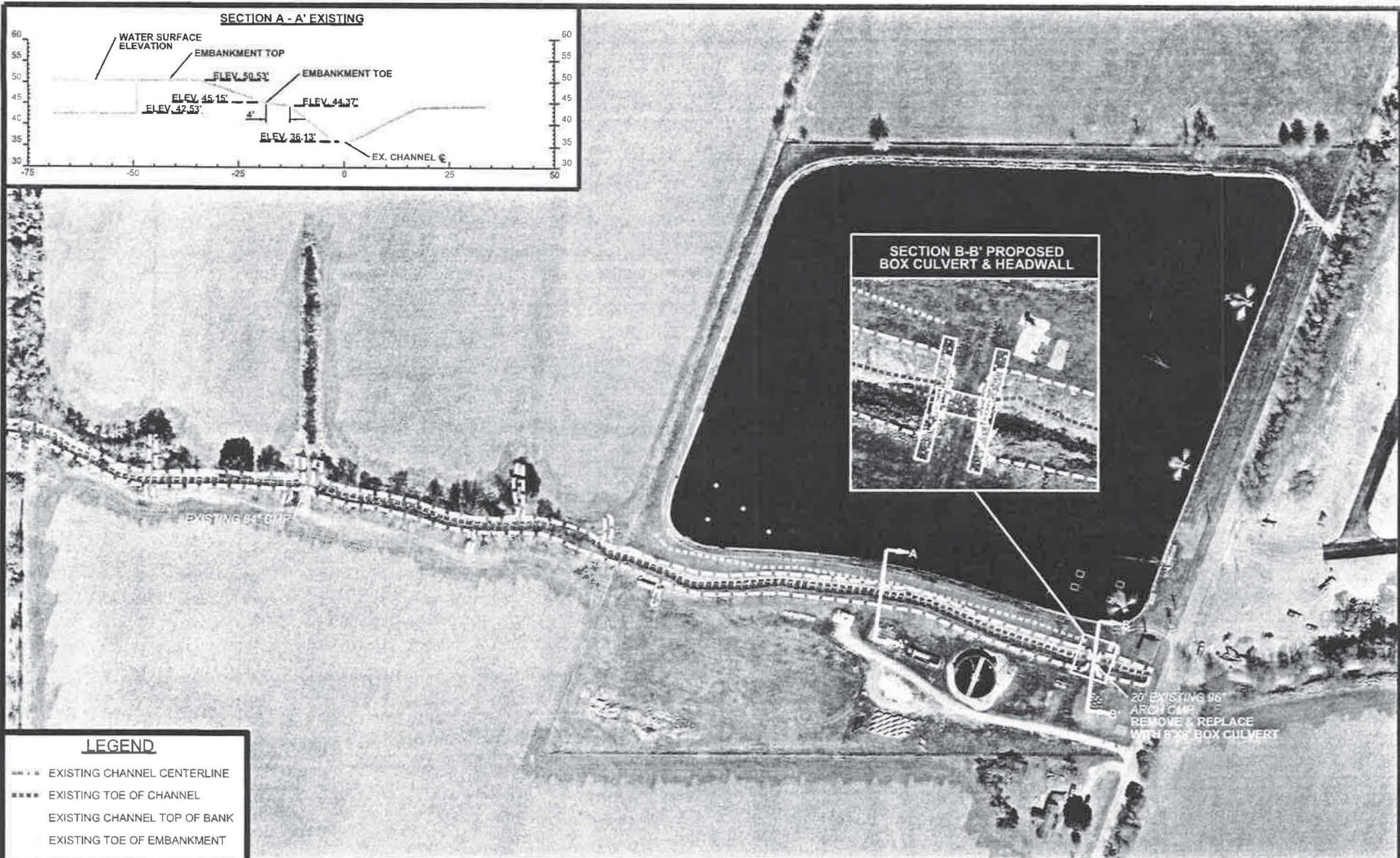
OCTOBER 2014

POST ROAD CHANNEL
 IMPROVEMENTS
Figure 1
Vicinity Map

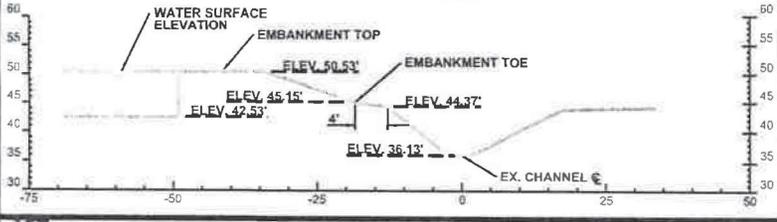
SECTION 27/28, T8S - R4E
 LAFAYETTE PARISH, LOUISIANA



SCALE: 1" = 500'



SECTION A - A' EXISTING

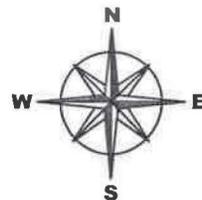


LEGEND

- EXISTING CHANNEL CENTERLINE
- EXISTING TOE OF CHANNEL
- EXISTING CHANNEL TOP OF BANK
- EXISTING TOE OF EMBANKMENT



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OCTOBER 2014

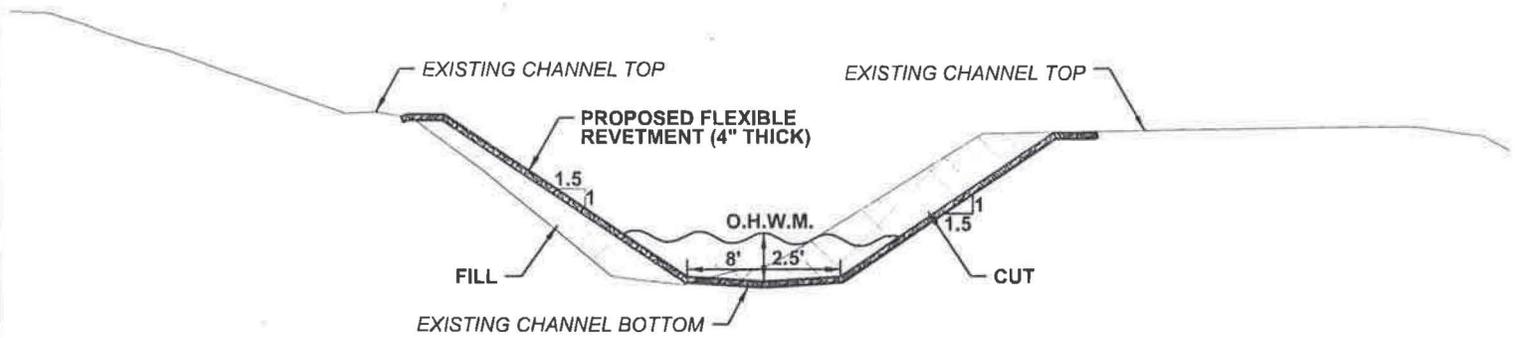
POST ROAD CHANNEL IMPROVEMENTS

**Figure 2
Plan View**

SECTION 27/28, T8S - R4E
 LAFAYETTE PARISH, LOUISIANA

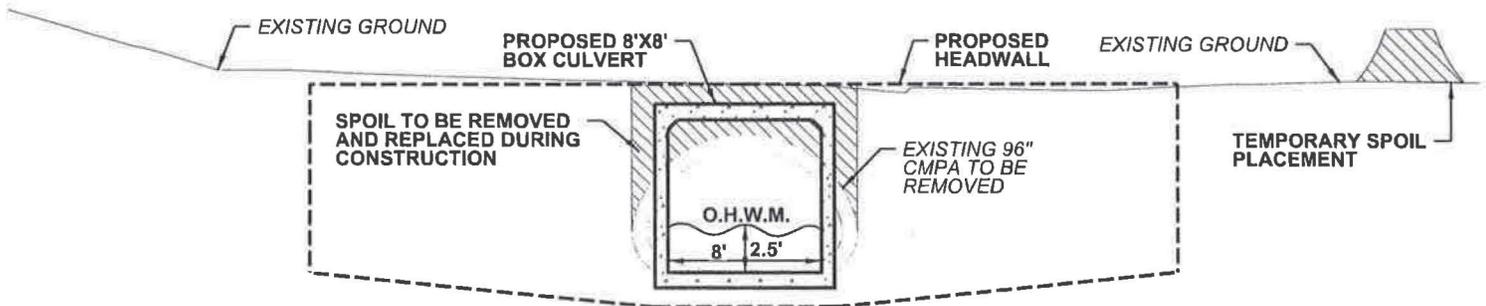


SCALE: 1" = 200'



**TRAPEZOIDAL WALL DETAIL
SECTION A-A'**

SCALE: N.T.S.



**TYPICAL CULVERT CROSSING
SECTION B-B'**

SCALE: N.T.S.

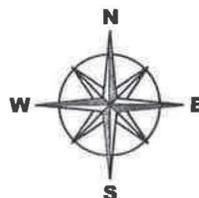
ALL QUANTITIES BASED ON ORDINARY
HIGH WATER MARK (O.H.W.M.)

PROPOSED CONCRETE
HEADWALL = 28 CU. YD.

PROPOSED FLEXIBLE
REVTMENT = 365 CU. YD.



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OCTOBER 2014

POST ROAD CHANNEL
IMPROVEMENTS
**Figure 3
Typical Section**

SECTION 27/28, T8S - R4E
LAFAYETTE PARISH, LOUISIANA