



DEPARTMENT OF THE ARMY

11-14-2000 RCVD

NEW ORLEANS DISTRICT CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

November 2, 2000

Operations Division
Surveillance and Enforcement Section

Mr. Michael Henry
Hydric Wetlands Consultants
906 CM Fagan Drive, Suite A-3
Hammond, Louisiana 70403

Dear Mr. Henry:

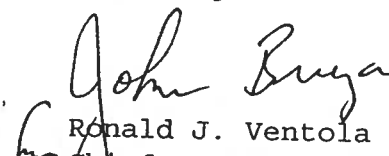
Reference is made to your request, submitted on behalf of Mr. Alvin Fairburn, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 30, Township 6 South, Range 4 East, Livingston Parish, Louisiana (enclosed map). Specifically, this property is identified as a 10-acre tract on and north of Highway 190 between Highway 449 and Highway 447.

A field inspection of the property was conducted on October 17, 2000. Based on the results of this investigation, we have determined that this property is not in a wetland subject to Corps' jurisdiction. A Department of the Army permit under Section 404 of the Clean Water Act will not be required for the deposition or redistribution of dredged or fill material on this site. However, jurisdictional wetlands have been identified in the immediate vicinity of this property. Any expansion will require a revised determination.

You 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.

Should you have any questions concerning these matters, please contact Mr. Michael R. Patrick at (504) 862-1280 and reference our Account No. 20-000-4130.

Sincerely,

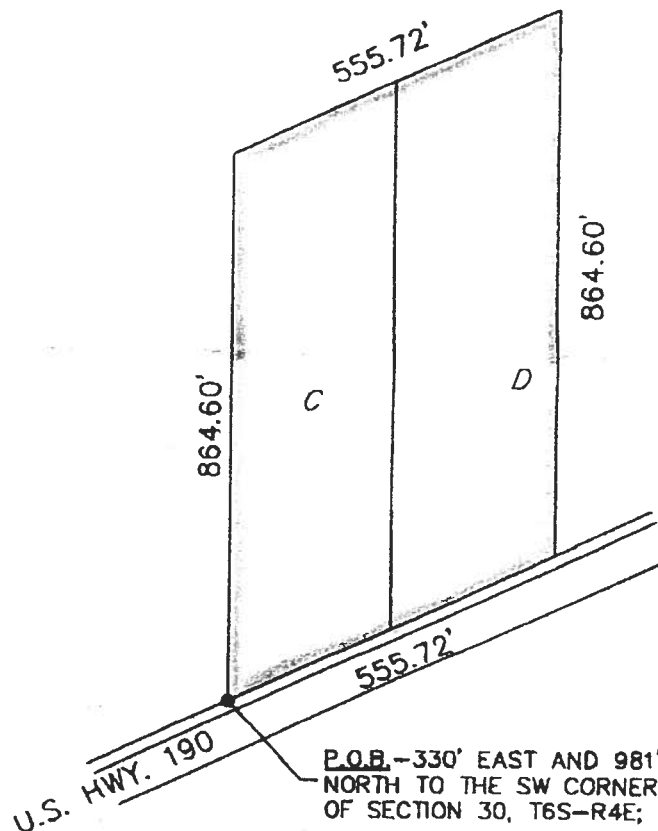

Ronald J. Ventola
Chief, Regulatory Branch

Enclosure

DESCRIPTION OF PROPERTY

10 ACRES

BEGIN AT A POINT 330' E AND 981' N TO THE SW CORNER OF SECTION 30, T6S-R4E, OF 20 ACRES, THENCE N 65°0'00" E TO POINT OF BEGIN, (P.O.B.), THENCE PROCEED N 0°10'00" E 864.6'; THENCE N 65°0'00" E 555.72'; THENCE S 0°10'00" W 864.6' TO THE R/W OF HWY. 190; THENCE ALONG SAID R/W S 65°0'00" W 555.72' TO THE P.O.B. CONTAINING 10 ACRES IN SECTION 30, T6S-R4E.



APPROVED

JURISDICTIONAL DETERMINATION

USACE Field Determination
 Draft Date 10-20-2000
 Michael R. Patrick OD-SS

FOR Michael Henry (consultant)
 (#20-000-4130)

☐ = NON-WETLAND

UGS-1515

SCALE: 1" = 300'
 JOB NO. 194714

WETLANDS DETERMINATION
 "HWY. 190"



ALVIN FAIRBURN & ASSOC., INC.

CONSULTING ENGINEERS

LAND SURVEYORS ~ DESIGNERS

1110 South Range Avenue, Denham Springs, LA

U.S. Army Corps of Engineers - New Orleans District
Regulatory Branch

Basis for Jurisdictional Determination

Applicant: Alvin Fairburn (agent)

File Number: 20-000-4130

Date: 10-17-2000

- ☐ A. Property referenced in the attached correspondence contains waters of the United States based on:
- ☐ The presence of wetlands determined by the occurrence of hydrophytic vegetation, hydric soils and wetland hydrology.¹ The wetlands are adjacent to navigable or interstate waters, or eventually drain or flow into navigable or interstate waters through a tributary system that may include man-made conveyances such as ditches or channelized streams.²
 - ☐ The presence of waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, i.e., navigable waters of the United States (in part). Includes all property below the ordinary high water mark of the navigable stream or channel.³
 - ☐ The presence of waters which are subject to the ebb and flow of the tide, including tidal wetlands, i.e., navigable waters of the United States (in part).^{1, 3}
 - ☐ The presence of one or more tributaries (stream channels, man-made conveyances, lakes, ponds, rivers, etc.) that eventually drain or flow into navigable or interstate waters. Includes property below the ordinary high water mark of the tributary.³
 - ☐ The presence of interstate waters.³
 - ☐ The presence of an impoundment(s) of waters of the United States.
 - ☐ The presence of territorial seas.
 - ☐ The site contains other waters such as intrastate lakes, rivers, streams, mudflats, sandflats, wetlands, sloughs, or natural ponds, the use degradation or destruction of which could affect interstate or foreign commerce.
 - ☐ The site could or is used by interstate or foreign travelers for recreation or other purposes.
 - ☐ The site has shellfish that could or is taken and sold in interstate or foreign commerce.
 - ☐ The site could or is used for industrial purposes by industries in interstate commerce.
 - ☐ The site contains habitat for migratory birds.
 - ☐ The site contains commercially valuable timber products.
 - ☐ The site contains sand, gravel, oil, gas, or other minerals of commerce.
 - ☐ Other _____
- ☒ B. Property referenced in the attached correspondence does not include or contain any of the waters of the United States described above.

¹ Wetlands are identified and delineated using the methods and criteria established in the Corps of Engineers Wetland Delineation Manual (87 Manual).

² Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, etc. are "adjacent wetlands".

³ The lateral limits of waters of the U.S. are/or have been determined by the high tide line, ordinary high water mark, and/or by the limit of adjacent wetlands.

Project Manager: Michael R. Patrick

NOV - 6 2000

Applicant: Alvin Fairburn (agent)

File Number: 20-000-4130

Date:

Attached is:

See Section below

	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	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.

(over)