



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

REPLY TO
ATTENTION OF

AUG 15 2012

Operations Division
Surveillance and Enforcement Section

Exhibit Y. Allstar Site Wetlands Determination Letter

Mr. Barry McCoy
G.E.C., Inc.
8282 Goodwood Blvd.
Baton Rouge, Louisiana 70806

Dear Mr. McCoy:

Reference is made to your request, on behalf of Mr. Jim Cavanaugh, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 92, Township 7 South, Range 12 East, West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as Tract RCR-1 on and north of Hwy. 76 (Court St.) west of Hwy. 1.


Based on review of recent maps, aerial photography, and soils data, 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 other waters subject to Corps' jurisdiction. Other waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

This delineation/determination has been conducted to identify the limits of the Corps' Clean Water Act jurisdiction for the particular site identified in your request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If the property owner or tenant is a USDA farm participant, or anticipates participation in USDA programs, a certified wetland determination should be requested from the local office of the Natural Resources Conservation Service prior to starting work.

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 Mr. Brian Oberlies at (504) 862-2275 and reference our Account No. MVN-2012-01867-SY. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-2577. 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,


for Pete J. Serio
Chief, Regulatory Branch

Enclosures

PRELIMINARY

JURISDICTIONAL DETERMINATION

USACE

BY: BTO
1H 7-27-2012
 FOR: MCCOY
 (#2012-01867-SF)

= NON-WETLAND
 = WATERS OF THE US / 404



PROPERTY 1
SEPTEMBER

WETLAND DETERMINATION
TRACT RCR-1 PORT ALLEN, LA

COMPLIANCE CONSULTANTS, INC.
Environmental Engineering



PRELIMINARY JURISDICTIONAL DETERMINATION FORM

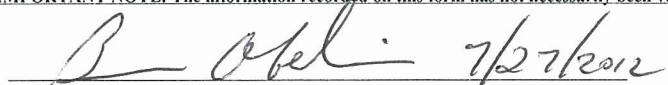
This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

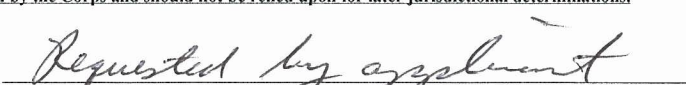
District Office	New Orleans District	File/ORM #	MVN-2012-01867-SY	PJD Date:	Jul 27, 2012
State	LA	City/County	West Baton Rouge	Name/ Address of Person Requesting PJD	Mr. Barry McCoy G.E.C., Inc. 8282 Goodwood Blvd. Baton Rouge, Louisiana 70806
Nearest Waterbody:	Broussard Bayou				
Location: TRS, LatLong or UTM:	Sec. 92, T7S, R12E				
Identify (Estimate) Amount of Waters in the Review Area:				Name of Any Water Bodies Tidal: _____ on the Site Identified as _____ Section 10 Waters: Non-Tidal: _____	
Non-Wetland Waters: _____ Stream Flow: _____ 5900 linear ft 3 width _____ acres Ephemeral					
Wetlands: _____ acre(s) Cowardin Class: N/A				<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: GEC, Inc.
- ☒ 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: Baton Rouge West, 1:24k
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS web soil survey
- ☐ 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): 98, 04, 05, 08, 10
 - ☐ Other (Name & Date): _____
- ☒ Previous determination(s). File no. and date of response letter: 2006-03906-SY 1/18/2006
- ☐ 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.


Signature and Date of Regulatory Project Manager
(REQUIRED)


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.