

**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): 9 Dec 2008**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRE-RG-A-G; VENHUIZEN – BULKHEAD AND BACKFILL; LRE-2008-01102-51**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: MI County/parish/borough: OTTAWA City: Holland

Center coordinates of site (lat/long in degree decimal format): Lat. 42.7715312086299° **N**,  
Long. -86.1937021352439° **W**.

Universal Transverse Mercator: X: Y:

Name of nearest waterbody: Lake Macatawa

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

Name of watershed or Hydrologic Unit Code (HUC): 4050002

- 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: 9 Dec 2008  
 Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

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

There **Are** “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:

Lake Macatawa has historically and is currently used for transport of goods used in interstate commerce. Detroit District maintains a listing of navigable waters as determined by prior studies. Project location is within this listing.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are** “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- TNWs, including territorial seas  
 Wetlands adjacent to TNWs  
 Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs  
 Non-RPWs that flow directly or indirectly into TNWs  
 Wetlands directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs  
 Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs  
 Impoundments of jurisdictional waters

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

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

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: Linear feet: 62 width (ft) and/or acres.  
Wetlands: acres.

**c. Limits (boundaries) of jurisdiction based on: Established by OHWM.**

Elevation of established OHWM (if known): 581.5 IGLD 1985.

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

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

**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: Lake Macatawa .

Summarize rationale supporting determination: Lake Macatawa has been used since pre-statehood times for passage and transport by hunters, fur trappers and traders pursuing interstate commercial trade. It is currently used by both in-state and out of state recreational boaters. Detroit District maintains a listing of waters as defined by 33 CFR part 329, and Lake Macatawa is on that listing.

**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 62 width (ft), Or, acres.  
 Wetlands adjacent to TNWs: 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: 4060105.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name:
- USDA Natural Resources Conservation Service Soil Survey. Citation
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):.
- FEMA/FIRM maps:

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

- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date):  
or  Other (Name & Date):
- Previous determination(s). File no. and date of response letter:.
- Applicable/supporting case law:.
- Applicable/supporting scientific literature:.
- Other information (please specify):.

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** In Lake Macatawa, the OHWM is the line on the shore coincident with the 581.5 feet (International Great Lakes Datum, 1985) elevation contour that represents the approximate location of the line on the shore established by fluctuations of water and indicated by physical characteristics such as a line impressed on the bank, shelving, destruction of terrestrial vegetation, presence of litter or debris, or changes in the character of soil