

**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.

**BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 10 March 2010**

**B. DISTRICT OFFICE: DETROIT DISTRICT**

**FILE NAME:**

**FILE NUMBER:**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** The proposed project is located in a navigable water located within the regulatory jurisdiction of the Detroit District Corps of Engineers. The Detroit District has previously determined the extent of navigable waters within their regulatory jurisdiction in the states of Michigan and Indiana. Posting of this jurisdictional determination establishes the Corps' jurisdiction over these navigable waters under Section 10 of the Rivers and Harbors Act of 1899. A list of these navigable waters is attached. The Detroit District has determined that a site/project specific jurisdictional determination involving these Section 10 navigable waters is not required.

**D. REVIEW PERFORMED FOR EVALUATION: Office (Desk) Determination. Date: 10 March 2010**

**SUMMARY OF FINDINGS**

**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: Per 33 CFR Part 329, the Detroit District maintains a list of navigable waters. Navigability determinations have been made for the waters on the list.

Identify TNW: .

Summarize rationale supporting determination:

**DATA SOURCES**

**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: Location map submitted with application.
- 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: Navigability studies filed at District Office.
- U.S. Geological Survey map(s). Cite scale & quad name:.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- FEMA/FIRM maps: .
- 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): 33 CFR Part 329, Definition of Navigable Waters of the United States

**NAVIGABLE WATERS OF THE UNITED STATES  
WITHIN THE REGULATORY JURISDICTION OF THE  
U.S. ARMY CORPS OF ENGINEERS  
DETROIT DISTRICT**

In administration of the laws enacted by Congress for the protection and preservation of the navigable waters of the United States, the Detroit District, under the authority of the Rivers and Harbors Act of 1899, currently exercises jurisdiction over the waterways listed below. Where applicable, we have listed the known or approximate upstream extent of our jurisdiction under the Rivers and Harbors Act.

With respect to an upper limit to navigability, a river will, at some point along its length, change from navigable to non-navigable. Very often that point will be at a major fall or rapids, or other place where there is a marked decrease in the navigable capacity of the river. The upper limit is therefore often the same point traditionally recognized as the head of navigation. Navigable waters of the United States that are lakes typically do not possess a head of navigation and are usually considered to be "navigable throughout." Examples of such "navigable throughout" waters in the Detroit District include the Great Lakes and their connecting channels.

On navigable waters of the United States that are non-tidal lakes and rivers, Federal regulatory jurisdiction extends laterally to the entire water surface and bed of a waterbody, which includes all the land and waters below or waterward of the ordinary high water mark (OHWM). Jurisdiction extends to the edge of all such waterbodies, even though portions of the waterbody may be extremely shallow, or obstructed by shoals, vegetation or other barriers. Marshlands and similar areas are thus considered navigable in law, but only so far as the area is subject to inundation by the ordinary high waters. In tributaries entering navigable lakes or the navigable reaches of rivers, the Corps of Engineers' jurisdiction extends into these tributaries to a point where such inundation by the ordinary high waters does or could otherwise occur. These tributary reaches are readily susceptible to improvements to enable navigation on the waterbody.

Michigan waters precede Indiana waters in this listing. The listing of Michigan waters starts in southwest Michigan with Lake Michigan and the Galien River, runs up Lake Michigan, and proceeds around the state in a clockwise manner, ending with the Ottawa River at the Michigan/Ohio border.

WATERBODY

JURISDICTIONAL CUT-OFF

MICHIGAN

Lake Michigan	Navigable throughout
Galien River	Red Arrow Highway
St. Joseph River	Dam at Berrien Springs, 24.7 miles above mouth
Paw Paw River	2 Miles above mouth
Black River (Van Buren County)	Former Michigan Central RR bridge at South Haven Approximately 2.5 miles above mouth 300 feet from junction of Main Br & in South Branch
Kalamazoo Lake	Navigable throughout
Kalamazoo River	Allegan Dam about 31.5 miles above confluence with Lake Michigan Miles about
Lake Macatawa	Navigable throughout
Black/Macatawa River	U.S. 31; T5N, R15W, Sec 21
Grand River	Fulton Street bridge in Grand Rapids
Spring Lake	Fruitport Rd/Bridge St (see Norris Ck) T9N, R16W, Sec 36
Mona Lake	Navigable throughout
Muskegon Lake	Navigable throughout

**WATERBODY****JURISDICTIONAL CUT-OFF**

<b>Muskegon River</b>	M-37 Highway Bridge, 39 ¼ miles above mouth
<b>White Lake</b>	Navigable throughout
<b>White River</b>	U.S. 31, 6.8 miles from confluence with L. Michigan (not Business Rt 31) T12N, R17W, Sec 22
<b>Pentwater Lake</b>	Navigable throughout
<b>Pentwater River</b>	U.S. 31; T16N, R17W, Sec 31
<b>Pere Marquette Lake</b>	Navigable throughout
<b>Pere Marquette River</b>	10 mi above mouth @ N-S road through Scottsville T18N, R16W, Sec 19
<b>Manistee Lake</b>	Navigable throughout
<b>Manistee River</b>	N-S Rd @ High Bridge 18 miles above mouth; T22N, R14W, Sec 33
<b>Portage Lake</b>	Navigable throughout
<b>Arcadia Lake</b>	Saint Pierre Road  T24N, R16W, Sec 14
<b>Betsie Lake And Betsie River</b>	M-22
<b>Lake Charlevoix/Pine River</b>	Navigable throughout
<b>Cedar River (Green Bay)</b>	Highway 35
<b>Menominee River</b>	just upstream of US 41
<b>Lake Superior</b>	Navigable throughout

**WATERBODY****JURISDICTIONAL CUT-OFF**

<b>Black River Harbor</b> (Gogebic County)	Harbor of Refuge; Sec 3/10 line, T49N, R46W
<b>Ontonagon River</b>	Milwaukee RR bridge; 0.76 mile above mouth; T52N, R40W, Sec 25
<b>Keweenaw Waterway</b>	Navigable throughout, including Portage Lake, Torch Lake and Torch Canal
<b>Sturgeon River</b> (Houghton/Baraga Countys)	Prickett Dam. 50 Miles above mouth T50N, R35W, Sec 15
<b>Traverse River</b>	Big Traverse Road bridge; 0.85 miles mouth (Harbor of Refuge)
<b>Lac La Belle</b>	Entire lake T57N & T58N, R29W, including canal to Lake Superior
<b>Little Lake</b> (Luce County)	Navigable throughout (Harbor of Refuge)
<b>Tahquamenon River</b>	Lower falls, approx. 16 miles above mouth; T49N, R7W, Sec 32
<b>Waiska River</b>	Duluth South Shore & Atlantic RR bridge; 0.75 mile above mouth
<b>St. Marys River</b>	Navigable throughout including Lake George, Munuscong Lake, and Lake Nicolet
<b>Charlotte River</b>	Scenice Drive bridge miles
<b>Lake Huron</b>	Navigable throughout
<b>Cheboygan River</b>	Navigable throughout
<b>Black River</b> (Cheboygan County)	Alverno Dam;

**WATERBODY****JURISDICTIONAL CUT-OFF**

	T37N, R1W, Sec 35
<b>Mullett Lake</b>	Navigable throughout
<b>Indian River</b>	Navigable throughout
<b>Burt Lake</b>	Navigable throughout
<b>Crooked River</b>	Navigable throughout
<b>Crooked Lake</b>	Navigable throughout
<b>Thunder Bay River</b>	9th Street Dam
<b>AuSable River</b>	Foote Dam; T24N, R8E, Sec 34/35
<b>AuGres River</b>	U.S. 23 bridge
<b>Pine River (Arenac County)</b>	M-25 bridge
<b>Kawkawlin River</b>	Michigan Central RR bridge, 4 miles above mouth
<b>Tittabawassee River</b>	Dow dam at Midland North of Brine Pond #6 T14N, R2E, Sec 21
<b>Saginaw River</b>	Navigable throughout
<b>Shiawassee River</b>	Junction with Bad River
<b>Pigeon River (Huron County)</b>	Upper village limits of Caseville
<b>Sebewaing River</b>	Pere Marquette RR bridge
<b>Pinnebog River</b>	½ mile above mouth
<b>St. Clair River</b>	Navigable throughout

**WATERBODY****JURISDICTIONAL CUT-OFF**

<b>Pine River</b> (St. Clair County)	Detroit Port Huron RR bridge, 3 miles above mouth
<b>Black River</b> (St. Clair County)	Beach Road, approximately 7 miles above mouth T7N, R17E, Sec 32
<b>Belle River</b>	~2800 feet above north limits of of Marine City
<b>Lake St. Clair</b>	Navigable throughout
<b>Clinton River</b>	Gratiot Avenue Hwy Bridge, Mt. Clemens
<b>Clinton River Cutoff</b>	Navigable throughout
<b>Detroit River</b>	Navigable throughout
<b>River Rouge</b>	Michigan Central RR/ Penn Central RR bridge near Melvindale near Schafer Road, upriver from Turning Basin
<b>Ecorse River</b>	RR & gas line 0.3 mile above mouth T3SE, R11E
<b>Huron River</b>	U.S. 24 bridge at Flat Rock
<b>Lake Erie</b>	Navigable throughout
<b>Raisin River</b>	Michigan Central RR bridge at Monroe 2.8 miles above mouth
<b>LaPlaisance Creek</b>	LaPlaisance Road Bridge
<b>Ottawa River</b>	Detroit & Toledo Shore Line Bridge

**WATERBODY**

**JURISDICTIONAL CUT-OFF**

**INDIANA**

**Iroquois River**

Navigable throughout

**Kankakee River**

Navigable throughout

**Maumee River**

Hosey Dam in Fort  
Wayne, IN