U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 4/15/2021
ORM Number: SWG-1996-02901
Associated JDs: N/A
Review Area Location[1]: State/Territory: Texas City: Corpus Christi County/Parish/Borough: Nueces
Center Coordinates of Review Area: Latitude 27.608601° North Longitude 97.226601° West

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A.	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3]				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Pond 1	0.66	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 2	0.17	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 3	0.22	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 4	0.32	acre(s)	(b)(8) Artificial lake/pond constructed or	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be

[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 5	0.11	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 6	0.47	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 7	0.92	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			water that meets (c)(6).	
Pond 8	0.34	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 9	2.47	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 10	0.31	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 11	0.06	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
Pond 12	0.59	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 13	0.31	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 14	5.46	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 15	2.72	acre(s)	(b)(8) Artificial lake/pond constructed or	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 16	0.48	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 17	0.22	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Pond 18	0.13	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			water that meets (c)(6).	
Pond 19	2.58	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	It is an excavated pond that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Ditch 1	1,979	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch excavated from uplands and not abutting or draining into a jurisdictional water. This ditch does not qualify as a tributary or conveyance of a tributary in a typical year.
Ditch 2	966	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch excavated from uplands and not abutting or draining into a jurisdictional water. This ditch does not qualify as a tributary or conveyance of a tributary in a typical year.
Ditch 3	610	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch excavated from uplands and not abutting or draining into a jurisdictional water. This ditch does not qualify as a tributary or conveyance of a tributary in a typical year.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Canal 1	6.76	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Canal excavated "in the dry," and not connected to existing canals outside the review area.
Wet 1	0.22	acre(s)	(b)(1) Non-adjacent wetland.	It is a wetland that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wet 2	0.01	acre(s)	(b)(1) Non-adjacent wetland.	It is a wetland that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wet 3	0.13	acre(s)	(b)(1) Non-adjacent wetland.	It is a wetland that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wet 4	0.34	acre(s)	(b)(1) Non-adjacent wetland.	It is a wetland that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a "typical year". It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: Review Area Map, prepared by LJA Environmental Services, LLC, dated 10 DEC 2020

This information is and is not sufficient for purposes of this AJD.

Rationale: No updated information regarding delineation of aquatic features was provided with the Review Area map.

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial: 30 SEP 2020, 31 JAN 2020, 29 AUG 2017, 22 FEB 2017, 22 NOV 2014, 26 JAN 2012; source: ESRI World Services and Google Earth

☒ Corps site visit(s) conducted on: 15 MAR 2021

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWG-1996-02901; AJD for this parcel dated 14 October 2011. The previous AJD determined that there were 23 ponds on the property, of which two were determined jurisdictional under the previous Rapanos guidance, with the remainder determined NOT to be waters of the United States pursuant to 33 CFR 328.8.

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: 8 JAN 2021

☒ USFWS NWI maps: NWI for Crane Islands SW, Texas Quad

☒ USGS topographic maps: 1:24,000 Crane Islands SW, Texas (2019)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	US Geological Survey National Map LIDAR data flown 2018. Elevation in Meters (NAVD88). LiDAR elevation readings in the review area are shown to be within 5 centimeters of elevation difference from the National Geodetic Survey's AH1205 Benchmark, located within the review area boundary.
USDA Sources	N/A.
NOAA Sources	NOAA Packery Channel Tidal Gauge (8775792), ref. 25 March 2021 for maximum monthly tidal readings from 2012 to 2020 (extent of available data). Elevation in meters (NAVD88), approximately 0.65 mile east of the review area.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A
Other Sources	N/A.

B. Typical year assessment(s): Per NOAA's closest tidal gauge at Packery Channel (an inlet to Corpus Christi Bay), the Mean Monthly Maximum Tide (October receiving the highest reading) measured at NOAA's Packery Channel Tidal Gauge (8775792) between 2012 and 2020 (range of available data), is 0.777 meter (2.55 feet) NAVD88, approximately 0.50 foot lower than the lowest portion of the delineated waters in the review area; and therefore, not a source for inundation in a typical year. Per the available LiDAR data, the lowest portion of the 229.87-acre review area within a wetland sits at an elevation of 0.93 meter (3.05 feet) NAVD88, which is higher than the Mean Monthly Maximum Tide (October receiving the highest reading) measured at NOAA's Packery Channel Tidal Gauge (8775792) between 2012 and 2020 (range of available data), at 0.777 meter (2.55 feet) NAVD88, approximately 0.50 foot lower than the lowest portion of the delineated waters in the review area; and therefore, not a source for inundation in a typical year. The source of hydrology for these wetlands appears to be precipitation runoff from the surrounding area and/or from percolated groundwater associated with a high water table.

The 0.713 acre of palustrine wetlands, 21.26 acres of excavated pond, 6.76 acres of canal excavated "in the dry" (and remaining disconnected from ebb and flow of the tide), and 3,555 linear feet of drainage ditch do not abut the GOM or Laguna Madre and do not get inundated by

GOM or Laguna Madre, an (a)(1) through (a)(3) water. Residential development acts as an artificial barrier; however, the the delineated waters' recorded elevations would prevent inundation from the GOM or Laguna Madre's annual high tides in a typical year regardless of the development's presence. Therefore, the 0.713 acre of palustrine wetlands, 21.26 acres of excavated pond, 6.76 acres of canal excavated "in the dry" (and remaining disconnected from ebb and flow of the tide), and 3,555 linear feet of drainage ditch are non-adjacent waters, are not waters identified in (a)(1) - (a)(4), are not waters of the United States and are not subject to Section 404 of the Clean Water Act.

C. Additional comments to support AJD: N/A

SWG-1996-02901 Review Area (229.87 Acres)

ID	Lat	Long	ID	Lat	Long	ID	Lat	Long
Pond 1	27.6168003	-97.2288971	Pond 10	27.6033993	-97.2286987	Pond 17	27.6095009	-97.2251968
Pond 2	27.6170006	-97.2241974	Pond 11	27.6047993	-97.2264023	Pond 18	27.6098003	-97.225502
Pond 3	27.6151009	-97.2287979	Pond 12	27.6051998	-97.2270966	Pond 19	27.6124001	-97.2256012
Pond 4	27.6142006	-97.2284012	Pond 13	27.6051006	-97.2258987	Ditch 2	27.6159992	-97.2298965
Pond 5	27.6145992	-97.2274017	Pond 14	27.6086006	-97.2266006	Wet 1	27.6116009	-97.2232971
Pond 6	27.6147003	-97.2266006	Pond 15	27.6058006	-97.228302	Wet 2	27.6110001	-97.2232971
Pond 7	27.6128006	-97.2266006	Ditch 1	27.6049004	-97.2294006	Wet 3	27.6026993	-97.2274017
Pond 8	27.6114998	-97.2284012	Canal 1	27.6082001	-97.2247009	Ditch 3	27.6058998	-97.2266006
Pond 9	27.6091995	-97.2293015	Pond 16	27.6110001	-97.2247009	Wet 4	27.6172009	-97.2279968

N

0 500 1,000 1,500 2,000 2,500 Feet