



**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): 2/25/2021

ORM Number: SWG-2005-00924

Associated JDs: SWG-2005-00924 (D-17427), issued 9 May 2007

Review Area Location<sup>1</sup>: State/Territory: Texas City: Corpus Christi County/Parish/Borough: Nueces

Center Coordinates of Review Area: Latitude 27.720138° North Longitude 97.144588° 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)<sup>2</sup>**

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

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.



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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
WP6008_PEM	0.45	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.
WP6006_PEM	0.06	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.
WP6009_PEM	0.23	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.
WP6007_PEM	540	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).	WP6007_PEM is a roadside ditch constructed or excavated in uplands to convey stormwater runoff. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary.

**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: [Wetland Delineation Report: “Tract 001 and Tract 002 Property, State Highway 361, Corpus Christi, Nueces County, Texas,” prepared by Perennial Environmental Services, LLC, submitted 26 October 2020](#)

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

Rationale: [Information provided was verified by site visit 8 FEB 2021](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

<sup>4</sup> 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.

<sup>5</sup> 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.



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- ☒ Photographs: Aerial: 31 JAN 2020, 29 AUG 2017, 22 FEB 2017, 22 NOV 2014, 26 JAN 2012; source: Google Earth
- ☒ Corps site visit(s) conducted on: 8 FEB 2021
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWG-2005-00924 (D-17427) dated 9 May 2007
- ☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: 30 OCT 2020
- ☒ USFWS NWI maps: NWI for Crane Island NW, Texas Quad
- ☒ USGS topographic maps: Crane Islands NW, Texas

**Other data sources used to aid in this determination:**

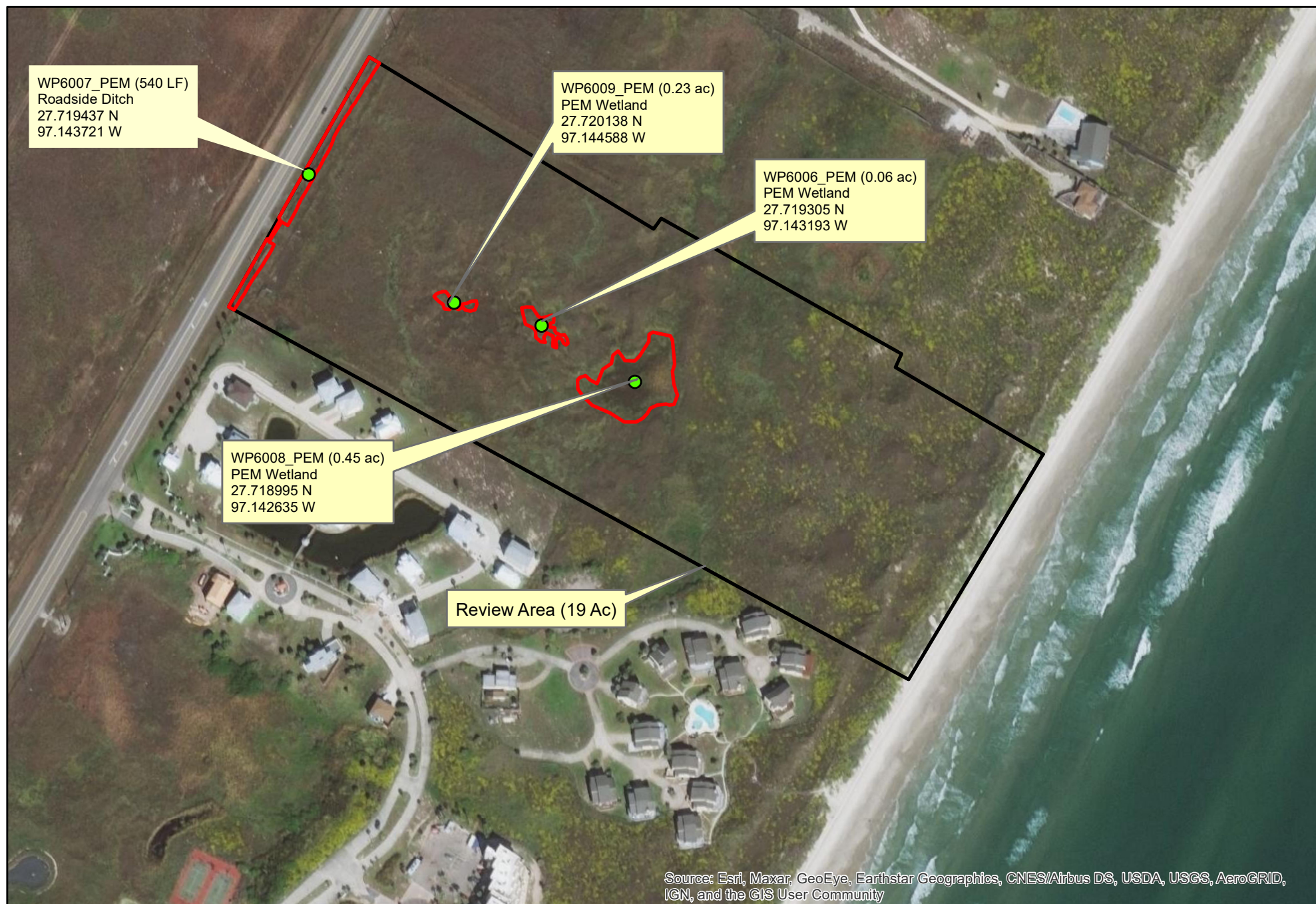
Data Source (select)	Name and/or date and other relevant information
USGS Sources	US Geological Survey National Map LiDAR data flown 2018. Elevation in Meters (NAVD88). LiDAR elevation readings in the review area are shown to be within 4 centimeters of elevation difference from the National Geodetic Survey's PIPER RESET Benchmark, approximately 400 feet northeast of the review area.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Texas Coastal Ocean Observation Network (TCOON) Packery Channel Tidal Gauge, ref. 4 NOV 2020. Elevation in Meters (NAVD88)
Other Sources	N/A.

**B. Typical year assessment(s):** Per the TCOON's closest tidal gauge at Packery Channel (an inlet to Corpus Christi Bay), the Mean High Water for Packery Channel is 0.242 meter (0.79 foot) NAVD88, approximately 3.54 feet lower than the lowest portion of the wetlands; and therefore, Corpus Christi Bay is not a source for inundation in a typical year.

**C. Additional comments to support AJD:** Per the available LiDAR data, the lowest portion of the 19-acre review area sits at an elevation of 1.21 meters (3.96 feet) NAVD88, which is higher than the Mean High Water (Ordinary High Water Mark) measured at the Packery Channel tidal gauge, at 0.242 meter (0.79 feet) NAVD88. Per the TCOON's closest tidal gauge at Packery Channel, the Mean High Water for this portion of Corpus Christi Bay is 0.242 meter (0.79 foot) NAVD88, approximately 3.17 feet lower than the lowest portion of the wetlands; 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. Based on new information and regulations, this information supersedes the prior determination issued under Rapanos on 9 May 2007.



# SWG-2005-00924 Approx. 19-acre Review Area Aerial Photo Flown 2018



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