

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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): February 5, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alpha Infrastructure, SWG-2017-00201

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Cameron City: Port Isabel

Center coordinates of site (lat/long in degree decimal format): Lat. 26.06501°, Long. -97.21169°

Universal Transverse Mercator: NAD 83, Zone 14 (Meters): Northing 2884110; Easting 678889

Name of nearest waterbody: Gulf Intracoastal Waterway/Port Isabel Channel

Name of watershed or Hydrologic Unit Code (HUC): 12110208, South Laguna Madre

- Check if map/diagram of review area is 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: December 19, 2017

Field Determination. Date(s): January 10, 2018

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: 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: Alpha Infrastructure, Received March 27, 2017
- 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:
- U.S. Geological Survey Hydrologic Atlas: National Hydrologic Dataset, reviewed December 19, 2017
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 PORT ISABEL, Texas
- USDA Natural Resources Conservation Service Soil Survey. Citation: Twinpalms occasionally flooded-Yarborough frequently flooded complex, 0 to 3 percent slopes. Hydric rating of 45.
- National wetlands inventory map(s). Cite name: NWI eMapper, referenced December 19, 2017
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) Community and Panel Number: Cameron County, Texas 4801010300E, dated March 9, 1999: Zone B.
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): National Aerial Imagery Program, flown May 15, 2014; Google Earth Aerial Images (1995, 2005, 2006, 2008, 2012, 2013, 2014, 2016)
- or Other (Name & Date): Photos provided by Alpha Infrastructure, dated March 27, 2017
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: A desktop review was conducted on December 19, 2017 to gather preliminary information that would assist during the delineation. Multiple exhibits were reviewed including, but not limited to, historical aerials, FEMA FIRM maps, Web Soil Survey maps and reports. Port Road, Industrial Drive, and South Point Road are completely within dry land. Additionally, a site visit was

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

performed on January 10, 2018 to review the shrimp hatchery site. All of the 13.93-acre former shrimp hatchery site was found to be within uplands; hence, the site not subject to Section 10 of the Rivers and Harbors Act of 1899 or Section 404 of the Clean Water Act. We have determined from the resources available to us that the project area does not contain Waters of the U.S., defined under 33CFR Part 328.3(a: 1-7) and/or will not directly affect any waters of the U.S. with dredged or fill material.