



**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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): July 23, 2019**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Galveston District, SWG-2017-00340**

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

State: Texas County/parish/borough: Brooks City: Encino  
 Center coordinates of site (lat/long in degree decimal format): Lat. 26.888465°N, Long. 98.232107°W  
 Universal Transverse Mercator: 14 R 2974312.95 m N 576263.03 m E  
 Name of nearest waterbody: Vargas Creek  
 Name of watershed or Hydrologic Unit Code (HUC): 12110207 Central 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: 23 July 2019
- Field Determination. Date(s):

**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: Maps submitted by Terracon Consulting on behalf of Cypress Creek Renewables, LLC in their Preliminary Waters of the U.S. Delineation report.
- 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: 12110207 Central Laguna Madre
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Encino, TX (2012)
- USDA Natural Resources Conservation Service Soil Survey. Citation: Hydric Rating by Map Unit-Brooks County, TX; NRCS Web Soil Survey (accessed on 05/23/2019)
- National wetlands inventory map(s). Cite name: As provided by Terracon and confirmed with the NWI Mapper (accessed on 5/23/2019)
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: Panel 48047C0500C (effective 10/6/2010); review area outside of 100 year floodplain
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Aerials provided by Terracon (2018)
- or  Other (Name & Date): Photographs provided by Terracon during their site visit.
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

<sup>1</sup> 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.

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** The 2012 USGS topographic map does not show mapped aquatic features within the review area. The entire review area is mapped as Delmita fine sandy loam, which has a hydric rating of 0 percent. Review of the NWI map does not indicate any aquatic resource mapped within the review area boundary. Desktop review confirms that no aquatic features occur within the review area boundary. The FEMA floodplain map indicate that the review area occurs outside of the 100-year floodplain. No depressions, changes in vegetative cover or color, or other indicators of potential aquatic features were observed in the aerial imagery review. Based on a review of the information provided by the applicant's consultant, and data collected during the desktop review, we have determined that there are no aquatic resources or potential aquatic resources in the approximately 35-acre review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, or delineation of the ebb and flow of the tides. There are no features that exhibit lateral limits of jurisdiction (e.g. OHWM) or wetland characteristics. Therefore, we determined the review area consists entirely of dry land.