



**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): 6/10/2021

ORM Number: SWG-2021-00072

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Corpus Christi County/Parish/Borough: Nueces

Center Coordinates of Review Area: Latitude 27.619277° North Longitude 97.226104° 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.

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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.25	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: [Location map of parcel prepared by the City of Corpus Christi, received 19 January 2021](#)

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

Rationale: [No information provided regarding potential aquatic features.](#)

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

☒ Photographs: [Aerial: 31 JAN 2020, 29 AUG 2017, 22 FEB 2017, 15 OCT 2016, 22 NOV 2014; Street View photograph dated APR 2019. source: Google Earth](#)

☐ Corps site visit(s) conducted on: [Date\(s\).](#)

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [28 JAN 2021](#)

☒ USFWS NWI maps: [Crane Islands SW, Texas NWI; referenced 28 JAN 2021](#)

☒ USGS topographic maps: [1:24000 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 400 feet south of 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 0.7 mile east of the review area.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A
Other Sources	N/A.

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.



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- B. Typical year assessment(s):** Per the TCOON's closest tidal gauge at Packery Channel, the Mean High High Water (defined as the average of the higher high water height of each tidal day observed over the most recent recorded National Tidal Datum Epoch from 1983 to 2001) for Packery Channel is 0.241 meter (0.79 foot) NAVD88, approximately 3.47 feet lower than the lowest portion of the review area; and therefore, 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 1.35-acre review area sits at an elevation of 1.30 meters (4.26 feet) NAVD88, which is higher than the Highest Astronomical Tide measured at the Packery Channel tidal gauge, at 0.37 meter (1.21 feet) NAVD88. Residences located to the east of the review area act as an artificial barrier between the wetland and an residential canal (an extension of the Gulf of Mexico (GOM) and Laguna Madre), approximately 325 feet east of the review area. The site acts as a sump for precipitation that falls on the surrounding area and flows into the wetland contained in the review area.

The wetland associated with the review area does not abut the GOM or Laguna Madre, is not inundated by the GOM or Laguna Madre in a typical year, and is not separated from an (a)(1) though (1)(3) water by a single natural berm or dune. The wetland's recorded elevation would inhibit inundation from the GOM or Laguna Madre's annual high tides in a typical year. Therefore, the wetland in the review area is a non-adjacent wetland, is not a water identified in (a)(1) – (a)(4), is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

SWG-2021-00072, City of Corpus Christi
1.35-acre Review Area
14202 Commodore, Corpus Christi, Nueces Co., Texas

Review Area (1.35 ac)

Wetland A (0.25 ac)
27.619277 N
97.226104 W

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



0 100 200 300 400 Feet