

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): June 21, 2023

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Galveston, SWG-2023-00274, New Leaf Energy, Inc. 16.5-acre Review Area

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County: Willacy City: Raymondville
Center coordinates of site (lat/long in degree decimal format): Lat. 26.438407 °N, Long. 97.782891 °W
Universal Transverse Mercator: 14 R 621348 E, 2924788 N (NAD 83)
Name of nearest waterbody: Colorado Cutoff, Arroyo
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: May 19, 2023
☐ 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: (received May 12, 2023 from ESE Partners, LLC)
☒ 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:
☒ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s) w/ scale and quad: 1:9,028 Raymondville, TX 1970 (received May 12, 2023 from ESE Partners, LLC)
☒ USDA Natural Resources Conservation Service Custom Soil Resource Report & Hydric Rating Map (received May 12, 2023 from ESE Partners, LLC)
☒ National wetlands inventory map: USFWS NWI (received May 12, 2023 from ESE Partners, LLC)
☐ State/Local wetland inventory map(s):
☒ FEMA/FIRM map: #48489C0210E, Effective April 5, 2017 (received May 12, 2023 from ESE Partners, LLC)
☐ 100-year Floodplain Elevation is:
☒ Photographs: ☒ Aerial (Name & Date): 1996, 2004, 2010, and 2020 (received May 12, 2023 from ESE Partners, LLC)
☐ or ☒ Other (Name & Date): Site Photos Nov 2, 2023 (received May 12, 2023 from ESE Partners, LLC)
☐ Previous determination(s). File no. and date of response letter:
☐ Applicable/supporting case law:
☐ Applicable/supporting scientific literature:
☒ Other information (please specify): LiDAR map dated: Dec 1, 2022 (received May 12, 2023 from ESE Partners, LLC)

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Current aerial imagery, historic aerial imagery, and topographic maps do not show any indication of aquatic resources in the review area. Review area consists of a recently tilled field with surrounded by similar agricultural fields.

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.