Regulatory Program

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in the Approved Jurisdictional Determination Form User Manual.

SECTION I: BACKGROUND INFORMATION

A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 16 September 2015

B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ): SWG-2015-00631 Harbor Oaks POA Boat Ramp

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Aransas City: Rockport

Center coordinates of site (lat/long in degree decimal format): Lat.28.051906 N, Long.-97.034597 W

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are: ☒ attached ☐ in report/map titled 15-631 Harbor Oaks POA Boat Ramp.

☐ Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

D. REVIEW PERFORMED FOR SITE EVALUATION:

☒ Office (Desk) Determination Only. Date: 16 September 2015.

☐ Office (Desk) and Field Determination. Office/Desk Date(s): Field Date(s): .

SECTION II: DATA SOURCES

Check all that were used to aid in the determination and attach data/maps to this JD form and/or references/citations in the administrative record, as appropriate.

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: Project map submitted by Harbor Oaks POA drafted by Coastal Harbor Engineering dated 20 November 2014

☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

- ☐ Office concurs with data sheets/delineation report.. Title/Date: .
- ☐ Office does not concur with data sheets/delineation report. Summarize rationale and include information on revised data sheets/delineation report that this JD form has relied upon: . Revised Title/Date: .

☐ Data sheets prepared by the Corps. Title/Date: .

☐ Corps navigable waters study. Title/Date: .

☐ CorpsMap ORM map layers. Title/Date: .

☐ USGS Hydrologic Atlas. Title/Date: .

☐ USGS, NHD, or WBD data/maps. Title/Date: .

☒ USGS 8, 10 and/or 12 digit HUC maps. HUC number: 12100405 (Aransas Bay)

☒ USGS maps. Scale & quad name and date: 1:24,000 scale; Rockport, TX

☐ USDA NRCS Soil Survey. Citation: .

☒ USFWS National Wetlands Inventory maps. Citation: USFWS NWI Web Mapper

☐ State/Local wetland inventory maps. Citation: .

☒ FEMA/FIRM maps. Citation: 485504 0001 D dated 4 March 1985

☒ Photographs: ☒ Aerial. Citation: Google Earth Aerial dated 22 November 2014 or ☐ Other. Citation: .

☐ LiDAR data/maps. Citation: .

☐ Previous determinations. File no. and date of jurisdictional determination letter: .

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

SECTION III: SUMMARY OF FINDINGS

Complete Spreadsheet Tab "Aquatic Resources" – Required for All AJDs

A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:

☒ "*navigable waters of the U.S.*" within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

- **List water(s) and area/length within review area – Required: Canoe Lake (surface water continuum of Aransas Bay); 0.01-ares**

NOTE: If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "*waters of the U.S.*" within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. **Check all that apply.**

☒ (a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters or TNW).

- **Complete Spreadsheet Tab "(a)(1)" - Required**

☐ This JD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

☐ (a)(2): All interstate waters, including interstate wetlands.

- **Complete Spreadsheet Tab "(a)(2)" - Required**

☐ (a)(3): The territorial seas.

- **Complete Spreadsheet Tab "(a)(3)" - Required**

☐ (a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(4)" - Required**

☐ (a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(5)" - Required**

☐ (a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

- **Complete Spreadsheet Tab "(a)(6)" - Required**

☐ Bordering/Contiguous.

Neighboring:

☐ (c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

☐ (c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

☐ (c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

☐ (a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(7)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

☐ (a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "(a)(8)" for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

C. NON-WATERS OF THE U.S. FINDINGS:

Check all that apply.

☐ The review area is comprised entirely of dry land.
☐ Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "NonWaters-No SigNex". Attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

☐ Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

- **Complete Spreadsheet Tab "NonWaters-No SigNex". Attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. – Required**

☐ Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus analysis.

☐ Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):

- **Complete Spreadsheet Tab "NonWaters-Excluded" - Required**

☐ (b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.
☐ (b)(2): Prior converted cropland.
☐ (b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.
☐ (b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.
☐ (b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).
☐ (b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.
☐ (b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.
☐ (b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.[1]
☐ (b)(4)(iv): Small ornamental waters created in dry land.[1]
☐ (b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.
☐ (b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.[1]
☐ (b)(4)(vii): Puddles.[1]
☐ (b)(5): Groundwater, including groundwater drained through subsurface drainage systems.[1]
☐ (b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.[1]
☐ (b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

☐ Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

- **Complete Spreadsheet Tab "NonWaters-Other" - Required**

D. ADDITIONAL COMMENTS TO SUPPORT JD: Canoe Lake is a surface water continuum of Aransas Bay, a TNW subject to jurisdiction pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Canoe Lake is subject to the daily ebb and flow of the tide. It has been, is currently, and is susceptible for use to transport interstate and/or foreign commerce. Canoe Lake is also a TNW water defined in 33 CFR 328.3a(1) and is subject to jurisdiction pursuant to Section 10 and Section 404 of the Clean Water Act.

[1] In many cases these excluded features will not be specifically identified on the approved JD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.

(a)(1) Waters of the U.S.

WATERS OF THE U.S.			
(a)(1) Waters Name	**OHWM or HTL Present?**	**(a)(1) Criteria**	**Rationale to Support (a)(1) Designation**
15-631 Harbor Oaks POA Boat Ramp	HTL	The waterbody is subject to Section 9 or 10 of the Rivers and Harbors Act	Canoe Lake is a surface water continuum of Aransas Bay; it is subject to the daily ebb and flow of the tide, and has been, is currently, and is susceptible for use to transport interstate and/or foreign commerce.

15-631 Harbor Oaks POA Boat Ramp
Approved JD Map
Nationwide Permit 3

0 12.5 25 50 Feet

Legend

15-631 Harbor Oaks POA Boat Ramp

Map Created on: 16 September 2015
Map Created by: RNJ
Imagery Source: ESRI Microsoft