

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): March 27, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Galveston District, SWG-2017-00692, WT Guerra Property, Review Areas 01-WTG, 04-WTG, 05-WTG, 06-WTG, 07-WTG 08-WTG, 09-WTG, 10-WTG, 11-WTG, 12-WTG, 13-WTG, 14-WTG, and 15-WTG

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Starr County City: Lopeno
Center coordinates of site (lat/long in degree decimal format): Lat. See table in Section III, B °, Long. See table below in Section III, B °
Universal Transverse Mercator: See table in Section III, B
Name of nearest waterbody: Retamoso Creek and Falcon Reservoir
Name of watershed or Hydrologic Unit Code (HUC): 13080003; International Falcon Reservoir watershed

- 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: January 30, 2018
 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: Submitted by Energy Renewal Partners on 4 Dec 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:
 USGS NHD data.
 USGS 8 and 12 digit HUC maps.
 U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000; Lopeno, TX
 USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey
 National wetlands inventory map(s). Cite name: USFWS NWI Web Mapper
 State/Local wetland inventory map(s):
 FEMA/FIRM maps:
 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
 Photographs: Aerial (Name & Date): Google Earth Aerial Imagery Dated 20 Jan 2017
 or Other (Name & Date): Photographs taken by ERP
 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: There are no aquatic features or potential aquatic resources in the thirteen review areas that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. There are no features that have lateral limits of jurisdiction (e.g. OHWM). 01-WTG, 04-WTG, 05-WTG, 06-WTG, 07-WTG, 08-WTG, 09-WTG, 10-WTG, 11-WTG, 12-WTG, 13-WTG, 14-WTG, and 15-WTG review areas are located outside of the FEMA 100-year floodplain and NRCS Web Soil Survey mapped the review areas as non-hydric. The NWI web mapper and National Hydrology Dataset only mapped a stream in the location of the review areas. This region historically receives relatively low rainfall amounts and is predominantly used as

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.

agriculture land. There were no stream features observed by the Corps field visit such as an ordinary high water mark or bed and bank features within the review areas visited. The review areas are likely headwaters/swales where overland sheet flow begins to accumulate, but not enough to exhibit features of a stream. Based on the desktop review by the Corps and the information gathered in the field, the Corps has determined the review areas do not contain waters of the United States subject to Section 404 of the Clean Water Act.

WG-2017-00691, Jose Ramirez Property, Review Area (RA) Data Table

| RA Name | Latitude | Longitude | Zone | Easting | Northing |
|----------------|-----------------|------------------|-------------|----------------|-----------------|
| 01-WTG | 26.611423 | -99.07869 | 14N | 492166.10 | 2943400.36 |
| 04-WTG | 26.632605 | -99.0721 | 14N | 492823.48 | 2945745.95 |
| 05-WTG | 26.641868 | -99.0553 | 14N | 494496.13 | 2946771.03 |
| 06-WTG | 26.647202 | -98.04361 | 14N | 495659.8 | 2947361.34 |
| 07-WTG | 26.64520 | -99.03568 | 14N | 496448.96 | 2947139.36 |
| 08-WTG | 26.634848 | -99.03351 | 14N | 496664.00 | 2945992.00 |
| 09-WTG | 26.63769 | -99.02900 | 14N | 497113.60 | 2946307.43 |
| 10-WTG | 26.641139 | -99.0234 | 14N | 497671.04 | 2946689.31 |
| 11-WTG | 26.636229 | -99.03551 | 14N | 496465.60 | 2946145.79 |
| 12-WTG | 26.652785 | -99.03115 | 14N | 496900.01 | 2947979.31 |
| 13-WTG | 26.632918 | -99.03011 | 14N | 497002.00 | 2945778.00 |
| 14-WTG | 26.632606 | -99.02995 | 14N | 497018.00 | 2945744.00 |
| 15-WTG | 26.631308 | -99.02874 | 14N | 497139.00 | 2945600.00 |