



**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): 5/20/2021

ORM Number: SWG-2009-00790

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 27.73330° North Longitude 97.13320° 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

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.

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.

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.

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
Wet 1	0.540	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 2	0.014	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 3	0.017	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 4	0.159	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 5	0.256	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 6	0.212	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wet 7	0.149 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 8	0.093 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 9	0.030 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 10	0.037 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 11	0.069 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 12	0.160 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
Wet 13	0.021 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			(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: [Review Area Map, prepared by Care Holdings, LLC, received on 27 JAN 2021](#)
This information is and is not sufficient for purposes of this AJD.
Rationale: [No information was provided regarding delineated wetlands and elevation data of these wetlands in comparison to the closest navigable waterbody in a “typical year.”.](#)
- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial: 31 JAN 2020, 3 JAN 2018, 29 AUG 2017, 22 FEB 2017, 22 NOV 2014, 26 JAN 2012; source: ESRI World Services and Google Earth](#)
- Corps site visit(s) conducted on: [15 MAR 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SWG-2009-00788 and SWG-2009-00790, AJD for these parcels dated 28 JAN 2010 and 20 JAN 2010 respectively. The previous AJDs determined that wetlands on the parcels were jurisdictional under the previous Rapanos guidance, and therefore waters of the United States pursuant to 33 CFR 328.8.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey Hydric Rating Map for Nueces County, Texas \(NRCS website accessed 6 April 2021\)](#)
- USFWS NWI maps: [NWI for Crane Islands NW, Texas Quad](#)
- USGS topographic maps: [1:24,000 Crane Islands NW, 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 10 centimeters of elevation difference from the National Geodetic Survey’s AH1197 Benchmark, located ¾ mile south of the review area boundary.
USDA Sources	N/A.
NOAA Sources	NOAA Packery Channel Tidal Gauge (8775792), ref. 1 APR 2021 for maximum monthly tidal readings from 2012 to 2020. Elevation in meters (NAVD88), approximately 9.3 miles south southwest of the review area.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A
Other Sources	N/A.

B. Typical year assessment(s): Per NOAA’s closest tidal gauge at Packery Channel (the closest tidal gauge representative of Corpus Christi Bay nearest the review area), the Mean Monthly Maximum Tide (October receiving the highest reading) measured at NOAA’s Packery Channel Tidal Gauge (8775792) between 2012 and 2020, is 0.777 meter (2.55 feet) NAVD88, approximately 3.29 feet



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lower than the lowest portion of the delineated waters in 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 18.94-acre review area within a wetland sits at an elevation of 1.78 meters (5.84 feet) NAVD88, approximately 3.29 feet higher than the Mean Monthly Maximum Tide of Corpus Christi Bay; and therefore, not a source for inundation in a typical year. The source of hydrology for these wetlands appears to be precipitation runoff from the surrounding area and/or from percolated groundwater associated with a high water table.

**SWG-2009-00790 Approx. 18.94-acre Review Area
Mustang Island, Nueces Co., Texas.**

