

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): May 5, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SWG-2017-00092, BHP Billiton

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: DeWitt City: Cuero
Center coordinates of site (lat/long in degree decimal format): Lat. 29.257262 °, Long. -97.336213 °
Universal Transverse Mercator: 14R 3237635.94 m N, 661661.02 m E
Name of nearest waterbody: Fulcher Creek
Name of watershed or Hydrologic Unit Code (HUC): 12100202

- 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 5, 2017
- 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: maps, plans, and delineation packet submitted by Fenstermaker on behalf of BHP Billiton on 31 Jan 2017 and additional information submitted on 21 April 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: 1:24k Hochheim, Texas
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: Galveston District ORM Map layers (accessed 5/5/2017)
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: Galveston District ORM Map layers (accessed 5/5/2017)
- 100-year Floodplain Elevation is:
- Photographs: Aerial (Name & Date): Google Earth Aerial Imagery (2017)
 or Other (Name & Date): Photos submitted by the applicant/consultant
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

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.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Based on a review of data listed in Section III.A. above, it has been determined that there are no aquatic resources or potential aquatic resources in the 4.1-acre review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, or delineation of the ebb and flow of the tides. There are no features that exhibit lateral limits of jurisdiction (e.g. OHWM).