

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): September 25, 2017

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Galveston District SWG-2017-00634 Cypress Creek Renewables

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Bee County City: Skidmore

Center coordinates of site (lat/long in degree decimal format): Lat. 28.194972 °, Long. -97.781062 °

Universal Transverse Mercator: Zone 14 R 3119371.04N 619637.99E

Name of nearest waterbody: Papalote Creek

Name of watershed or Hydrologic Unit Code (HUC): HUC 12100407; Aransas 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: September 25, 2017
- Field Determination. Date(s): June 6, 2013

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 Provided by applicant’s consultant as part of wetland delineation submitted on August 22, 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: 12100407
- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000, Tynan, TX 2016
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Mapper. Review area contained Lattas clay with a 5% hydric rating.
- National wetlands inventory map(s). Cite name: NWI feature Map provided by consultant in the delineation mailed on August 22, 2017. No aquatic resources were mapped on the NWI in the review area.
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: Consultant provided FEMA flood zone maps within the delineation mailed on August 22, 2017. The review area does not occur within the 100 year flood plain.
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date) Google Earth aerial imagery (2017, 2014, 2009)
- or Other (Name & Date): Photographs provided by applicant’s consultant as part of wetland delineation submitted on August 22, 2017.
- 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: There are no aquatic resources or potential aquatic resources in the 98.3-acre review area 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) Based on historical aerial imagery from Google Earth the proposed site has been used primarily for agricultural use and lacks any wetland parameters (hydric soils, hydrophytic vegetation, and wetland hydrology).