



**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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): August 1, 2018**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Galveston SWG-2018-00230 AR-4**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Texas County/parish/borough: McMullen/Duval City: Seven Sisters  
 Center coordinates of site (lat/long in degree decimal format): Lat. 27.827318 °, Long. -98.072382 °  
 Universal Transverse Mercator: Zone 14 R 3078419.30 N, 591353.38 E  
 Name of nearest waterbody: Chiltipin Creek  
 Name of watershed or Hydrologic Unit Code (HUC): Middle Nueces Watershed, 12110204

- 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: August 1, 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: Vicinity Map and Topographic Maps provided by Gulf Coast Express Pipeline LLC.
- 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: 12110204
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: USGS 1:24K Quad Name: Alice North, Texas
- USDA Natural Resources Conservation Service Soil Survey. Citation: Information provided by Gulf Coast Express Pipeline LLC, Opelika fine sandy loam, depressional, ponded
- National wetlands inventory map(s). Cite name: MWI Mapper
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: FEMA Panel 48131C0075C Effective Feb. 4, 2011
- 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- Photographs:  Aerial (Name & Date): Google Earth 2017, USGS Topographic maps  
 or  Other (Name & Date): Onsite photographs provided by Gulf Coast Express Pipeline LLC
- 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:** The review area does not have a confined hydrological surface connection to any water of

<sup>1</sup> 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.

the United States. There are no observable stream features such as an ordinary high water mark or bed and bank features within the review area. According to the Jurisdiction Determination Form Instructional Guidebook (Guidebook) on page 16, swale or erosional features are characterized by low volume, infrequent, or short duration flow. There is a slight dip in the gradient and evidence of a washout area which indicates a swale. There are no indications that this area has flow year-round or continuous flow at least "seasonally." This area would carry overland sheet flow during a rain event and not have flow that is confined to a channel. The review area is likely a headwater/swale where overland sheet flow begins to accumulate, but not enough to exhibit features of a stream. The vegetation observed by Gulf Coast Express LLC was herbaceous upland (*Pappophorum bicolor*) and (*Corydalis aurea*) with scattered shrubs of (*Prosopis glandulosa*). The gradient of the review area is less than 1%, resulting in this area being very flat. The Guidebook supports the above statements by stating on page 38, "Swales are generally shallow features in the landscape that may convey water across upland areas during and following storm events. Swales usually occur on nearly flat slopes and typically have grass or other low-lying vegetation throughout the swale." This headwater/swale has no adjacent wetlands and would not have a significant effect on the chemical, physical, and biological integrity of the lower elevation traditional navigable waters. There is an existing dirt road that transects part of the review area that has created a man-made this portion of the review area. As such, the review area is not a jurisdictional water of the United States subject to Section 404 of the Clean Water Act. Historical Google Earth aerial photography shows the site to be a plowed field that has been utilized for agriculture for at least 20 years.