

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): June 26, 2018

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SWG-2018-00273, Port of Brownsville,
Dredged Material Placement Area No. 5B, Review Area 1 (approx. 29.6ac) and Review Area 2 (approx. 10.5ac)**

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Cameron City: Brownsville
Center coordinates of site (lat/long in degree decimal format):

Review Area 1: Lat. 25.974569°, Long. -97.314806°; Universal Transverse Mercator: 14R 668701.68 m E, 2873954.31 m N
Review Area 2: Lat. 25.967595°, Long. -97.307811°; Universal Transverse Mercator: 14R 669412.06 m E, 2873190.82 m N

Name of nearest waterbody: Brownsville Ship Channel
Name of watershed or Hydrologic Unit Code (HUC): 12110208 (South Laguna Madre)

- 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: June 26, 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: Maps submitted by HDR, Inc. on behalf of the Port of Brownsville on April 20, 2018.
- 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 scale Palmito Hill, Texas (1955, revised 1983)
- USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name: Google Earth Layer (NWI Wetlands-Data 2_27_2018.kml; downloaded 3/22/2018)
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: Google Earth Layer (FEMA_NFHL_v3.1.kmz; downloaded 1/9/2018); Cameron County Panel 48061C0625F (eff. 2/16/2018)
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth Aerial (12/9/2017)
 or Other (Name & Date):
- 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: Review Areas 1 and 2 both occur within the Brownsville Navigation District's Dredged Material Placement Area (DMPA) 5 Cell B which is an active placement area that is contained by levees. As such, the Corps does not consider any water-filled depressions created in this DMPA incidental to the ongoing material placement activities to be waters of the United States. Therefore, there are no aquatic resources or potential aquatic resources in Review Area 1 or 2 that would warrant the application of a wetland delineation, determination of the Corps' lateral limits of jurisdiction (e.g. OHWM), significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. Review Area 1 and 2 are both composed entirely of dry land.