



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 13, 2019

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Galveston District SWG-2019-00183 Retention Pond

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Jim Wells City: Alice
 Center coordinates of site (lat/long in degree decimal format): Lat. 27.736379 °, Long. -98.084048 ° Center Point
 Universal Transverse Mercator: Zone 14 R, 3068336.14 N, 590279.12 E
 Name of nearest waterbody: Lattas Creek
 Name of watershed or Hydrologic Unit Code (HUC): 12110204 San Fernando 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: May 13, 2019
- Field Determination. Date(s): March 20, 2019

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: Google Earth 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: 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 South, Texas
- USDA Natural Resources Conservation Service Soil Survey. Citation: Jim Wells County, effective Sept. 14, 2018
- National wetlands inventory map(s). Cite name: NWI Mapper
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: FEMA Panel 48249C0305D
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google earth 2018, USGS Topographic Map photos.
- or Other (Name & Date): The applicant submitted aerial imagery maps of the review area. Photos during site visit.
- 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: Aerial photography indicates a stream feature within the review area. However, no indication that the review area is hydrologically connected to any other stream feature in the immediate area. The review area starts at South Gulf Road to the east and terminates at Johnson Street to the west. There are no visible indications of culverts on South Gulf Street or Johnson Street.

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.

Per the applicant this area receives flood waters from the adjacent urban development and the flooding does not have an outlet. The review area is surrounded by urban development to the north and west and an industrial complex to the east. Review of the FEMA floodplain map indicates that the northeast portion (approximately 2.4 acres) of the review area occurs within the 100-year floodplain. Topographic maps do not indicate that there is a stream feature within the review area. The National Wetland Inventory map does not indicate a wetland signature feature within the review areas. Web Soil Survey indicates that approximately 2.4 acres of mapped soils within the review area are hydric (Opelika fine sandy loam) the remaining amount of mapped soils are Clareville loam, Delfine Fine sandy loam, and Banquete clay all non-hydric soils. Our site visit confirmed that the review area does not contain waters or wetlands and there is no direct connectivity of the site to Lattus Creek from the north or to the east. The Corps has concluded that the review area is an upland area that does not possess any of the three parameters (hydrology, wetland vegetation, and hydric soils) needed to be classified as a wetland. Therefore, there are no navigable waters of the U.S. within Rivers and Harbors Act jurisdiction (as defined by 33 CFR 320) in the review area. The review area is also not considered waters of the U.S. (as defined by 33 CFR 328.3), subject to jurisdiction under Section 404 of the Clean Water Act.