



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 11/10/2020
 ORM Number: SWG-2019-00378
 Associated JDs: Previous AJD SWG-2019-00378 issued on (25 September 2020)
 Review Area Location¹: State/Territory: Texas City: -Rockport County/Parish/Borough: Aransas
 Center Coordinates of Review Area: Latitude 27.967865 Longitude -97.095269

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
AR-1	0.52	acre(s)	(b)(1) Non-adjacent wetland.	There is approximately 0.52 acre of emergent wetlands present within the review area. AR-1 is separated from an (a)(1) water by artificial barrier and does not have a direct hydrologic surface connection in a typical year order to meet the adjacency criteria in the NWPR. Therefore, per 33 CFR 328.3 the wetland is not adjacent to navigable waters (Aransas Bay) and are not subject to jurisdiction under Section 404 of the Clean Water Act.
AR-2	0.11	acre(s)	(b)(1) Non-Adjacent wetland.	There is approximately 0.11 acre of emergent wetlands present within the review area. AR-2 is separated from an (a)(1) water by artificial barrier and does not have a direct hydrologic surface connection in a typical year order to meet the adjacency criteria in the NWPR. Therefore, per 33 CFR 328.3 the wetland is not adjacent to navigable waters (Aransas Bay) and are not subject to jurisdiction under Section 404 of the Clean Water Act.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland delineation submitted by CE, 13 August, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Google aerial maps \(October 15, 2019\), vicinity maps, site photos submitted by CE, 13 August, 2020](#)

Corps site visit(s) conducted on: [19 August 2019](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [Previous AJD SWG-2019-00378 issued on \(25 September 2020\)](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Soil Survey Maps submitted by CE on 13 August 2020](#)

USFWS NWI maps: [NWI Maps submitted by CE on 13 August 2020](#)

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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USGS topographic maps: [Estes, Texas](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
Other USGS data (specify)	USGS Topographic Map, Submitted by CEI, 13 August 2019. US Geological Survey National Map LIDAR data flown 2018. Elevation in Meters (NAVD88). LiDAR elevation readings in the review area are shown to be within 6 centimeters of elevation difference from the National Geodetic Survey's "877 4908 PALM A" Benchmark, approximately 1,217 feet north-northeast of the review area.
Other USDA data (specify)	NRCS Web Soil Services, Submitted by CEI, 13 August 2019
Other NOAA data (specify)	
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LIDAR accessed

B. Typical year assessment(s): Per the available LIDAR data, the lowest portion of the review area sits at an elevation of 0.79 meters (2.95 feet) NAVD88. Fill material placed to a minimum elevation of 1.21 meters (3.97 feet) as part of an adjacent canal subdivision acts as an artificial barrier between the review area and Aransas Bay, approximately 395 feet to the southeast. A drainage feature running generally northeast to southwest between the review area and Aransas Bay provides conveyance for stormwater runoff and does not provide a path for tidal inundation from Aransas Bay to the review area. Per the TCOON's closest tidal gauge at Rockport (approximately 4.7 miles north northeast of the review area), the Mean High High Water (defined as the average of the higher high water height of each tidal day observed over the most recent recorded National Tidal Datum Epoch from 1983 to 2001) for Aransas Bay is 0.396 meter (1.298 feet) NAVD88, approximately 1.625 feet lower than the lowest portion of the review area, and therefore, not a source for inundation in a typical year.

C. Additional comments to support AJD: Review of the FEMA Flood Insurance Rate Map for the review area indicates that the review area occurs within the Coastal floodplain due to its location within the canal subdivision. AR-1 and AR-2 are separated from an (a)(1) water by artificial barriers (roadways (Windjammer Lane), building structures and drainage canals) and does not have a direct hydrologic surface connection in a typical year in order to meet adjacency criterion in the NWPR.



10-Acre Review Area
Lat: 27.967376
Long: -97.093720

AR-1
0.53 Acre

AR-2
0.11 Acre

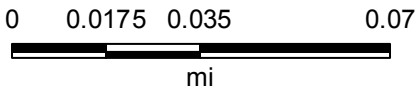
Legend

- 219026 - Point_ge
- 219026_Wetland_Polygon
- 219026_Transects

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



SWG-2019-00378



Map Center: -97.0939 27.9674

Map created by Wayne Fitzpatrick on
8/5/2019 at 1:52:33 PM
Coordinate System: WGS 1984 Web Mercator



Notice: On Monday, November 16, 2020 at 6:00 am EST, IT system maintenance will begin and may last for more than an hour. There may be periods of time where the website will be running with limited capabilities. Click here for impacted products. (https://tidesandcurrents.noaa.gov/coop_notice.html)



NOAA is monitoring water levels and winds for Tropical Storm Eta



(<https://tidesandcurrents.noaa.gov/inundationdb/storm/Eta.html>). Click to view real-time water level and meteorological data.

Home (/) / Products (<products.html>) / Datums (<stations.html?type=Datums>) / 8774770 Rockport
Favorite Stations

Station Info

Tides/Water Levels

Meteorological Obs. (</met.html?id=8774770>)

[Phys. Oceanography \(/physocean.html?id=8774770\)](/physocean.html?id=8774770)

Datums for 8774770, Rockport

NOTICE: All data values are relative to the NAVD88.

Elevations on NAVD88

Station: 8774770, Rockport

Status: Accepted (May 2 2011)

Units: Meters

Control Station:

T.M.: 0

Epoch: (/datum_options.html#NTDE) 2002-2006

Datum: NAVD88

Datum	Value	Description
MHHW (/datum_options.html#MHHW)	0.396	Mean Higher-High Water
MHW (/datum_options.html#MHW)	0.395	Mean High Water
MTL (/datum_options.html#MTL)	0.340	Mean Tide Level
MSL (/datum_options.html#MSL)	0.343	Mean Sea Level
DTL (/datum_options.html#DTL)	0.340	Mean Diurnal Tide Level
MLW (/datum_options.html#MLW)	0.286	Mean Low Water

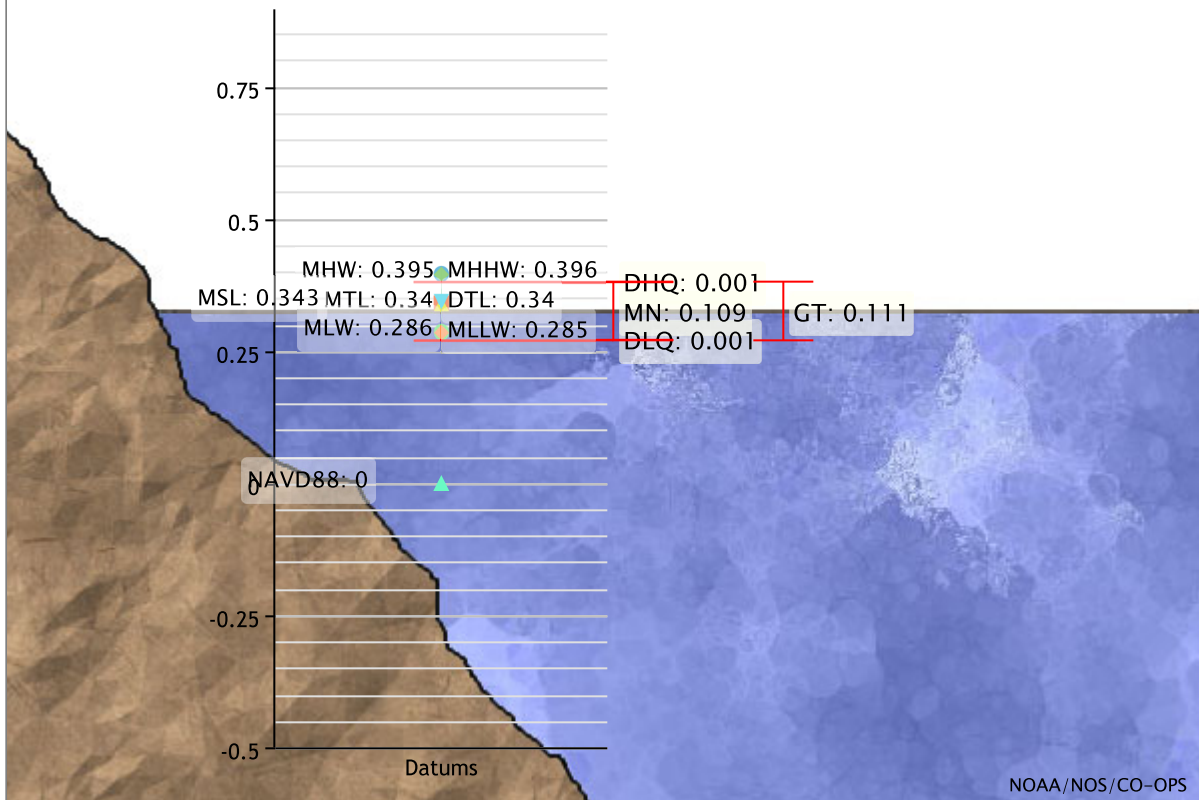
Datum	Value	Description
MLLW (/datum_options.html#MLLW)	0.285	Mean Lower-Low Water
NAVD88 (/datum_options.html)	0.000	North American Vertical Datum of 1988
STND (/datum_options.html#STND)	-1.682	Station Datum
GT (/datum_options.html#GT)	0.111	Great Diurnal Range
MN (/datum_options.html#MN)	0.109	Mean Range of Tide
DHQ (/datum_options.html#DHQ)	0.001	Mean Diurnal High Water Inequality
DLQ (/datum_options.html#DLQ)	0.001	Mean Diurnal Low Water Inequality
HWI (/datum_options.html#HWI)		Greenwich High Water Interval (in hours)
LWI (/datum_options.html#LWI)		Greenwich Low Water Interval (in hours)
Max Tide (/datum_options.html#MAXTIDE)	1.534	Highest Observed Tide
Max Tide Date & Time (/datum_options.html#MAXTIDEDT)	08/10/1980 13:18	Highest Observed Tide Date & Time
Min Tide (/datum_options.html#MINTIDE)	-0.515	Lowest Observed Tide
Min Tide Date & Time (/datum_options.html#MINTIDEDT)	02/29/1984 11:18	Lowest Observed Tide Date & Time
HAT (/datum_options.html#HAT)	0.545	Highest Astronomical Tide
HAT Date & Time	10/18/1989 09:54	HAT Date and Time
LAT (/datum_options.html#LAT)	0.119	Lowest Astronomical Tide
LAT Date & Time	01/28/1987 18:06	LAT Date and Time

Tidal Datum Analysis Periods

01/01/2002 - 12/31/2006

Datums for 8774770, Rockport

All figures in meters relative to NAVD88



NOAA/NOS/CO-OPS

Showing datums for

8774770 Rockport,

Datum

NAVD88

Data Units Feet

Meters

Epoch Present (1983-2001)

Superseded (1960-1978)

Submit

Show nearby stations

Products available at 8774770 Rockport,

TIDES/WATER LEVELS

[Water Levels \(/waterlevels.html?id=8774770\)](/waterlevels.html?id=8774770)

[NOAA Tide Predictions \(/noaatidepredictions.html?id=8774770\)](/noaatidepredictions.html?id=8774770)

[Harmonic Constituents \(/harcon.html?id=8774770\)](/harcon.html?id=8774770)

[Sea Level Trends \(/sltrends/sltrends_station.shtml?id=8774770\)](/sltrends/sltrends_station.shtml?id=8774770)

[Datums \(/datums.html?id=8774770\)](/datums.html?id=8774770)

[Bench Mark Sheets \(/benchmarks.html?id=8774770\)](/benchmarks.html?id=8774770)

[Extreme Water Levels \(/est/est_station.shtml?stnid=8774770\)](/est/est_station.shtml?stnid=8774770)

[Reports \(/reports.html?id=8774770\)](/reports.html?id=8774770)

METEOROLOGICAL/OTHER

[Meteorological Observations \(/met.html?id=8774770\)](/met.html?id=8774770)

[Water Temp/Conductivity](#)

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OPERATIONAL FORECAST SYSTEMS

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INFORMATION

[Station Home Page \(/stationhome.html?id=8774770\)](/stationhome.html?id=8774770)

[Data Inventory \(/inventory.html?id=8774770\)](/inventory.html?id=8774770)

[Measurement Specifications \(/measure.html\)](/measure.html)

Website Owner: Center for Operational Oceanographic Products and Services

National Oceanic and Atmospheric Administration (<http://www.noaa.gov>)

National Ocean Service (<http://oceanservice.noaa.gov>)

[Privacy Policy \(/privacy.html\)](/privacy.html)

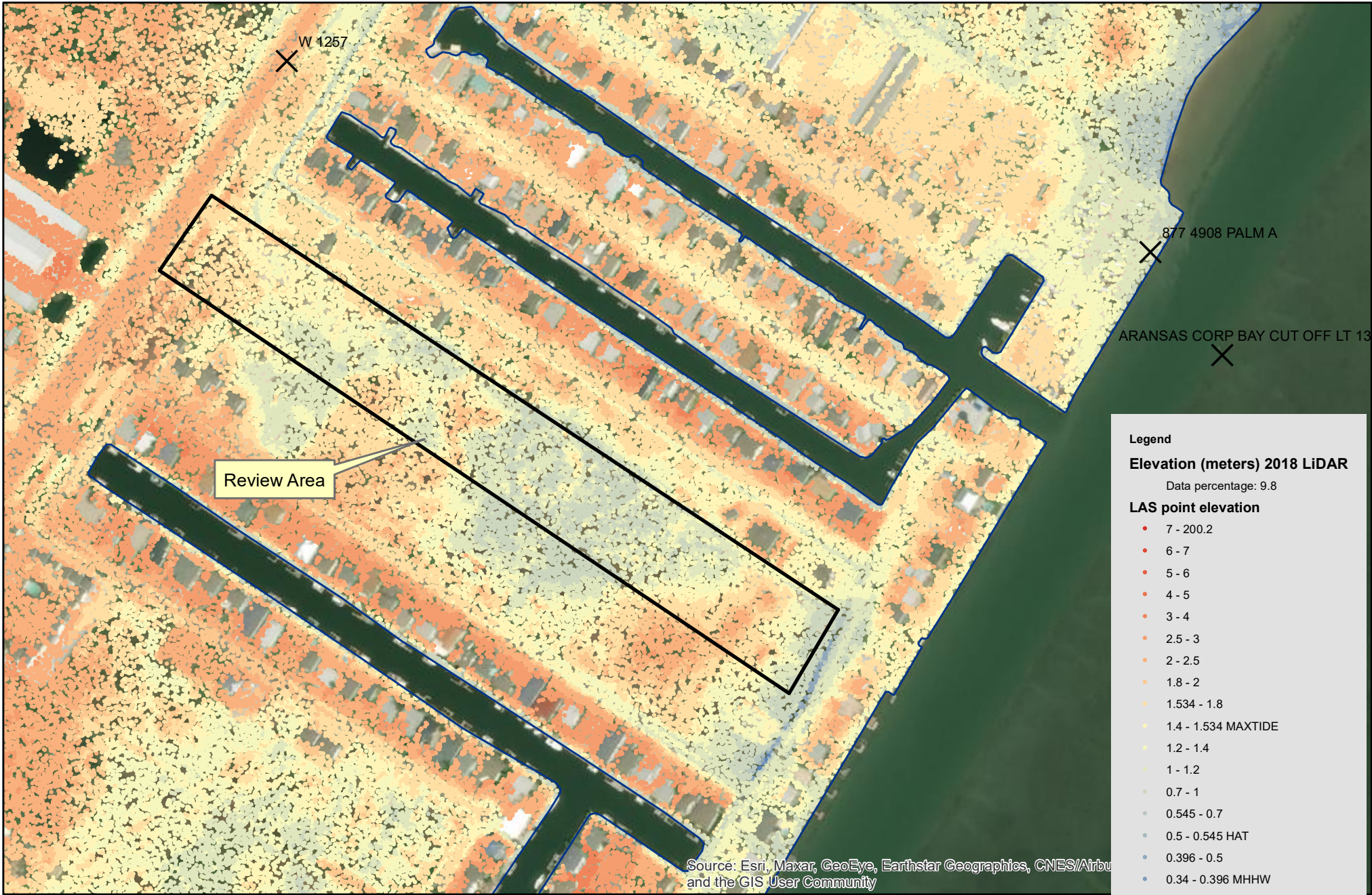
[Disclaimer \(/disclaimers.html\)](/disclaimers.html)

[Take Our Survey \(/survey.html\)](/survey.html)

Freedom of Information Act (<https://www.noaa.gov/foia-freedom-of-information-act>)

[Contact Us \(/contact.html\)](/contact.html)

SWG-2019-00378
LiDAR Flown 2018



Legend
Elevation (meters) 2018 LiDAR

Data percentage: 9.8

LAS point elevation

- 7 - 200.2
- 6 - 7
- 5 - 6
- 4 - 5
- 3 - 4
- 2.5 - 3
- 2 - 2.5
- 1.8 - 2
- 1.534 - 1.8
- 1.4 - 1.534 MAXTIDE
- 1.2 - 1.4
- 1 - 1.2
- 0.7 - 1
- 0.545 - 0.7
- 0.5 - 0.545 HAT
- 0.396 - 0.5
- 0.34 - 0.396 MHHW
- 0.3 - 0.34 MTL
- 0 - 0.3
- -59.84 - 0 NAVD88

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus and the GIS User Community

