



**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): 3/30/2021

ORM Number: SWG-2020-00363

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Texas City: Corpus Christi County/Parish/Borough: Nueces

Center Coordinates of Review Area: Latitude 27.580957 Longitude -97.227747

**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: According to Google Earth Aerial imagery, the review area mapped by the Corps has been elevated with fill since at least 2006. No visible wetland signature is present.
- 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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

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

<sup>2</sup> 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.

<sup>3</sup> 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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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.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.

**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: [Applicant Tonnie Gummings, request for AJD 05/21/2020](#)

This information is *not* sufficient for purposes of this AJD.

Rationale: [Submitted information consisted only of property address, legal description, and applicant’s proposed plans for the property; no property boundaries or geographical informaton provided.](#)

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

Photographs: [Aerial: Google Earth, 03/31/2006, 01/02/2017, 01/01/2020; USDA IR 1995; Site Visit 08/10/2020 and 02/06/2021](#)

Corps site visit(s) conducted on: [10 Aug 2020; 8 Feb 2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

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

USDA NRCS Soil Survey: [Soil Survey Nueces County, Texas; 1965](#)

USFWS NWI maps: [FWS Wetland Mapper accessed 13 Jul 2020](#)

USGS topographic maps: [1:24000 Crane Island SW, TX 2016.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">As noted above</a>
<a href="#">USDA Sources</a>	<a href="#">1965 USDA soil survey mapped hydric soil, Mustang fine sand</a>
<a href="#">NOAA Sources</a>	<a href="#">NOAA Packery Channel Tidal Gauge (8775792), ref. 30 March 2021 for maximum monthly tidal readings from 2012 to 2020 (extent of available data). Elevation in meters (NAVD88), approximately 3.7 miles north of the review area.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** Per NOAA’s closest tidal gauge at Packery Channel (an inlet to Corpus Christi Bay), the Mean Monthly Maximum Tide (October receiving the highest reading)

<sup>4</sup> 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.

<sup>5</sup> 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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measured at NOAA's Packery Channel Tidal Gauge (8775792) between 2012 and 2020 (range of available data), is 0.783 meter (2.57 feet) NAVD88, approximately 7.50 foot lower than the lowest portion of the staked review area; and therefore, not a source for inundation in a typical year

- C. Additional comments to support AJD:** The 0.35-acre review area mapped by the Corps is separated from the Gulf of Mexico (GOM), approximately 0.4 mile to the east, by the artificial barrier formed by Park Road 22 as well as multiple dune ridges parallel to the GOM shoreline. Residential development occurs along the western and northern boundary area, and an elevated utility easement parallels the southern boundary. In addition to the site visit, numerous aerial photographs were also reviewed and no evidence of wetland signatures on the site or other signs of hydrology were found.