



**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): 7/29/2021

ORM Number: SWG-2021-00091

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 27.82600° North Longitude 97.06226° West

**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)<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	

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	

<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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**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
PSS 1	0.32 acre(s)	(b)(1) Non-adjacent wetland.	It is a non-contiguous wetland that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.

**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: [Review Area Map, prepared by ERGIS, received on 18 JAN 2021](#)

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

Rationale: [No information was provided regarding location of this wetland in comparison to the floodplain of the closest navigable waterbody. In addition, verification of the wetland delineation was necessary.](#)

- ☐ Data sheets prepared by the Corps: [N/A](#)
- ☒ Photographs: [Aerial: 30 SEP 2020, 31 JAN 2020, 29 AUG 2017, 22 FEB 2017, 22 NOV 2014, 26 JAN 2012; source: ESRI World Services and Google Earth](#)
- ☒ Corps site visit(s) conducted on: [3 May 2021](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Web Soil Survey Hydric Rating Map for Nueces County, Texas \(NRCS website accessed 27 July 2021\)](#)
- ☒ USFWS NWI maps: [NWI for Port Aransas, Texas Quad](#)
- ☒ USGS topographic maps: [1:24,000 Port Aransas, Texas \(2019\)](#)

**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="#">N/A</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A</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="#">FEMA/FIRM Panel 4854980004F, dated 30 SEP 1992</a>

<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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- B. Typical year assessment(s):** The review area site is wholly outside of the 100-year floodplain of the Gulf of Mexico; and therefore, would not receive inundation from this (a)(1) water in a typical year.
- C. Additional comments to support AJD:** The delineated waterbody within the review area is separated from the Gulf of Mexico by urban development, including residential lots and roadways one to two feet higher than the delineated waterbody with no discernable path for drainage or inundation from the Gulf of Mexico. This wetland does not abut the Gulf of Mexico and is separated from an (a)(1) water (Gulf of Mexico) by more than one natural or artificial barrier.

# SWG-2021-00091 Review Area (1.47 acres)

