



**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): 8/24/2021

ORM Number: SWG-2021-00491

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 27.7639° North Longitude 97.1114° 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
G of M	2.49	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	The Gulf of Mexico is a navigable water subject to the ebb and flow of the tide.

**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
G of M	3.09	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	The Gulf of Mexico is a territorial sea utilized in interstate commerce and is subject to the ebb and flow of the tide.

<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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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.	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.	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.	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
PEM-1	0.18	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-2	0.02	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-3	0.02	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-4	0.93	acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
PEM-5	0.49 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-6	0.03 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-7	0.01 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-8	0.08 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-9	0.01 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-10	0.04 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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.
PEM-11	0.02 acre(s)	(b)(1) Non-adjacent wetland.	It is a palustrine emergent 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



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
PEM-12	0.02	acre(s)	(b)(1) Non-adjacent wetland. It is a palustrine emergent 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: [Wetland Delineation Report: The Reserve and Falling Water, prepared by ERGIS, received 30 June 2021](#)  
This information is and is not sufficient for purposes of this AJD.  
Rationale: [Information provided was verified by site visit 18 AUG 2021](#)
- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial: 31 JAN 2020, 29 AUG 2017, 22 FEB 2017, 22 NOV 2014, 26 JAN 2012; source: Google Earth](#)
- Corps site visit(s) conducted on: [18 AUG 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [5 AUG 2021](#)
- USFWS NWI maps: [NWI for Port Aransas, Texas Quad](#)
- USGS topographic maps: [Port Aransas, Texas \(2019\)](#)

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="#">h. 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 4 centimeters of elevation difference from the National Geodetic Survey’s J1518 Benchmark, approximately 286 feet southwest of the review area.</a>
USDA Sources	<a href="#">N/A.</a>
NOAA Sources	<a href="#">i. NOAA Packery Channel Tidal Gauge (8775792), ref. 25 March 2021 for maximum monthly tidal readings from 2012 to 2020 (extent of available data). Elevation in meters (NAVD88), approximately 11.8 miles south southwest of the review area.</a>
USACE Sources	<a href="#">N/A.</a>
State/Local/Tribal Sources	<a href="#">N/A</a>
Other Sources	<a href="#">N/A.</a>



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- B. Typical year assessment(s):** Per NOAA's closest tidal gauge at Packery Channel (the closest tidal gauge representative of Corpus Christi Bay nearest the review area), the Mean Monthly Maximum Tide (October receiving the highest reading) measured at NOAA's Packery Channel Tidal Gauge (8775792) between 2012 and 2020, is 0.777 meter (2.55 feet) NAVD88, approximately 3.06 feet lower than the lowest portion of the delineated waters in the review area; and therefore, not a source for inundation in a typical year.
- C. Additional comments to support AJD:** The wetlands on the property are separated from the Gulf of Mexico, the closest (a)(1) Water, by more than a single natural or man-made barrier. The source of hydrology for these wetlands appears to be precipitation runoff from the surrounding area and/or from percolated groundwater associated with a high water table.

SWG-2021-00491 Review Area (28.7 Acres)



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