



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
5151 FLYNN PARKWAY, SUITE 306
CORPUS CHRISTI, TEXAS 78411-4318

February 16, 2024

Corpus Christi Regulatory Field Office

SUBJECT: SWG-2021-00603; Approved Jurisdictional Determination



Dear [REDACTED]:

This is in reference to the approved jurisdictional determination (AJD) request received on August 23, 2021 to determine if the subject property is subject to Corps of Engineers Jurisdiction, or if a Department of the Army (DA) permit is required for proposed filling of a pond on your property. The project is located at 1504 S. Station Street in Port Aransas, Nueces County, Texas.

Based on the review of the submitted information, resources available, and subsequent desk review, the Corps has determined that the 0.10-acre pond on the property was excavated from uplands for the purpose of creating an aesthetic feature and for obtaining fill material for the construction of a house on the same property and is not a water of the United States (US), subject to jurisdiction pursuant to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) or Section 404 of the Clean Water Act (Section 404). Specifically, the Corps determined that the pond is best described as an "artificial small ornamental body of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons," as defined in the preamble (page 41217) of the 1986 Federal Register, Vol. 51, No. 219, dated 13 November 1986, and is therefore not subject to jurisdiction pursuant to either Sections 10 or 404. The Corps of Engineers regulates the placement of structures and/or work performed in/or affecting navigable waters of the US (i.e. bulkheads, piers, etc.) under Section 10. The Corps also regulates the discharge of dredged and/or fill material into waters of the U.S., including navigable waters, under Section 404. Therefore, the proposed project to fill in the pond as described above does not require a DA permit.

The enclosed approved jurisdictional determination (AJD), dated February 16, 2024, is valid for 5 years from the date of this letter unless new information warrants a revision of the determination prior to the expiration date. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331.5. Also enclosed is a combined Notification of Administrative Appeal Options and Process (NAP) and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA to the Southwestern Division Office at the following address:



In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP, noting the letter date is considered day 1. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

If you have any questions regarding this verification, please contact me at the letterhead address or by telephone at [REDACTED], or by email at [REDACTED]. To assist us in improving our service to you, please complete the survey found at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,



Enclosures

