



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

August 28, 2025

Corpus Christi Regulatory Field Office

SUBJECT: SWG-2022-00331; Approved Jurisdictional Determination Permit
Determination

METROPOL, LLC
ATTN: Hendrik Kruger
3201 Farm to Market Road
Rockport, Texas 78382-7283

Dear Mr. Kruger:

This is in reference to the approved jurisdictional determination (AJD) request received on May 16, 2022, submitted on your behalf by Triton Environmental Solutions, LLC to determine if the subject tract is subject to Corps of Engineers Jurisdiction. The approximate 88-acre review area is located immediately west of the intersection of FM 1069 and Cape Velero Drive in Rockport, Aransas County, Texas.

The Corps of Engineers has the regulatory responsibility over two primarily federal laws, Section 10 of the Rivers and Harbors Act (Section 10) which regulates the discharge of dredged and/or fill material and work and/or structures in/or affecting navigable waters of the United States (U.S.) and Section 404 of the Clean Water Act (Section 404) which regulates the discharge of dredged and/or fill material into waters of the U.S., including adjacent wetlands. If activities involved trigger either of these aforementioned federal regulations, a Department of the Army (DA) permit is required prior those activities occurring.

Based on the review of the submitted information, site visits, resources available/used, subsequent desk review, the Corps has determined that the proposed 88-acre review area, depicted on the attached maps in three sheets, does not exhibit waters 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). Pond 1 through Pond 5 and Ditch 1 through Ditch 3 do not meet the continuous surface connection standard for adjacent wetlands as they do not abut a relatively permanent water, a jurisdictional impoundment, or a traditional navigable water; therefore, the aforementioned features are non-adjacent wetlands and are not waters of the US and are not subject to Section 404 of the Clean Water Act.

This delineation and/or jurisdictional determination included herein has been conducted to identify the location and extend of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for the purpose of the Clean Water Act for the particular site identified in this request. This delineation and/or determination may

not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985 as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

For the purposes of this AJD, we have relied on the pre-2015 regime post-Sackett and the 12 March 2025 Memorandum to the Field Between the U.S. Department of Army, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency Concerning the Proper Implementation of "Continuous Surface Connection" Under the Definition of "Waters of the United States" Under the Clean Water Act to evaluate jurisdiction. The enclosed approved jurisdictional determination (AJD), dated August 28, 2025, 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 are 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:

Mr. Jamie Hyslop
Administrative Appeals Review Officer
Southwest Division USACE (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-216-8324
Email: Jamie.r.hyslop@usace.army.mil

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.

Please note, this is **not authorization to begin work in jurisdictional areas**.

If you have any questions regarding this verification, please contact me at the letterhead address or by telephone at 361-814-5847 x.1002. Please notify the Corpus Christi Regulatory Field Office in writing at the letterhead address, upon completion of

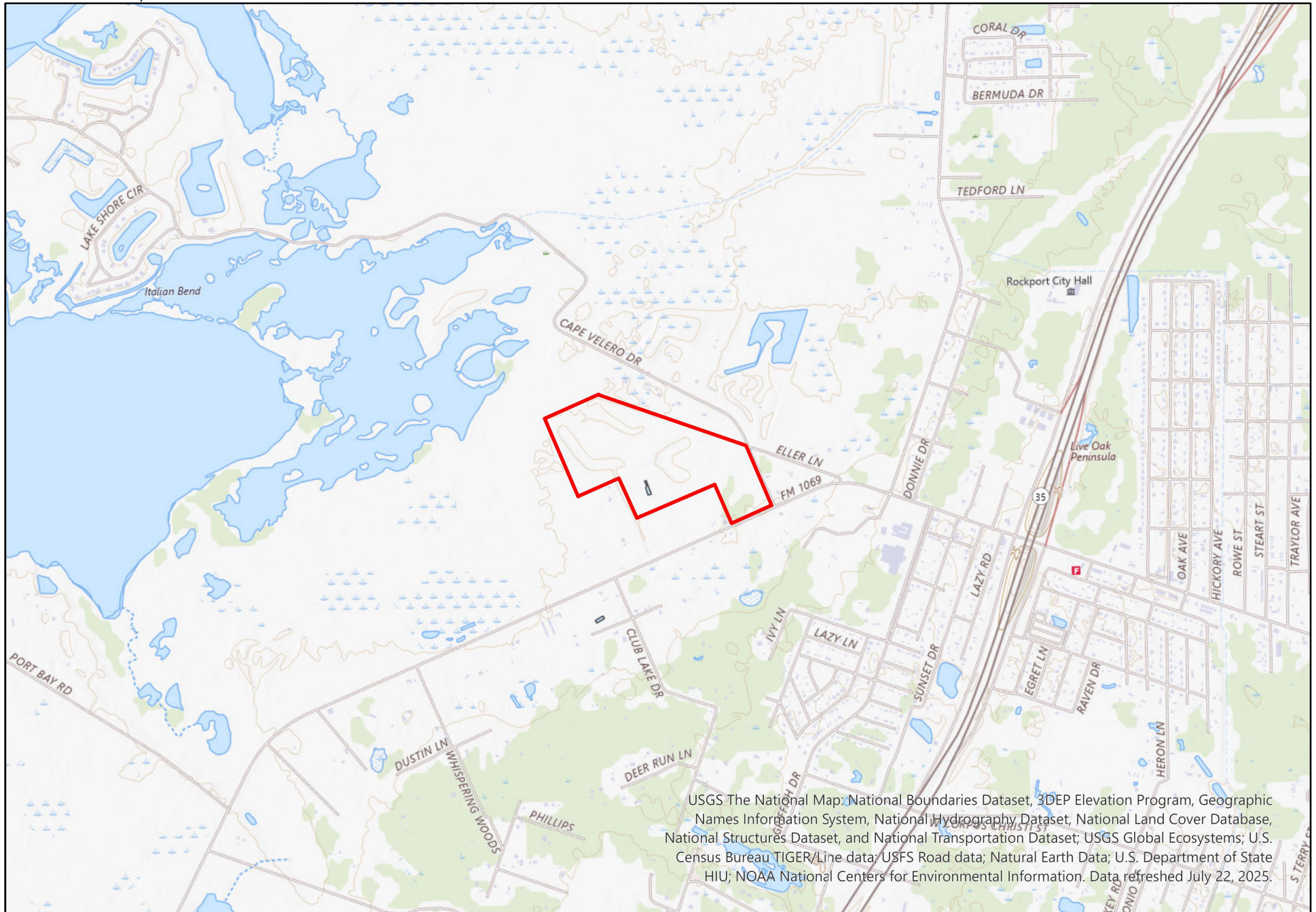
the authorized project. To assist us in improving our service to you, please complete the survey found at <https://regulatory.ops.usace.army.mil/customer-servicesurvey/>.

Sincerely,

A handwritten signature in black ink that reads "Mark Pattillo". The script is fluid and cursive, with the first letters of each word being capitalized and prominent.

Mark Pattillo
Regulatory Project Manager
Corpus Christi Regulatory Field Office

cc w/Encl:
Triton Environmental Solutions, LLC, Attn: Andi Binion



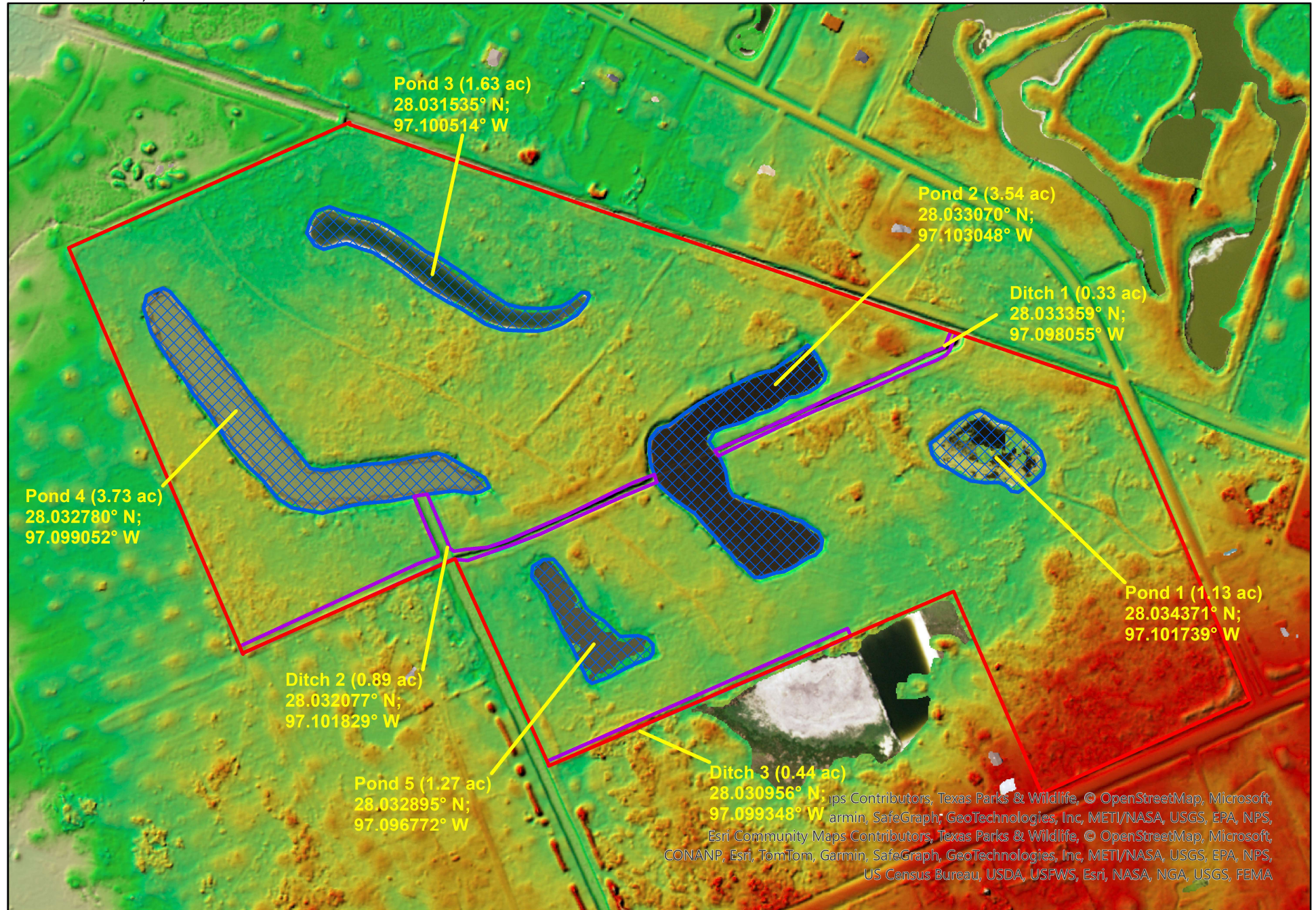
0 1,000 2,000 3,000 4,000 5,000 Feet



Esri, Community Mx, USFWS, Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N
CONANP, Esri, TomTom, GLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA,
Intermap, and the GIS user community



0 500 1,000 1,500 2,000 Feet



0 500 1,000 1,500 2,000 Feet

Elevation (Ft)

255
0



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

Corpus Christi Regulatory Field Office

27 August 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime
Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322
(2023),¹ SWG-2022-00331

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in Texas due to litigation.

1. SUMMARY OF CONCLUSIONS.

¹ While the Supreme Court's decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

Corpus Christi Regulatory Field Office

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SWG-2022-00331

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Feature Name	Latitude/ Longitude	Size (ac)	Classification	Authority Over Feature
Pond 1	28.034371° N; 97.101739° W	1.13	PUBx	None
Pond 2	28.033070° N; 97.103048° W	3.54	PUBx	None
Pond 3	28.031535° N; 97.100514° W	1.63	PUBx	None
Pond 4	28.032780° N; 97.099052° W	3.73	PUBx	None
Pond 5	28.032895° N; 97.096772° W	1.27	PUBx	None
Ditch 1	28.033359° N; 97.098055° W	0.33	UPL	None
Ditch 2	28.032077° N; 97.101829° W	0.89	UPL	None
Ditch 3	28.030956° N; 97.099348° W	0.44	UPL	None

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
- e. 12 March 2025 Memorandum to the Field Between the U.S. Department of Army, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency Concerning the Proper Implementation of "Continuous Surface Connection" Under the Definition of "Waters of the United States" Under the Clean Water Act.

Corpus Christi Regulatory Field Office

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SWG-2022-00331

3. REVIEW AREA. The project site is an 88.01-acre tract located immediately west of the intersection of FM 1069 and Cape Velero Drive in Rockport, Aransas County, Texas

Latitude: 28.032737 N; Longitude: 97.099519 W (Central Coordinates)

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. N/A⁵
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. N/A
6. SECTION 10 JURISDICTIONAL WATERS⁶: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁷ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic

⁵ This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

⁶ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁷ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. TNWs (a)(1): N/A
- b. Interstate Waters (a)(2): N/A
- c. Other Waters (a)(3): N/A
- d. Impoundments (a)(4): N/A
- e. Tributaries (a)(5): N/A
- f. The territorial seas (a)(6): N/A
- g. Adjacent wetlands (a)(7): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁸ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water.

Excavated Pond (Pond 1, 1.13 acres): Topos, aerial photographs, and the applicant-provided plans were utilized as part of the desktop analysis to identify that this water feature is a borrow area for fill material that has been excavated from uplands. This excavated pond does not have any continuous surface connection to a RPW or TNW. This feature is best described in the preamble for 33 CFR 328.3, published in the Federal Register Volume 51, Number 219, November 13, 1986 (page 41217), which states “For clarification, it should be noted that we generally do not consider the following waters to be Waters of the United States...“(d) artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.” This pond was created in uplands for aesthetic reasons and is not a water of the United States.

⁸ 51 FR 41217, November 13, 1986.

Excavated Pond (Pond 2, 3.54 acres): Topos, aerial photographs, and the applicant-provided plans were utilized as part of the desktop analysis to identify that this water feature is a borrow area for fill material that has been excavated from uplands. This excavated pond does not have any continuous surface connection to a RPW or TNW. This feature is best described in the preamble for 33 CFR 328.3, published in the Federal Register Volume 51, Number 219, November 13, 1986 (page 41217), which states “For clarification, it should be noted that we generally do not consider the following waters to be Waters of the United States...”“(d) artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.” This pond was created in uplands for aesthetic reasons and is not a water of the United States.

Excavated Pond (Pond 3, 1.63 acres): Topos, aerial photographs, and the applicant-provided plans were utilized as part of the desktop analysis to identify that this water feature is a borrow area for fill material that has been excavated from uplands. This excavated pond does not have any continuous surface connection to a RPW or TNW. This feature is best described in the preamble for 33 CFR 328.3, published in the Federal Register Volume 51, Number 219, November 13, 1986 (page 41217), which states “For clarification, it should be noted that we generally do not consider the following waters to be Waters of the United States...”“(d) artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.” This pond was created in uplands for aesthetic reasons and is not a water of the United States.

Excavated Pond (Pond 4, 3.73 acres): Topos, aerial photographs, and the applicant-provided plans were utilized as part of the desktop analysis to identify that this water feature is a borrow area for fill material that has been excavated from uplands. This excavated pond does not have any continuous surface connection to a RPW or TNW. This feature is best described in the preamble for 33 CFR 328.3, published in the Federal Register Volume 51, Number 219, November 13, 1986 (page 41217), which states “For clarification, it should be noted that we generally do not consider the following waters to be Waters of the United States...”“(d) artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.” This pond was created in uplands for aesthetic reasons and is not a water of the United States.

Excavated Pond (Pond 5, 1.27 acres): Topos, aerial photographs, and the applicant-provided plans were utilized as part of the desktop analysis to identify that this water feature is a borrow area for fill material that has been excavated from uplands. This excavated pond does not have any continuous surface connection to a RPW or TNW. This feature is best described in the preamble for 33 CFR 328.3, published in the Federal Register Volume 51, Number 219, November 13, 1986 (page 41217), which states “For clarification, it should be noted that we generally do not consider the following waters to be Waters of the United States...“(d) artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.” This pond was created in uplands for aesthetic reasons and is not a water of the United States.

- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance.

Ditch1 (0.33 acre), Ditch 2 (0.89 acre), and Ditch 3 (0.44 acre): LiDAR, topo, aerial imagery, applicant-provided wetland delineation report, and a Corps site visit were utilized as part of the desktop analysis to identify that these features are ditches constructed from uplands for the purpose of conveying stormwater from the review area during rain events. The ditches do not contain relatively permanent water, are not under tidal influence, and do not act as a tributary to any TNW. The preamble of Section 328.3 (16 November 1986 Federal Register Vol. 51, No. 219) defines waters that are generally non-jurisdictional, including “non-tidal drainage ditches excavated on dry land... Ditches (including roadside ditches) excavated wholly in and draining only dry land and that do not carry a relatively permanent flow of water (33 CFR 328.3(b)(3).”

- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A

Corpus Christi Regulatory Field Office

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SWG-2022-00331

- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. [N/A or enter rationale/discussion here. N/A]
 - f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). N/A
9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
- a. Wetland Delineation Report: *WATERS OF THE U.S. SURVEY REPORT, Lucas Ranch 88.01-Acre Residential Development Site, Rockport, Aransas County, Texas, prepared by Triton Environmental Solutions, LLC., March 18, 2022.*
 - b. USGS Topographic Map/Scale: 2022 Rockport, TX; 1:24,000 (2022)
 - c. Web Soil Survey Hydric Rating Map for Hidalgo County, Texas (NRCS website accessed 22 July 2025)
 - d. US Fish and Wildlife Service (FWS) National Wetland Inventory (NWI): Web Mapper dated 22 July 2025
 - e. ORM2 Database - No jurisdictional determinations or permit actions have occurred within the review area.
 - f. Lidar (flown 2018); NOAA Digital Coast.
 - g. Site Visit, 7 November 2024
10. OTHER SUPPORTING INFORMATION. N/A

Corpus Christi Regulatory Field Office

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SWG-2022-00331

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

PREPARED BY:

Mark Pattillo

Mark Pattillo
Regulatory Project Manager

Date: 28 August 2025

REVIEWED/APPROVED BY:

Kara Vick

Kara Vick
Team Lead/Technical Expert, Corpus Christi Field Office
Regulatory Division, Galveston District

Date: 28 August 2025

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: METROPOL, LLC		File Number: SWG-2022-00331	Date: Aug 28, 2025
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL WITHOUT PREJUDICE	C	
	PERMIT DENIAL WITH PREJUDICE	D	
X	APPROVED JURISDICTIONAL DETERMINATION	E	
	PRELIMINARY JURISDICTIONAL DETERMINATION	F	

SECTION I

The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <https://www.usace.army.mil/Missions/Civil-Works/Regulatory-Program-and-Permits/appeals/> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C. PERMIT DENIAL WITHOUT PREJUDICE: Not appealable

You received a permit denial without prejudice because a required Federal, state, and/or local authorization and/or certification has been denied for activities which also require a Department of the Army permit before final action has been taken on the Army permit application. The permit denial without prejudice is not appealable. There is no prejudice to the right of the applicant to reinstate processing of the Army permit application if subsequent approval is received from the appropriate Federal, state, and/or local agency on a previously denied authorization and/or certification.

D: PERMIT DENIAL WITH PREJUDICE: You may appeal the permit denial

You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information for reconsideration

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- **RECONSIDERATION:** You may request that the district engineer reconsider the approved JD by submitting new information or data to the district engineer within 60 days of the date of this notice. The district will determine whether the information submitted qualifies as new information or data that justifies reconsideration of the approved JD. A reconsideration request does not initiate the appeal process. You may submit a request for appeal to the division engineer to preserve your appeal rights while the district is determining whether the submitted information qualifies for a reconsideration.

F: PRELIMINARY JURISDICTIONAL DETERMINATION: Not appealable

You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision you may contact:

Mark Pattillo
Project Manager (CESWG-RDR)
U.S. Army Corps of Engineers
5151 Flynn Parkway, Suite 306
Corpus Christi, Texas 78411-4318
361-814-5847 ext. 1004

If you have questions regarding the appeal process, or to submit your request for appeal, you may contact:

Mr. Jamie Hyslop
Administrative Appeals Review Officer
Southwestern Division (CESWD-PD-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Phone: 469-216-8324
Email: Jamie.r.hyslop@usace.army.mil

SECTION II – REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. Use additional pages as necessary. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation and will have the opportunity to participate in all site investigations.

 Signature of appellant or agent.	Date:
Email address of appellant and/or agent:	Telephone number: