



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

CESWG-RDR

15 November 2024

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),<sup>1</sup> SWG-2023-00393<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup> For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),<sup>5</sup> 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

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<sup>1</sup> 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.

<sup>2</sup> When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

<sup>3</sup> 33 CFR 331.2.

<sup>4</sup> Regulatory Guidance Letter 05-02.

<sup>5</sup> 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.

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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.

- 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).

Name	Size (ac)	Latitude	Longitude	Feature Type	Jurisdiction
W101a	1.12	28.05540764	-97.06484189	PEM1C	non-adjacent, non-jurisdictional
W101b	0.31	28.0556482	-97.06518571	PEM1A	non-adjacent, non-jurisdictional
W101c	0.03	28.05519159	-97.06549734	PEM1A	non-adjacent, non-jurisdictional
W101d	0.86	28.05610454	-97.06154842	PEM1A	non-adjacent, non-jurisdictional
W102a	0.05	28.05579002	-97.06305866	PEM1A	non-adjacent, non-jurisdictional
W102b	0.09	28.05552633	-97.06364921	PEM1A	non-adjacent, non-jurisdictional
W102c	0.02	28.05516762	-97.06321409	PEM1A	non-adjacent, non-jurisdictional
W102d	0.02	28.05524913	-97.06302433	PEM1A	non-adjacent, non-jurisdictional
W102e	0.14	28.05538556	-97.06290656	PEM1A	non-adjacent, non-jurisdictional
W102f	0.01	28.05539066	-97.06214597	PEM1A	non-adjacent, non-jurisdictional
W102g	0.06	28.0552385	-97.06194671	PEM1A	non-adjacent, non-jurisdictional
W102h	0.02	28.05517031	-97.06165531	PEM1A	non-adjacent, non-jurisdictional
W102i	0.11	28.05505892	-97.06139878	PEM1A	non-adjacent, non-jurisdictional
W102j	0.07	28.05557157	-97.0620537	PEM1A	non-adjacent, non-jurisdictional
W102k	0.03	28.05610745	-97.06275367	PEM1A	non-adjacent, non-jurisdictional

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W102l	0.03	28.05607322	-97.06015872	PEM1A	non-adjacent, non-jurisdictional
W102m	0.09	28.05525391	-97.06006517	PEM1A	non-adjacent, non-jurisdictional
W102n	0.03	28.05525391	-97.06006517	PEM1A	non-adjacent, non-jurisdictional
W102o	0.01	28.05543684	-97.05987571	PEM1A	non-adjacent, non-jurisdictional
W102p	0.02	28.05530116	-97.05965442	PEM1A	non-adjacent, non-jurisdictional
W102q	0.08	28.05555009	-97.05980414	PEM1A	non-adjacent, non-jurisdictional
W102r	0.21	28.05579941	-97.05955276	PEM1A	non-adjacent, non-jurisdictional
W102s	0.1	28.05566876	-97.05889364	PEM1A	non-adjacent, non-jurisdictional
W102t	0.14	28.05593313	-97.05885549	PEM1A	non-adjacent, non-jurisdictional
W102u	0.09	28.05618899	-97.05793487	PEM1A	non-adjacent, non-jurisdictional
W102v	0.06	28.05619523	-97.05763897	PEM1A	non-adjacent, non-jurisdictional
W102w	0.72	28.05596825	-97.05721735	PEM1C	non-adjacent, non-jurisdictional
W102x	0.04	28.0556952	-97.05740799	PEM1A	non-adjacent, non-jurisdictional
W102y	0.05	28.05547249	-97.05730643	PEM1A	non-adjacent, non-jurisdictional
W102z	0.06	28.05536672	-97.0573814	PEM1A	non-adjacent, non-jurisdictional
W102aa	0.05	28.05531583	-97.05700877	PEM1A	non-adjacent, non-jurisdictional
W102ab	0.16	28.05502667	-97.05658704	PEM1A	non-adjacent, non-jurisdictional
W102ac	0.08	28.05536286	-97.05626044	PEM1A	non-adjacent, non-jurisdictional
W102ad	0.08	28.05482414	-97.05644848	PEM1A	non-adjacent, non-jurisdictional
W102ae	0.03	28.05550439	-97.05612733	PEM1A	non-adjacent, non-jurisdictional
W102af	0.12	28.05439193	-97.05727337	PEM1A	non-adjacent, non-jurisdictional
W102ag	0.04	28.05438883	-97.05716432	PEM1A	non-adjacent, non-jurisdictional

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W102ah	0.13	28.05406829	-97.05767335	PEM1A	non-adjacent, non-jurisdictional
W102ai	0.07	28.05524742	-97.05875335	PEM1A	non-adjacent, non-jurisdictional
W102aj	0.06	28.05532273	-97.0585985	PEM1A	non-adjacent, non-jurisdictional
W102ak	0.07	28.05486294	-97.0580166	PEM1A	non-adjacent, non-jurisdictional
W102al	0.02	28.05475665	-97.05762014	PEM1A	non-adjacent, non-jurisdictional
W102am	0.18	28.05409165	-97.057078	PEM1A	non-adjacent, non-jurisdictional
W102an	0.07	28.05369881	-97.05768357	PEM1A	non-adjacent, non-jurisdictional
W102ao	0.1	28.05381912	-97.05798026	PEM1A	non-adjacent, non-jurisdictional
W102ap	0.12	28.05374853	-97.05846031	PEM1A	non-adjacent, non-jurisdictional
W102aq	0.2	28.05623892	-97.05589375	PEM1A	non-adjacent, non-jurisdictional
W102ar	0.17	28.05625653	-97.05524618	PEM1A	non-adjacent, non-jurisdictional
W102as	0.33	28.05585433	-97.05533945	PEM1A	non-adjacent, non-jurisdictional
W102at	0.08	28.05553981	-97.05491618	PEM1A	non-adjacent, non-jurisdictional
W102au	0.02	28.05512829	-97.05511643	PEM1A	non-adjacent, non-jurisdictional
W102av	0.02	28.05493455	-97.05569413	PEM1A	non-adjacent, non-jurisdictional
W102aw	0.28	28.05355002	-97.05650889	PEM1A	non-adjacent, non-jurisdictional
W102ax	0.09	28.05289759	-97.05643532	PEM1A	non-adjacent, non-jurisdictional
W102ay	0.07	28.05331095	-97.05631664	PEM1A	non-adjacent, non-jurisdictional
W102az	0.09	28.05303564	-97.05603872	PEM1A	non-adjacent, non-jurisdictional
W102ba	0.04	28.0530487	-97.05558887	PEM1A	non-adjacent, non-jurisdictional
W102bb	0.06	28.05211672	-97.05518578	PEM1A	non-adjacent, non-jurisdictional
W102bc	0.09	28.05210325	-97.05542783	PEM1A	non-adjacent, non-jurisdictional



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W102bd	0.08	28.05246515	-97.05570652	PEM1A	non-adjacent, non-jurisdictional
W102be	0.08	28.05327826	-97.05820974	PEM1A	non-adjacent, non-jurisdictional
W102bf	0.01	28.05282206	-97.05812774	PEM1A	non-adjacent, non-jurisdictional
W102bg	0.06	28.05280235	-97.05846677	PEM1A	non-adjacent, non-jurisdictional
W102bh	0.03	28.0527792	-97.05872965	PEM1A	non-adjacent, non-jurisdictional
W102bi	0.04	28.05294755	-97.05893248	PEM1A	non-adjacent, non-jurisdictional
W102bj	0.16	28.05305315	-97.05886123	PEM1A	non-adjacent, non-jurisdictional
W102bk	0.1	28.05315843	-97.05933079	PEM1A	non-adjacent, non-jurisdictional
W102bm	0.09	28.05420843	-97.05974087	PEM1A	non-adjacent, non-jurisdictional
W102bo	1.41	28.05366173	-97.06078249	PEM1A	non-adjacent, non-jurisdictional
W102bn	0.09	28.05342914	-97.06006549	PEM1A	non-adjacent, non-jurisdictional
W102bp	0.24	28.05428186	-97.06087689	PEM1A	non-adjacent, non-jurisdictional
W102bq	0.04	28.05428034	-97.06106535	PEM1A	non-adjacent, non-jurisdictional
W102br	0.03	28.05474048	-97.06008569	PEM1A	non-adjacent, non-jurisdictional
W102bs	0.04	28.05297121	-97.06025642	PEM1A	non-adjacent, non-jurisdictional
W102bt	0.06	28.05293455	-97.05971111	PEM1A	non-adjacent, non-jurisdictional
W102bu	0.03	28.05270391	-97.05954614	PEM1A	non-adjacent, non-jurisdictional
W102bv	0.03	28.0523229	-97.05957639	PEM1A	non-adjacent, non-jurisdictional
W102bw	0.03	28.05197769	-97.0589115	PEM1A	non-adjacent, non-jurisdictional
W102bx	0.22	28.05177976	-97.05862204	PEM1A	non-adjacent, non-jurisdictional
W102by	0.01	28.05461517	-97.06191557	PEM1A	non-adjacent, non-jurisdictional
W102bz	0.01	28.05443745	-97.06366022	PEM1A	non-adjacent, non-jurisdictional

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W102ca	0.01	28.05437436	-97.0637444	PEM1A	non-adjacent, non-jurisdictional
W102cb	0.1	28.05421897	-97.06401102	PEM1A	non-adjacent, non-jurisdictional
W102cc	0.04	28.05424846	-97.06446626	PEM1A	non-adjacent, non-jurisdictional
W102cd	0.14	28.05467559	-97.0647182	PEM1A	non-adjacent, non-jurisdictional
W102ce	0.01	28.05464057	-97.06480759	PEM1A	non-adjacent, non-jurisdictional
W102cf	0.04	28.0548077	-97.06503368	PEM1A	non-adjacent, non-jurisdictional
W102cg	0.04	28.05462549	-97.06508531	PEM1A	non-adjacent, non-jurisdictional
W102ch	0.04	28.05462861	-97.06521554	PEM1A	non-adjacent, non-jurisdictional
W102ci	0.01	28.05473766	-97.06548544	PEM1A	non-adjacent, non-jurisdictional
W102cj	0.01	28.0551036	-97.06601875	PEM1A	non-adjacent, non-jurisdictional
W102ck	0.02	28.05429329	-97.06507192	PEM1A	non-adjacent, non-jurisdictional
W102cl	0.09	28.05417132	-97.06548583	PEM1A	non-adjacent, non-jurisdictional
W102cm	0.05	28.05432477	-97.06581876	PEM1A	non-adjacent, non-jurisdictional
W102cn	0.04	28.05412523	-97.06603889	PEM1A	non-adjacent, non-jurisdictional
W102co	0.01	28.05365184	-97.066746	PEM1A	non-adjacent, non-jurisdictional
W102cp	0.01	28.05350979	-97.06696903	PEM1A	non-adjacent, non-jurisdictional
W102cq	0.02	28.05334488	-97.06754506	PEM1A	non-adjacent, non-jurisdictional
W102cr	0.03	28.05199281	-97.06714982	PEM1A	non-adjacent, non-jurisdictional
W102cs	0.03	28.05209232	-97.06689032	PEM1A	non-adjacent, non-jurisdictional
W102ct	0.01	28.05201788	-97.06674327	PEM1A	non-adjacent, non-jurisdictional
W102cu	0.06	28.05205648	-97.06659472	PEM1A	non-adjacent, non-jurisdictional
WA102cu	0.02	28.05209919	-97.06662039	PEM1C	non-adjacent, non-jurisdictional

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W102cv	0.04	28.05169998	-97.06656127	PEM1A	non-adjacent, non-jurisdictional
W102cw	0.12	28.05392502	-97.06412892	PEM1A	non-adjacent, non-jurisdictional
W102cx	0.09	28.05364527	-97.06433566	PEM1A	non-adjacent, non-jurisdictional
W102cy	0.07	28.05374586	-97.06459649	PEM1A	non-adjacent, non-jurisdictional
W102cz	0.05	28.05348401	-97.06470061	PEM1A	non-adjacent, non-jurisdictional
W102da	0.12	28.04932474	-97.06558911	PEM1A	non-adjacent, non-jurisdictional
W102db	0.034	28.04779827	-97.06321568	PEM1A	non-adjacent, non-jurisdictional
W102dc	0.22	28.0488841	-97.06456948	PEM1A	non-adjacent, non-jurisdictional
W103	5.12	28.05303583	-97.0626351	PEM1A	non-adjacent, non-jurisdictional
WA103	1.45	28.05208456	-97.06158018	PEM1C	non-adjacent, non-jurisdictional
W104	1.96	28.05390915	-97.05633733	PEM1A	non-adjacent, non-jurisdictional
W105	1.26	28.05120664	-97.0656311	PEM1C	non-adjacent, non-jurisdictional

## 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., 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The approximately 159.5-acre review area is located at the corner of State Highway 35 and Pearl Street in Rockport, Aransas County, Texas.

LATITUDE/LONGITUDE (Decimal Degrees):

Latitude: 28.05378 N; Longitude: 97.06129 W

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4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. <sup>6</sup> N/A
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS N/A
6. SECTION 10 JURISDICTIONAL WATERS<sup>7</sup>: 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.<sup>8</sup> 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 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

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<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

- 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”).<sup>9</sup> 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. N/A
- 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. N/A
- 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
- 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

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<sup>9</sup> 51 FR 41217, November 13, 1986.

resource or feature, and how it was determined to be an “isolated water” in accordance with SWANCC. 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).

**Wetlands W101b, W101c, W102a, W102b, W102c, W102d, W102e, W102f, W102g, W102h, W102i, W102j, W102l, W102n, W102o, W102p, W102q, W102r, W102s, W102w, W102x, W102y, W102z, W102aa, W102ab, W102ac, W102ad, W102ae, W102af, W102ag, W102ah, W102ai, W102aj, W102ak, W102al, W102am, W102an, W102ao, W102ap, W102as, W102au, W102av, W102aw, W102ax, W102ay, W102az, W102ba, W102bb, W102bc, W102bd, W102be, W102bf, W102bg, W102bh, W102bi, W102bj, W102bk, W102bl, W102bm, W102bn, W102bo, W102bp, W102bq, W102br, W102bs, W102bt, W102bu, W102bv, W102bw, W102bx, W102by, W102bz, W102ca, W102cb, W102cc, W102cd, W102ce, W102cf, W102cg, W102ch, W102ci, W102cj, W102ck, W102cl, W102cm, W102cn, W102co, W102cp, W102cq, W102cr, W102cs, W102ct, W102cu, W102cv, W102cw, W102cx, W102cy, W102cz, W102db, W104 (10.701 acres):** Based on data sources listed above, we have determined these palustrine wetlands reside in small depressional areas entirely within the review area that collect rainwater from the surrounding countryside. These wetlands do not have any known continuous surface connection to any water of the United States. There is no presence of a continuous surface connection, nor is there any evidence of sheet flow from these wetlands to a Relatively Permanent Water (RPW) or Traditional Navigable Waterway (TNW). There are no shallow sub-surface connections to a TNW. No more than overland sheet flow would exit the wetlands. The wetlands do not meet the definition of adjacent as defined in the pre-2015 regime post *Sackett* guidance and are not waters of the United States.

There are several wetlands that extend outside of the review area, **W101a (1.12 acres), Wetland W101d (0.86 acre), Wetland W102m (0.09 acre), Wetland W102k (0.03 acre), Wetland W102m (0.09 acre), Wetland W102k (0.03 acre), Wetland W102t (0.14 acre), Wetland W102u (0.09 acre), Wetland W102v (0.06 acre), Wetland W102aq (0.20 acre), Wetland W102ar (0.17 acre), Wetland W102at (0.08 acre), Wetland 102da (0.12 acre), Wetland W102dc (0.22 acre), Wetland WA102cu (0.02 acre), Wetland W103 (5.12 acres), and Wetland W105 (1.26 acres).** It was observed that none of these wetlands have any

shallow sub-surface connections to a RPW or TNW. No more than overland sheet flow would exit the wetlands. The wetlands do not meet the definition of adjacent as defined in the pre-2015 regime post Sackett guidance and are not waters of the United States.

**Wetland WA103 (1.45 acres):** Based on the data sources listed above, we have determined this feature is a seasonally flooded wetland that resides in a depressional area that collects water from the surrounding countryside. Via Lidar and Aerial maps, it is evident that this feature extends approximately 308 feet outside of the review area. The feature flows into an ornamental body of water on a golf course through an approximately 1,086-foot-long ditch. The flow path continues through an approximately 1,331-foot-long ditch from the ornamental body of water and terminates into another ornamental body of water on the golf course. The ditches and ornamental bodies of water do not provide a continuous surface connection, nor is there evidence of sheet flow, to an RPW or TNW. In accordance with 33 CFR Part 328.3, a wetland is considered a WOUS when it is adjacent to waters identified in paragraph (a)(1)-(a)(3) of the federal regulations. In accordance with pre-2015 regulatory regime in light of *Sackett v. EPA*, a wetland is considered adjacent if connected by a continuous surface connection, meaning that the wetland must physically abut or touch the paragraph a(1) or relatively permanent water, or be connected to the paragraph (a)(1) or relatively permanent water by a discrete feature (i.e. non-jurisdictional ditch, swale, pipe, or culvert).

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: 159.469-Acre Tract, Pearl Street and Hwy 35 SP, Rockport, Aransas County, Texas, prepared by CEI, dated 24 July 2023.
    - USFWS National Wetland Inventory (NWI) Mapper
    - Web Soil Survey for Aransas County, Texas
    - Wetland datasheets
    - Site photographs
  - b. Aerials (1995, 2005, 2016, 2020, 2024; source: Google Earth)
  - c. USGS Topographic Map 1:24,000 Rockport (2022)
  - d. South Texas Lidar (2018)
  - e. ORM2 Database – No previous jurisdictional determinations for this review area.

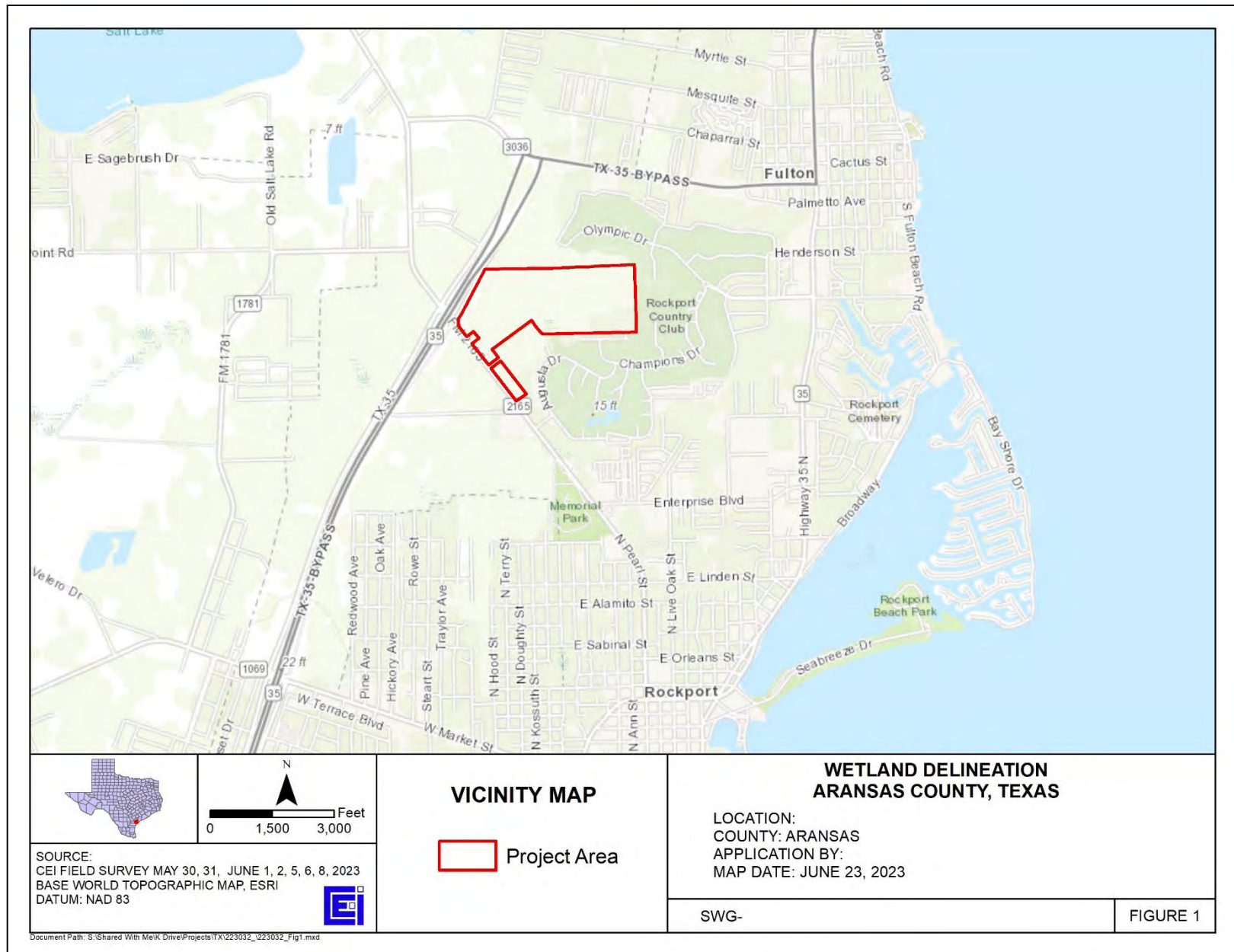
CESWG-RDR

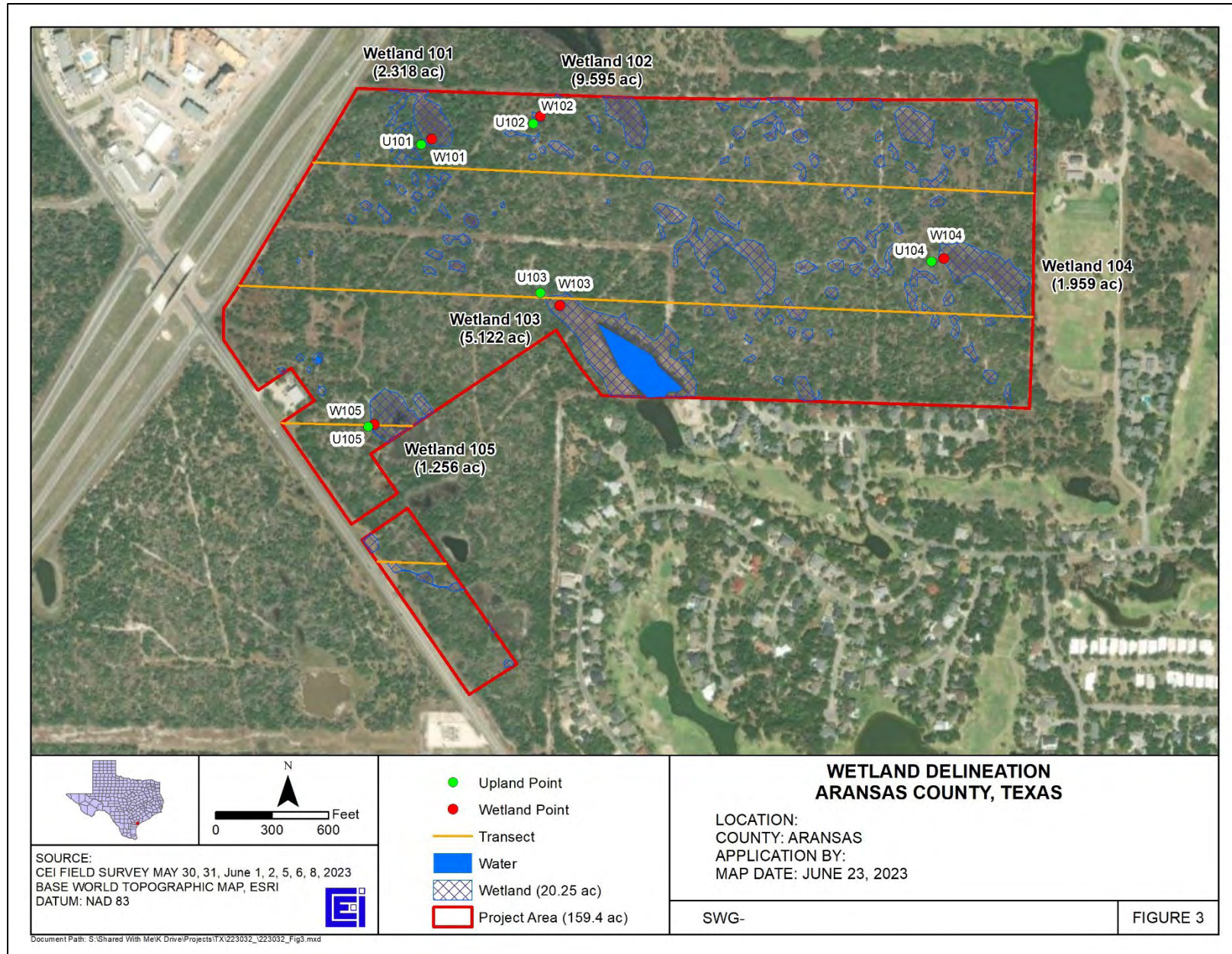
SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SWG-2023-00393

10. OTHER SUPPORTING INFORMATION. N/A

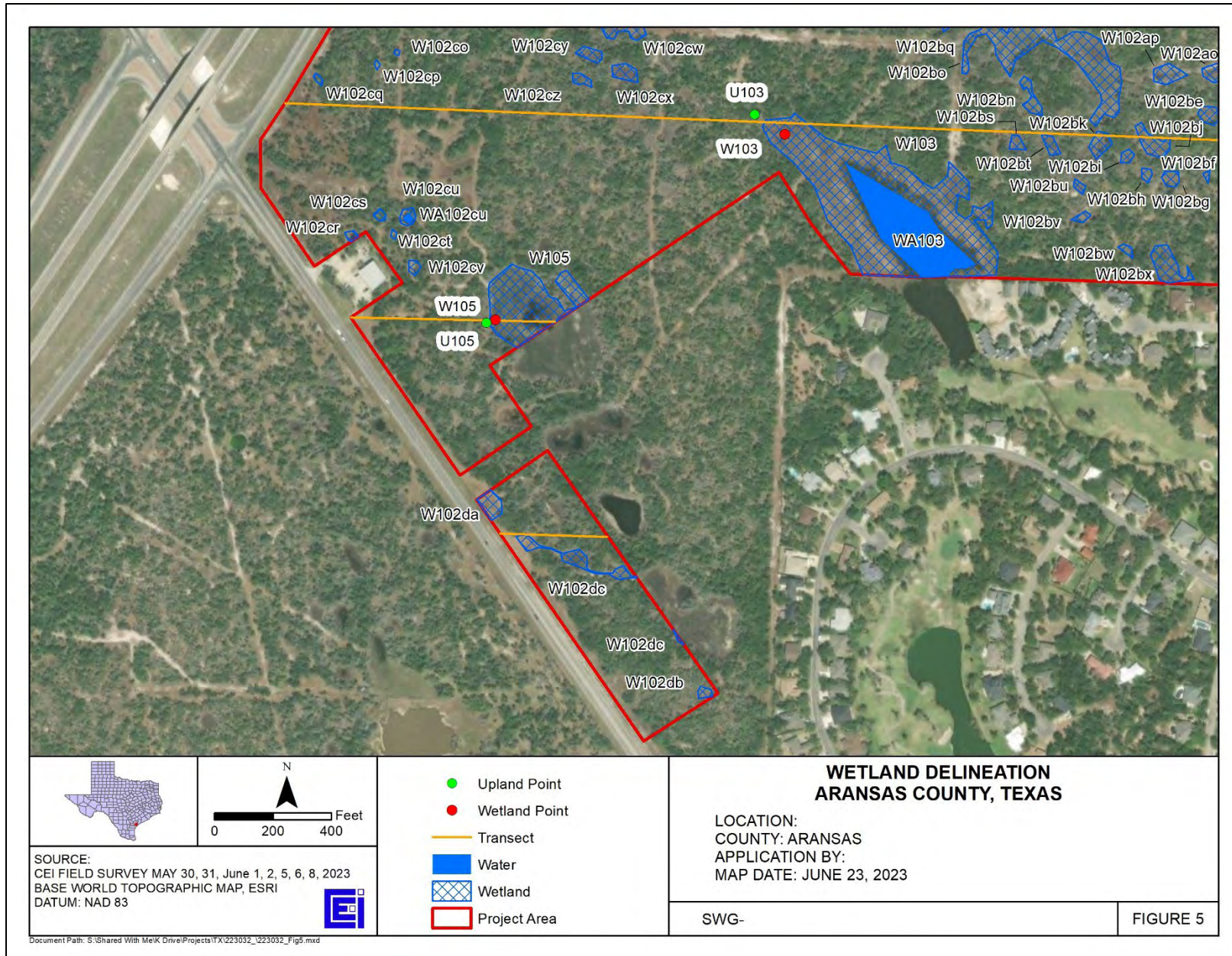
11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional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



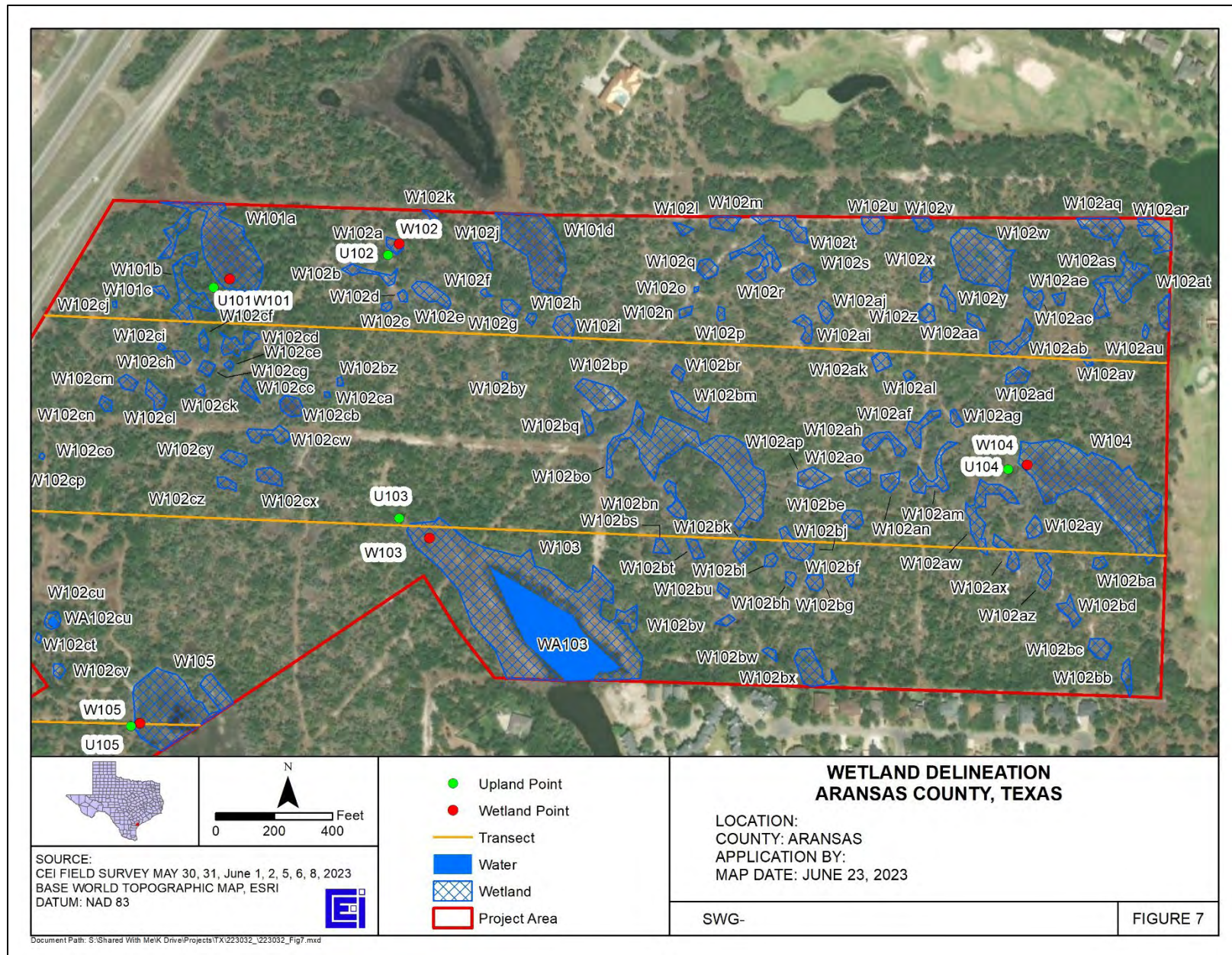




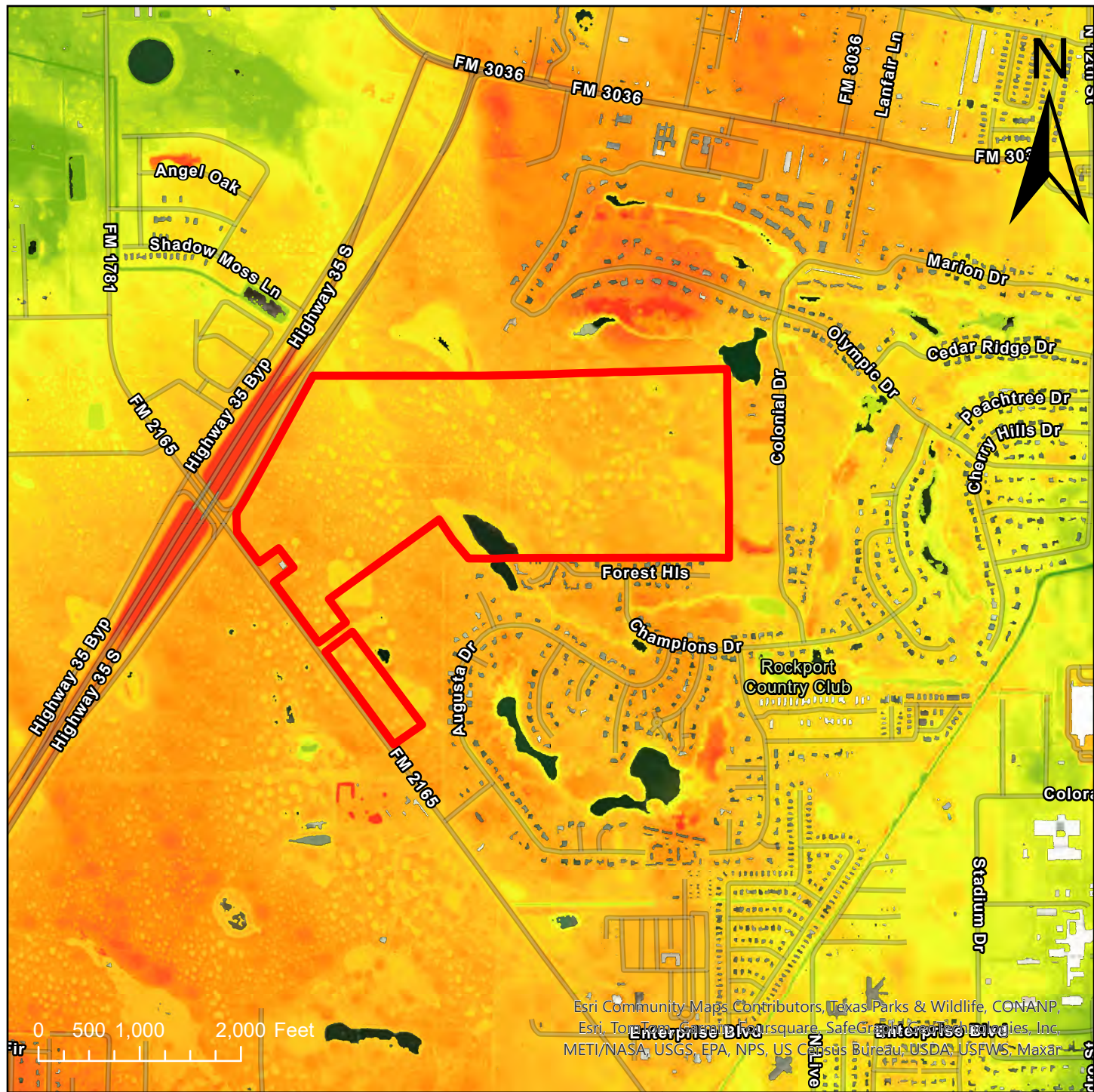












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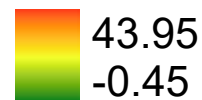
Lidar

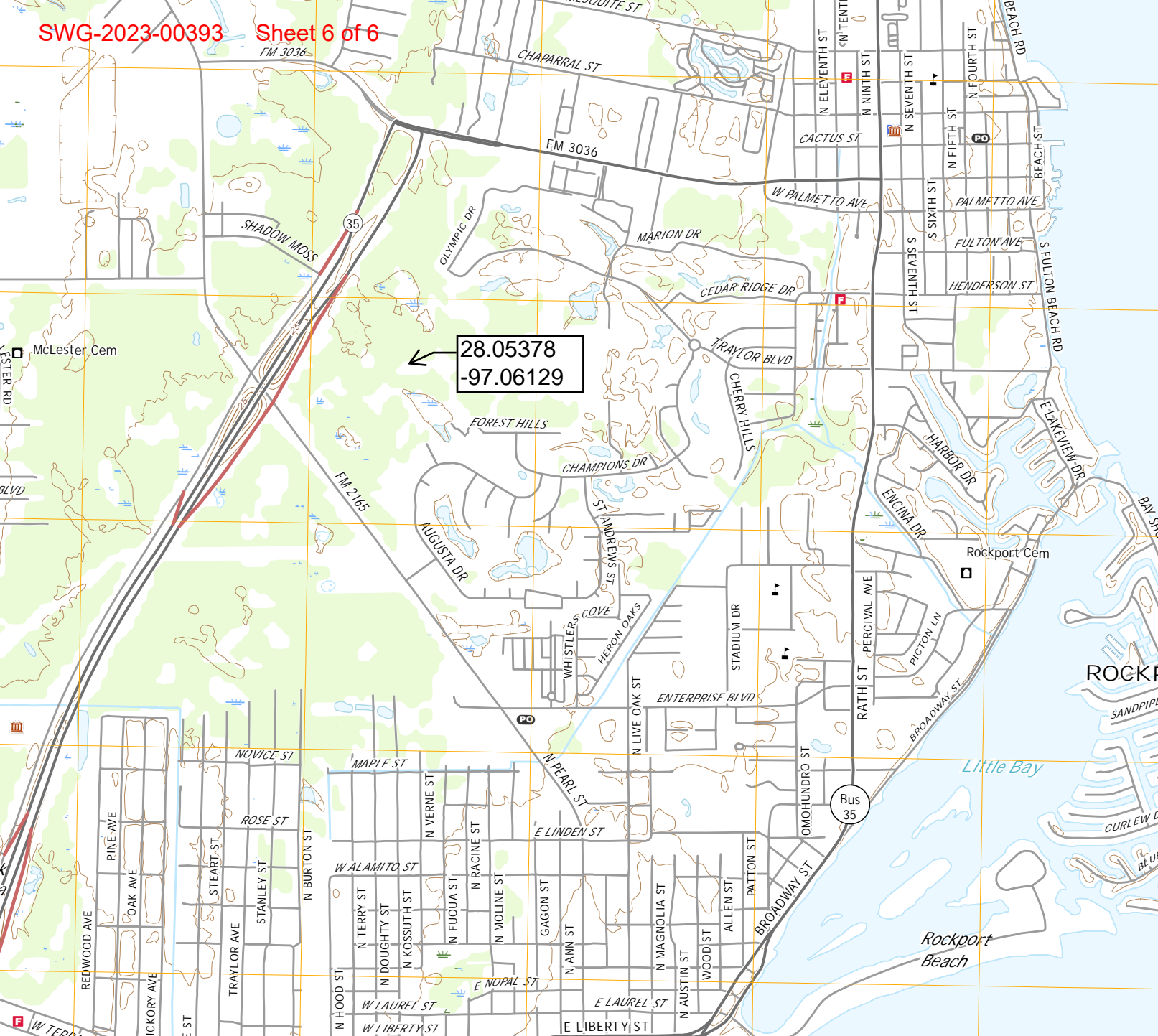
Review Area (approx. 159.5 acres):  
28.05378 -97.06129

## Legend

  Review Area

Elevation (ft)





28.05378  
-97.06129