



**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): 8/2/2021

ORM Number: SWG-2021-00420

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 27.78713° North Longitude 97.68516° 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
Ditch 1	4,300	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The review area contains an upland cut, man-made drainage ditch not constructed in a (c)(1) or (a)(4). This ditch does not extend into the ordinary high watermark of Petronila Creek. This roadside ditch is not a water of the US.
Ditch 2	2,800	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The review area contains an upland cut, man-made drainage ditch not constructed in a (c)(1) or (a)(4). This ditch does not extend into the ordinary high watermark of Oso Creek. This roadside ditch is not a water of the US.
Ditch 3	880	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The review area contains an upland cut, man-made drainage ditch not constructed in a (c)(1) or (a)(4). This ditch does not extend into the ordinary high watermark of Oso Creek. This roadside ditch is not a water of the US.
Retention Basin	10.33	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	This retention basin is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature does not contribute flow to jurisdictional waters in a typical year.

<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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**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 NCDD2, received on 9 June 2021](#)

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

Rationale: [No information was provided regarding location of these waterbodies in comparison to the floodplain of the closest navigable waterbody. In addition, a site visit was necessary to confirm information provided by the applicant.](#)

- ☐ 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: [20 June 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 \(NRCS website accessed 25 June 2021\)](#)
- ☒ USFWS NWI maps: [NWI for Robstown, Texas Quad](#)
- ☒ USGS topographic maps: [1:24,000 Robstown, 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 Panels 4854940275C and 4855030005D, dated 18 March 1985</a>

**B. Typical year assessment(s):** The review area site is within the 100-year floodplain for an area subject to flooding from localized precipitation only, and not from any (a)(1) – (a)(3) water during a typical year.

**C. Additional comments to support AJD:** [N/A](#)

