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**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): 12/16/2020

ORM Number: SWG-2019-00825

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Corpus Christi County/Parish/Borough: Nueces

Center Coordinates of Review Area: Latitude 27.631863 Longitude -97.340585

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 or describe rationale.
- ☒ 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)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
AR 2	2.5	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	This stretch of Oso Creek is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide.
AR 3	0.2	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	There is approximately 0.2-acre (emergent wetlands) along the shoreline within the high tide line (HTL).

C. Clean Water Act Section 404

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² 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.



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Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
AR 1	2	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.	There is approximately 2-acre (emergent wetlands) along the shoreline within and above the high tide line (HTL). The wetlands exhibit a predominance of hydrophytic vegetation, wetland hydrology, and hydric soils, as defined in the 1987 Corps of Engineers Wetland Delineation Manual and the Atlantic and Gulf Coastal Plain Regional Supplement (Version 2.0). Therefore, per 33 CFR 328.3(c) the wetlands are abutting to navigable waters (Oso Creek) and are subject to jurisdiction under Section 404 of the Clean Water Act and Section 10 of River and Harbors Act.

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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

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 provided by BEI on 2020 April 30](#)

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

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [N/A](#)

³ 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.

⁴ 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.

⁵ 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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- ☒ Photographs: [Aerial: Onsite photos provided by BEI on 2020 April 30](#)
- ☒ Corps site visit(s) conducted on: [16 July 2020](#)
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [NRCS Maps provided by BEI on 2020 April 30](#)
- ☒ USFWS NWI maps: [Provided by BEI on 2020 April 30](#)
- ☒ USGS topographic maps: [b. USGS Topographic Map 1:24,000 Oso Creek, Texas accessed 4 August 2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [This data will not be required as the 2.0 acres of estuarine wetlands terminates at an elevated bluff along the shoreline and the upland adjacent area.](#)

C. Additional comments to support AJD: [The desktop review and site visit have concluded that estuarine and marine wetlands \(2-acres\) are directly abutting an \(A1\) waters \(Oso Creek\) \(2.5- acres\) are present within the review area. The wetland \(AR1\) present within the review area occurs outside of the annual high tide line, but are considered adjacent, per 33 CFR 328.3\(c\). Therefore, the wetlands observed within the review area are jurisdictional under Section 404 of the Clean Water Act.](#)

**Figure 3: Vegetation Community Map
Approximate 13.0-Acre Survey Area
Oso George Subdivision
Corpus Christi, Nueces County, Texas**

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Notes:

- Prepared by Belaire Environmental, Inc., March 16, 2020 (JEP).
Revised Nov. 24, 2020 (LMF).
- Base map source: Pictometry, Nueces County, Jan 2019, Nueces County Parcel GIS data
- For permitting and planning purposes only, not for construction.

200 100 0 200
Feet



Excluded feature outside of the AJD review area.

AR-2 Open Water (Sec 10)
(Approximately 2.5 acres)

Oso Creek

Review Area
(Approximately 13.0 Acres)

Center Point
Latitude: 27.640946
Longitude: -97.341443

AR-3 Estuarine Wetlands
within Section 10 Waters

AR-1 Estuarine Wetland
(Sec 404) (Approximately 2.0
Acres)

Upland
(Approximately 8.5 Acres)

Yorktown Blvd

Amman St

Sera St

Legend

- Review Area
- AHTL (+2.36 ft. NAVD 88)
- stratmap19-landparcels_48355_nueces_201812
- Vegetation Community A-Upland (8.5)
- Vegetation Community B-Wetland (2.0 Ac)