



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

COPY

May 5, 2020

Corpus Christi Regulatory Field Office

SUBJECT: Permit Application No. SWG-2020-00289; Approved Jurisdictional Determination

Ms. Noelia Blanco, Program Coordinator
City of McAllen
P.O. Box 220
McAllen, Texas 78505

Dear Ms. Blanco:

This is in regard to your request received on behalf of Affordable Homes of South Texas, Inc. on April 28, 2020, to determine whether jurisdictional waters may be present, and/or whether a Department of the Army (DA) permit is required for development of an approximately 40-acre parcel of vacant land, which is proposed to be a U.S. Department of Housing and Urban Development (HUD) funded project located on the northeast corner of La Lomita Road and Sprague Avenue in the City of McAllen, Hidalgo County, Texas.

Upon reviewing your proposed activity, as described in the submitted document, the Corps has concluded there are no waters of the United States within the approximately 40-acre review area. Therefore, the proposed project is not subject to our jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 or Section 404 of the Clean Water Act; and as such, a DA permit is not required. The enclosed approved jurisdictional determination (AJD), dated May 4, 2020, 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.

Corps determinations are conducted to identify the limits of the Corps Clean Water Act jurisdiction for particular sites. This 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 request a certified wetland determination from the local office of the Natural Resources Conservation Service prior to starting work.

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. Elliott Carman
Regulatory Appeals Officer
Southwest Division USACE (CESWD-PD-O)
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Telephone: 469-487-7061; FAX: 469-487-7199

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 reference file number **SWG-2020-00289** in future correspondence pertaining to this subject. If you have any questions, please contact me at the letterhead address or by telephone at 361-814-5847 ext. 1002. To assist us in improving our service to you, please complete the survey found at:
http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0

Sincerely,

Matthew L. Kimmel

Matthew Kimmel
Supervisor
Corpus Christi Regulatory Field Office

Enclosures

Copy to: Mr. Ken DeJarnett, Affordable Homes of South Texas, Inc., 1420 Erie Avenue,
McAllen, TX 78501

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): May 4, 2020

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: City of McAllen, Stonebriar Development; SWG-2020-00289

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Hidalgo City: McAllen

Center coordinates of site (lat/long in degree decimal format): Lat. 26.30857° N, Long. 98.24231° W

Universal Transverse Mercator: 14R (Meters) 575,630 E; 2,910,078 N

Name of nearest waterbody: Rio Grande

Name of watershed or Hydrologic Unit Code (HUC): 12110208, South Laguna Madre

Check if map/diagram of review area is available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: May 4, 2020

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Raba Kistner, information provided April 28, 2020

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

U.S. Geological Survey Hydrologic Atlas:

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad names: 1:24,000; Edinburg, Texas

USDA Natural Resources Conservation Service Soil Survey. Citation: Hidalgo County Web Soil Survey, Ref: May 4, 2020. No hydric soils present

National wetlands inventory map(s). Cite name: USFWS Wetlands Mapper, ref. May 4, 2020

State/Local wetland inventory map(s):

FEMA/FIRM maps: Panels 4803340325D (6 June 2000) and 4803320295D (6 June 2000). Portions of the review area within the Floodplain.

100-year Floodplain Elevation is:

Photographs: Aerial (Name & Date): 2018; source: Google Earth

or Other (Name & Date):

Previous determination(s). File no. and date of response letter:

Applicable/supporting case law:

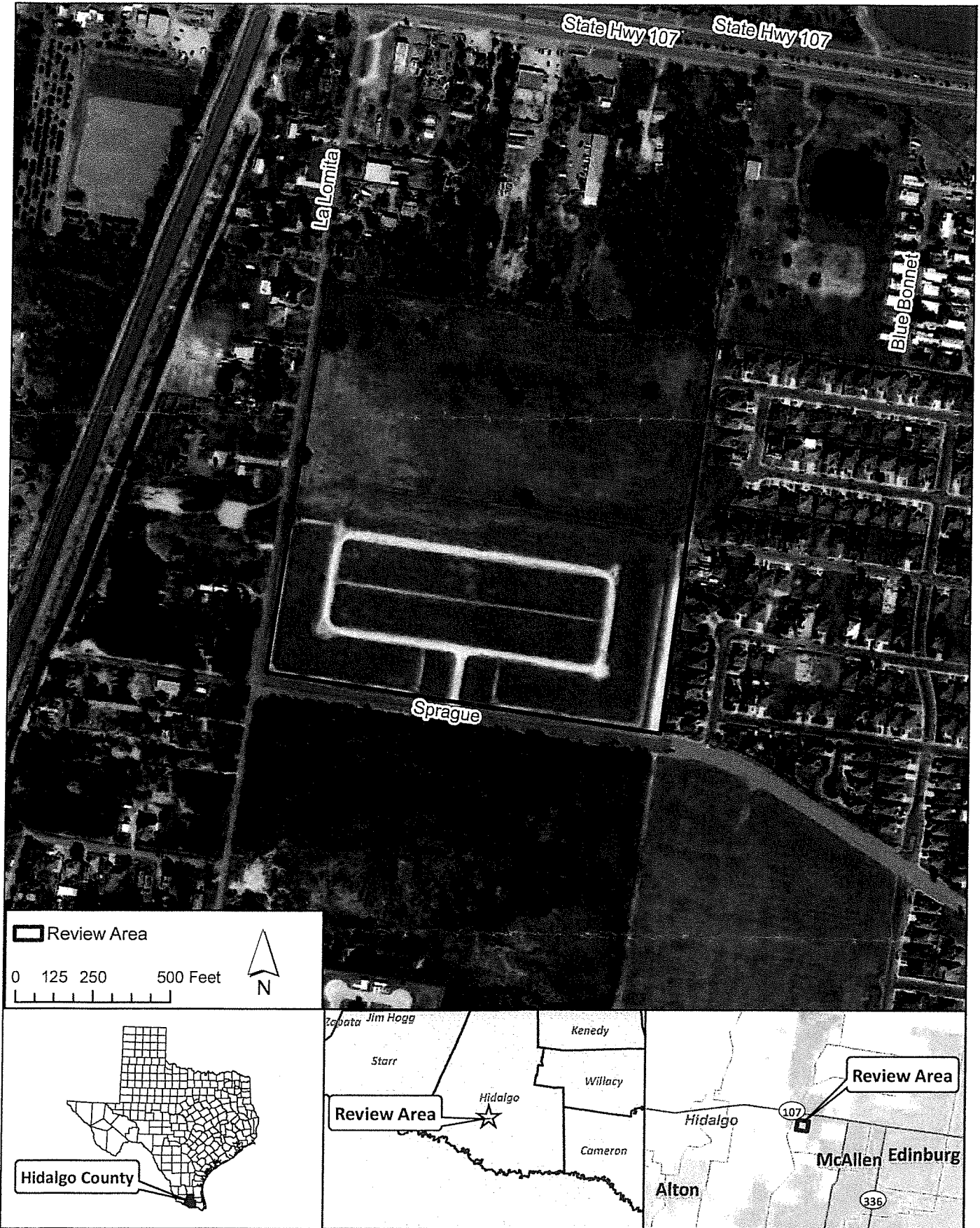
Applicable/supporting scientific literature:

Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE

REVIEW AREA ONLY INCLUDES DRY LAND: The proposed activity's project review area does not include any feature that meets the definition of a water of the United States as defined within 33 CFR part 328. The proposed project will have no impacts on the Main Floodway, approximately 8.8 miles to the south, subject to jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 or Section 404 of the Clean Water Act.

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.



SOURCE: Aerial Photograph Obtained from TX Orthoimagery Program - 2016