



**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): 7/1/2021

ORM Number: SWG-2018-00837

Associated JDs: N/A.

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

Center Coordinates of Review Area: Latitude 29.511799 Longitude -95.420252

**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.	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.	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.

<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
Swale 1	34	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Swale 1 does not have a bed and bank and is an ephemeral feature. Water was not observed in Swale 1 in any of the aerial photos.
Swale 2	597	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Swale 2 does not have a bed and bank and is an ephemeral feature. Pondered water was observed in an apparent deeper section of Swale 2 in a few aerial photos; however, the water is sporadic and does not cover the entire swale.
Wetland 1	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not abut nor is separated from an (a)(1)-(a)(3) by a single natural or artificial barrier. Also, Wetland 1 does not get inundated by flooding from an (a)(1)-(a)(3) water in a typical year. Our review of aerial photos and topo maps shows that Wetland 1 does not abut nor is separated from an (a)(1)-(a)(3) water by a single natural or artificial barrier. Please see typical year discussion below.
Wetland 2	0.08	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 does not abut nor is separated from an (a)(1)-(a)(3) by a single natural or artificial barrier. Also, Wetland 2 does not get inundated by flooding from an (a)(1)-(a)(3) water in a typical year. Our review of aerial photos and topo maps shows that Wetland 2 does not abut nor is separated from an (a)(1)-(a)(3) water by a single natural or artificial barrier. Please see typical year discussion below.
Ditch 1	194	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).	Ditch 1 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 1 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ditch 2	194	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).	Ditch 2 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 2 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 3	957	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).	Ditch 3 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 3 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 4	196	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).	Ditch 4 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 4 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 5	156	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an	Ditch 5 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(4) water that do not satisfy the conditions of (c)(1).	extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 5 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 6	664	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).	Ditch 6 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 6 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 7	46	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).	Ditch 7 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 7 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 8	170	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).	Ditch 8 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				Ditch 8 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 9	2,646	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).	Ditch 9 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 9 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 10	2,755	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).	Ditch 10 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 10 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 11	1,132	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).	Ditch 11 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 11 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 12	1,409	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of	Ditch 12 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or





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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 12 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 13	2,090	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).	Ditch 13 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 13 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 14	311	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).	Ditch 14 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 14 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.
Ditch 15	2,579	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).	Ditch 15 is a constructed or excavated channel used to convey water. The ditch is present on the 1995 aerial photo. The 1929 Tactical Map does not show any tributaries, wetlands or ditches in the project area. The 1944 topo map shows a drainage ditch north of the project site extending onto the project site, crossing the future CR 58, and extending east on the south side of the future CR 58. The 1955 topo map shows additional ditches extending south from



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			CR 58. The 1944 and 1955 topos do not show any tributaries or wetlands in the project site. Ditch 15 is not a re-routed tributary nor was constructed in a tributary or adjacent wetland.

### 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: [Terracon report dated 18 October 2018](#)

This information [is](#) sufficient for purposes of this AJD.

Rationale: [N/A.](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Aerial: Google Earth 1995-2020](#)

☐ Corps site visit(s) conducted on: [Date\(s\).](#)

☐ 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: [Title\(s\) and/or date\(s\).](#)

☒ USFWS NWI maps: [Goole Earth Layer](#)

☒ USGS topographic maps: [1929 Pasadena, Tex., 1944 Almeda, Tex. 1955 Almeda, Tex.](#)

**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="#">N/A.</a>

**B. Typical year assessment(s):** [Wetland 1 and 2 were evaluated for typical year inundation by flooding from an \(a\)\(1\)-\(a\)\(3\) water. We examined the aerial photos in coordination with the Antecedent Precipitation Tool. None of the aerial photos showed inundation from Mustang Bayou \[a 328.3\(a\)\(2\) perennial water\] which is the closest water of the United States, including the 30 August 2017 photo that was shot after Hurricane Harvey \(a 500-year or larger event\) with over 22 inches of rain falling in Pearland the three days preceeding the photo.](#)

Photo Date	72 hr. precip. (in.)	Season	APT Score	APT Condition
<a href="#">1/22/1995</a>	<a href="#">N/A</a>	<a href="#">Wet</a>	<a href="#">16</a>	<a href="#">Wetter than Normal</a>
<a href="#">12/31/2001</a>	<a href="#">0.16</a>	<a href="#">Wet</a>	<a href="#">17</a>	<a href="#">Wetter than Normal</a>
<a href="#">1/14/2006</a>	<a href="#">0.01</a>	<a href="#">Wet</a>	<a href="#">8</a>	<a href="#">Drier than Normal</a>
<a href="#">1/8/2010</a>	<a href="#">0.16</a>	<a href="#">Wet</a>	<a href="#">13</a>	<a href="#">Normal</a>
<a href="#">2/14/2014</a>	<a href="#">0.15</a>	<a href="#">Wet</a>	<a href="#">7</a>	<a href="#">Drier than Normal</a>
<a href="#">8/30/2017</a>	<a href="#">22.59</a>	<a href="#">Dry</a>	<a href="#">15</a>	<a href="#">Wetter than Normal</a>



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11/16/2020

0.01

Wet

10

Normal

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