**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): 3/19/2021
ORM Number: SWG 2020-00266
Associated JDs: N/A
Review Area Location[1]: State/Territory: Texas City: Bridge City County/Parish/Borough: Orange
Center Coordinates of Review Area: Latitude 30.025536 Longitude -93.875341

## 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)[2]**

| § 10 Name | § 10 Size | | § 10 Criteria | Rationale for § 10 Determination |
|---|---|---|---|---|
| Section 10 Waters 1 | 0.210 | acre(s) | RHA Tidal water is subject to the ebb and flow of the tide | This body of water is part of the greater unnamed tidal body of water that abuts the southern portion of the property and is subject to the ebb and flow of the daily tide. Therefore, waters 1-3 are jurisdictional as an (a)(1) water. |
| Section 10 Waters 2 | 0.150 | acre(s) | RHA Tidal water is subject to the ebb and flow of the tide | This body of water is part of the greater unnamed tidal body of water that abuts the southern portion of the property and is subject to the ebb and flow of the daily tide. Therefore, waters 1-3 are jurisdictional as an (a)(1) water. |
| Section 10 Waters 3 | 0.200 | acre(s) | RHA Tidal water is subject to the ebb and flow of the tide | This body of water is part of the greater unnamed tidal body of water that abuts the southern portion of the property and is subject to the ebb and flow of the daily tide. Therefore, waters 1-3 are jurisdictional as an (a)(1) water. |

**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.

| Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3] | | | | |
|---|---|---|---|---|
| (a)(1) Name | (a)(1) Size | | (a)(1) Criteria | Rationale for (a)(1) Determination |
| Section 404 Waters 1 | 0.210 | acre(s) | (a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY). | This body of water is part of the greater unnamed tidal body of water that abuts the southern portion of the property and is subject to the ebb and flow of the daily tide. Therefore, waters 1-3 are jurisdictional as an (a)(1) water. |
| Section 404 Waters 2 | 0.150 | acre(s) | (a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY). | This body of water is part of the greater unnamed tidal body of water that abuts the southern portion of the property and is subject to the ebb and flow of the daily tide. Therefore, waters 1-3 are jurisdictional as an (a)(1) water. |
| Section 404 Waters 3 | 0.200 | acre(s) | (a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY). | This body of water is part of the greater unnamed tidal body of water that abuts the southern portion of the property and is subject to the ebb and flow of the daily tide. Therefore, waters 1-3 are jurisdictional as an (a)(1) water. |

[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.

| 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 |
| Wetland 3 | 1.681 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | This wetland does abut an (a)(1) – (a)(3) water. Specifically an unnamed water subject to the ebb and flow of the daily tide |
| Wetland 4 | 1.629 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | This wetland does abut an (a)(1) – (a)(3) water. Specifically an unnamed water subject to the ebb and flow of the daily tide. |

## D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| Wetland 1 | 4.845 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 2 | 0.904 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 5 | 0.029 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural |

[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.

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | | feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 6 | 0.097 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 7 | 0.256 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |
| Wetland 8 | 0.085 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 9 | 0.734 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 10 | 2.586 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 11 | 1.849 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural |

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | | feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 12 (A) | 1.084 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 12 (B) | 0.500 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 13 | 0.080 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 14 | 20.106 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 15 | 0.027 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure . |
| Wetland 16 | 0.014 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically |

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| | | | | separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |
| Wetland 17 | 0.028 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; because it is physically separated from an (a)(1) – (a)(3) water by an artificial dike, barrier, or similar artificial structure and does not have a structure that allows inundation from an (a)(1)-(a)(3) water in a typical year. |
| Wetland 18 | 0.340 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |
| Wetland 19 | 0.010 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |

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| Wetland 20 | 0.760 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; because it is physically separated from an (a)(1) – (a)(3) water by an artificial dike, barrier, or similar artificial structure and does not have a structure that allows for inundation from an (a)(1)-(a)(3) water in a typical year. |
| Wetland 21 | 0.036 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |
| Wetland 22 | 4.854 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a |

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| | | | | natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |
| Wetland 23 | 0.263 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 24 | 1.341 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 25 | 0.442 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 26 | 0.032 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 27 | 1.737 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 28 | 0.231 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural |

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| | | | | feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 29 | 0.050 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |
| Wetland 30 A | 0.930 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Wetland 30 B | 1.710 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |

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| Wetland 31 | 0.162 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure. |

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| Wetland 32 | 5.972 | acre(s) | (b)(1) Non-adjacent wetland. | This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure |
| Man-Made Ditch 1 | 0.647 | acre(s) | (b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of | The feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The |

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| | | | a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1). | ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 2 | 0.036 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 3 | 0.743 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 4 | 0.016 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 5 | 0.091 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |

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| Man-Made Ditch 6 | 0.009 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 7 | 0.05 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 8 | 0.04 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 9 | 0.003 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 10 | 0.131 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |

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| Man-Made Ditch 11 | 0.001 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 12 | 0.062 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 13 | 0.063 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 14 | 0.01 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 15 | 0.185 | acre(s) | (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 | The feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |

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| | | | conditions of (c)(1). | |
| Man-Made Ditch 16 | 0.006 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 17 | 0.077 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 18 | 0.113 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |
| Man-Made Ditch 19 | 0.045 | acre(s) | (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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. |

## 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: Title(s) and date(s)

This information is sufficient for purposes of this AJD.
Rationale: More information was needed for OHWL and Areas that cattle graze in.

- ☒ Data sheets prepared by the Corps: Data sheet 1 & 2, 10 Sept 2020
- ☒ Photographs: Aerial: Google Earth Images 1989,1998,2005,2009,2011,2019
- ☒ Corps site visit(s) conducted on: 09/10/2020
- ☐ 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: WebSoil Survey
- ☒ USFWS NWI maps: USFWS NWI Map
- ☒ USGS topographic maps: Terry, TX 1926, 1943, 1957, 2019: Orangefield, TX-LA 1943, 1957, 2019

**Other data sources used to aid in this determination:**

| Data Source (select) | Name and/or date and other relevant information |
|---|---|
| USGS Sources | |
| USDA Sources | |
| NOAA Sources | NOAA Tides and Currents Website |
| USACE Sources | ORM for Historical review |
| State/Local/Tribal Sources | |
| FEMA/FIRM maps | FEMA NFHL Panel 22023C0025H Effective 11/16/2012 Partial for property and FEMA NFHL Panel 480510 0150 B Effective January 6 1983 |

**B. Typical year assessment(s):** The two nearest NOAA tide stations to the project site are Bridge City and Port Arthur. The data from each station was analyzed for the time frame of 2001 to 2020 to cover a tidal epoch (18.6 year). Both stations were missing considerable datum from 2001 through 2015. However, from 2016 through November 2020 both tidal stations provided consistant data.

- The Rainbow Bridge tide station, located in the Neches River has been active since 1993. The tide station was out of service from 2001 to August 2002 then again ,from January 2003- October 2012. It was again out of service from October 2013-June 2015.
- The Port Arthur tide station, located along the Sabine Nechas Canal, has been active since 1996. There was no data from this particular tide station from 2001- October 2012 and again from October 2013-October 2015. The reason for the missing data is unknown. However several hurricanes and tropical storms have occurred in the area and the tidal station is located on a heavily traveled portion of the Gulf Intracoastal Waterway (GIWW)

The monthly high tides were averaged to obtain the highest water levels of the years to determine areas that would be inundated by flooding by a nearby tidal water in a typical year. The highest tide elevation, based on the monthly average for the Rainbow Bridge station, occurred in April. The April average for the Rainbow Bridge station was +2.48 feet NAVD88. The Port Arthur station highest tide elevation, based on the monthly average, was +2.91 foot NAVD88, both being within 0.43 feet.

The LiDAR elevations for the project site ranged from a base elevation of +2 feet NAVD88. Therefore, 30 of the 32 wetlands on the project site are at a minimum of 1-foot above the average highest tides of the year and do not get inundated from the Neches River or Sabine Lake in a typical year.

**C. Additional comments to support AJD:** In conclusion, we verified that 32 non jurisdictional separate wetlands exist on the site. These wetlands are:

i) not abutting a navigable water, a jurisdictional tributary, or a jurisdictional lake, pond or impoundment.
ii) not inundated by flooding from a navigable water, a jurisdictional tributary, or a jurisdictional lake, pond or impoundment in a typical year;
iii) not physically separated from a navigable water, a jurisdictional tributary, or a jurisdictional lake, pond or impoundment by a single natural berm, dune or similar feature; and
iv) not physically separated from a navigable water, a jurisdictional tributary, or a jurisdictional lake, pond or impoundment by an artificial structure that allows direct surface hydrologic flow between the wetlands and Sabine Lake

Two jurisdictional wetlands (a)(4) wetlands) do exist on the site as well as three areas that are jurisdictional under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (CWA). The two wetlands
i) are abutting a navigable water, a jurisdictional tributary, or a jurisdictional lake, pond or impoundment;.

The three areas that are jurisdictional under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean ater Act (CWA) are subject to the ebb and flow of the tide and therefore are an (a)(1) water.