



**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): 1/20/2021

ORM Number: SWG-2020-00660

Associated JDs: n/a

Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris

Center Coordinates of Review Area: Latitude 29.86024 Longitude -95.54044

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
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(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	
Ditch 1 Trib to Cole Creek	0.014 acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Ditch 1 is a natural intermittent tributary to Cole Creek, which flows into White Oak Bayou, then into Buffalo Bayou, an (a)(1) water in a typical year. Based on visual observation and historic aerial imagery review this tributary feature exhibits intermittent water flow.	

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.

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.



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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.	

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Underground Box Culvert-Trib to Cole Creek	460 linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	(b)(1) Waters or water features that are not identified in paragraph (a)(1), (a)(2), (a)(3), or (a)(4) includes underground or buried portions of a channel network (including culverts). This portion of unnamed tributary to Cole Creek is excluded.	

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: [Spirit Environmental, HCFCD ID Z1009-00-00-Y073, August 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).

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

☒ Photographs: [Aerial and Other: GeoSearch-USDA 2018, 2016, 2014, 2012, 2005, IR 2010, IR 2010, IR 2004, USGS 01/23/1995, TXDOT 10/10/1989, USGS 02/17/1983, TXDOT 03/25/1979, USGS 10/16/1966, 10/23/1962. Site photos-07/03/2020](#)

☐ 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: [Web Soil Survey database, Addicks - Urban land complex, Deep, moderately well drained, 0-1 % slopes, black to light gray loam, Hydric.](#)

☒ USFWS NWI maps: [Hedwig Vilalge, TX, PFO1A, R5UBH, R4SBC](#)

☒ USGS topographic maps: [7.5 min, 2017 Hedwig Village, Tx.](#)

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.

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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Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LIDAR Map 11/18/2019

B. Typical year assessment(s): Water features were analyzed using APT calculating for base delineation map aerial photograph date of 11/10/2019. The APT is a tool that affords the user the capability to look at rainfall in the recent past, cumulative for the last 3 months as well and climatological review for the past 30 years. The WETs score (last 3 mths) for that 10 Nov 2019 totaled 17 on a scale of 6-18 with a score of 15-18 being wetter than normal precipitation for the previous 3 months, which indicates that the measurements or observations made are reflective of wetter than normal climatic conditions. It uses climatic data collected from numerous nearby weather stations and produces the most reliable source with a full 30 years of precipitation data. The site coordinates are located at an appx 93.29 ft elevation. Below is the result of numerous dates run for this site.

Date	Rain prior 72 hours	WETS (3 mth) score:	APT	Season	PDSI
10 NOV 2019 (ESRI Aerial)	~1-2"	17 (W)	Wetter than normal	Wet	Normal
30 JUN 2020 (Agent site visit)	0"	15 (W)	Wetter than normal	Dry	Normal
30 Dec 2016 (Google Earth)	0"	15 (W)	Wetter than normal	Dry	Normal
28 OCT 2017 (Google Earth)	0"	13 (N)	Normal	Wet	Extreme wetness
30 MAY 2016 (Google Earth)	<1"	18 (W)	Wetter than normal	Dry	Severe wetness
22 APR 2019 (Google Earth)	~2.5	18 (W)	Wetter than normal	Dry	Severe wetness
31 JUL 2015 (Google Earth)	<0.05	12 (N)	Normal	Dry	Severe wetness

The results of the review of the APT analysis aiding in reaching the conclusion needed to determine if the subject feature have more than ephemeral flow and/or are inundated by flooding from a (a)1-(a)3 water in a typical year. Historical aerial observations show flowing water during normal and wetter than normal conditions. Evidence of water in the channel within these time resources (e.g. historic aeriels) indicate at least intermittent flow of the this tributary to Cole Creek, which flows into White Oak Bayou, then Buffalo Bayou an a(1) within a typical year.

C. Additional comments to support AJD:



Legend

- Project Area
- Ditch 1 (0.014 acres)
- Data Points
- Underground Box Culvert

WETLAND AND WATERBODY MAP
Z100-00-00-Y073
HARRIS COUNTY FLOOD
CONTROL DISTRICT
HARRIS COUNTY, TEXAS



20465 State Highway 249, Suite 300
Houston, TX 77070

Figure: 8

Date: 9/10/2020

Project No.: 20402.00N

Drawn By: AHasse

Revision No.: 1

Note: This is not a
Property Boundary Survey