



**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): 8/26/2021

ORM Number: SWG-2020-00907

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 29.882835 Longitude -95.061245

**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)<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.

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.

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.

<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
Ditch West	13,124.12	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).	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.
Ditch East	28,643.21	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).	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.
Jaeger Gully	2,103.41	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition of paragraph (b) (3) and are not (a) (1) or (a) (2) waters are not jurisdictional according to this specific type of exclusion (b) (3) for documentation purposes. Ephemeral 1 provides surface flow to (a) (2) waters only in response to rainfall events during a typical year. This feature does not relocate a tributary nor is it within a tributary. Flow regimes were determined based on review of referenced resources listed in sections IIIA and IIIB.
PUB A	0.37	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	This feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature does not contribute flow to jurisdictional waters in a typical year.

<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
SJRA Canal	1.42	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.
Wetland H	0.01	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 H is physically separated from Jaeger Gully via expansive uplands that have no break or direct intermittent or perennial connection to the b(3). There is no evidence that Wetland H is flooded Jaeger Gully in a typical year.

### 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: [WDR-Barrett Station – Dreamland Place Subdivision Drainage Improvements, Holloway, December 2020](#)

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

Rationale: [Revised maps were required, received 08/25/2021](#)

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

☒ Photographs: [Aerial and Other: Aerial: 1938, 1944, 1953, 1966, 1969, 1973, 1982, 1989, 1991, 2006, 2012, 2016, 2020. Site photos 11/04/2020](#)

☐ 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: [NRCS Web Soil Survey, 2020](#)

☒ USFWS NWI maps: [NWI 2014](#)

☒ USGS topographic maps: [7.5 Min USGS, Crosby, Tx, 1916, 1920, 1947, 1955, 1967, 1982, 2013](#)

**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>



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Data Source (select)	Name and/or date and other relevant information
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	NHD 2017, HCFCD Lidar 2012

**B. Typical year assessment(s):** Water features were analyzed using APT calculating for consultant's site visit, 11-04-2020. 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 date totaled 13 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 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 approx. 44.39 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
04 NOV 2020 (Agent site visit)	0"	13 (N)	Normal	Wet	Incipient drought
01 DEC 2019 (Google earth)	<1"	13 (N)	Normal	Wet	Incipient drought
28 OCT 2017 (Google Earth)	<1"	13(N)	Normal	Wet	Extreme Wetness
30 AUG 2017 (Google Earth)	0"	13(N)	Normal	Wet	Extreme Wetness
03 MAR 2016	<1	12(N)	Normal	Wet	Mild 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. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps.

Ditch West, Ditch East, SJRA Canal: these features are a constructed or excavated channel used to convey water. The ditches do not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditches do not relocate a tributary nor is it constructed in a tributary.

Jaeger Gully is an ephemeral feature that meets the definition of paragraph (b) (3) and are not (a) (1) or (a) (2) waters are not jurisdictional according to this specific type of exclusion (b) (3) for documentation purposes. Jaeger Gully provides surface flow to (a) (2) waters only in response to rainfall events during a typical year. This feature does not relocate a tributary nor is it within a tributary.

PUB A: This feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature does not contribute flow to jurisdictional waters in a typical year.

Wetland H is a 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)



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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 H is physically separated from Jaeger Gully via expansive uplands that have no break or direct intermittent or perennial connection to the b(3). There is no evidence that Wetland H is flooded Jaeger Gully in a typical year.

**C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.