



**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): 5/10/2021

ORM Number: SWG-2018-00602

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 29.244431 Longitude -95.188753

**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
WV001	0.08	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. The aerial photos and topos show Wetland WV001 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV001 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WV002	1.12	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. The aerial photos and topos show Wetland WV002 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV002 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WV003	0.06	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. The aerial photos and topos show Wetland WV003 does not abut New Bayou, Chocolate Bayou or West

<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	
			Bay, the nearest waters of the United States. Based on the aeriels and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV003 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.	
WV004	1.36	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. The aerial photos and topos show Wetland WV004 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aeriels and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV004 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WV005	0.20	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. The aerial photos and topos show Wetland WV005 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aeriels and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV005 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WV006	0.03	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. The aerial photos and topos show Wetland WV006 does not abut New Bayou, Chocolate Bayou or West



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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	
			Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV006 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.	
WV007	0.03	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. The aerial photos and topos show Wetland WV007 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV007 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WV008	0.02	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. The aerial photos and topos show Wetland WV008 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV008 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WV009	0.11	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. The aerial photos and topos show Wetland WV009 does not abut New Bayou, Chocolate Bayou or West



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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	
			Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WV009 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.	
WX001	0.37	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. The aerial photos and topos show Wetland WX001 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX001 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX002	0.02	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. The aerial photos and topos show Wetland WX002 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX002 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX003	0.03	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. The aerial photos and topos show Wetland WX003 does not abut New Bayou, Chocolate Bayou or West



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Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX003 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.	
WX004	0.74	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. The aerial photos and topos show Wetland WX004 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX004 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX005	0.56	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. The aerial photos and topos show Wetland WX005 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX005 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below..
WX006	0.18	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. The aerial photos and topos show Wetland WX006 does not abut New Bayou, Chocolate Bayou or West





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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	
			Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX006 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.	
WX007	0.10	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. The aerial photos and topos show Wetland WX007 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX007 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX008	0.09	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. The aerial photos and topos show Wetland WX008 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX008 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX009	1.38	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. The aerial photos and topos show Wetland WX009 does not abut New Bayou, Chocolate Bayou or West



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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
				Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX009 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX010	0.02	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. The aerial photos and topos show Wetland WX010 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX010 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX011	0.09	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.
WX012	0.25	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. The aerial photos and topos show Wetland WX012 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX012 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.





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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	
WX013	1.15	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. The aerial photos and topos show Wetland WX013 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX013 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX014	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. The aerial photos and topos show Wetland WX014 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX014 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
WX015	0.02	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. The aerial photos and topos show Wetland WX015 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX015 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.



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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	
WX016	0.16	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.
WX017	0.07	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. The aerial photos and topos show Wetland WX017 does not abut New Bayou, Chocolate Bayou or West Bay, the nearest waters of the United States. Based on the aerials and topos, there is not a single natural barrier or single artificial barrier that would allow typical year inundation between WX017 and New Bayou, Chocolate Bayou, or West Bay. See typical year discussion below.
N/A.	N/A.	N/A.	N/A.	N/A.
N/A.	N/A.	N/A.	N/A.	N/A.

### 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: [Technical Memorandum submitted by SWCA Environmental Consultants dated 5 January 2021](#)

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

Rationale: [N/A](#)

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

☐ Photographs: [Select. Title\(s\) and/or date\(s\).](#)

☐ 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: [Title\(s\) and/or date\(s\).](#)

☒ USGS topographic maps: [Mustang Bayou, Texas 1943 and 1963, Chocolate Bay, Texas 1943, and Hoskins Mound, Texas 1963](#)



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**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.
NOAA Sources	San Luis Pass, Texas Tide Gauge data
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA Flood Insurance Study 48039CV001A 30 December 2020, FEMA FIRM 48039C0485K 30 December 2020

**B. Typical year assessment(s):** Based on the location of the wetlands two analyses were needed to determine if the subject wetlands would be inundated by the flooding of surface water in a typical year by an (a)(1)-(a)(3) water, West Bay and New Bayou, both tidal. The nearest NOAA tide gauge to the subject site is San Luis Pass, Texas. The data was analyzed for the time frame of 2015 to 2021 having seven to 12 months of data.

The monthly high tides were averaged to obtain the highest water levels of the years to attempt to address those areas that would be inundated by flooding by the nearby tidal waterway in a "typical year". The highest tidal elevation, based upon a monthly average, occurs in October. (October normally does not have many tropical systems). The October average for the San Luis Pass station was +3.10 feet which was recorded in relation to NAVD 88.

A FEMA Flood Insurance Study dated December 30, 2020 studied the effects of coastal flooding from West Bay. Wave heights were computed along transects located along the coastal areas. Transect B38 was the closest transect to the project area. The stillwater elevations along Transect B38 for a 10-year event was 4.5 to 8.0 feet NAVD 88.

The LiDAR elevations for the project site, (which are also in NAVD 88), reveal all of the wetlands identified on the site are located at a base elevation above the 8-foot NAVD 88 elevation. Therefore, indicating that the wetlands on the site do NOT get inundated from flooding of West Bay in a "typical year".

In an effort to determine adjacency (as it pertains to hydrologic trends and the subject aquatic resources verified by SWG) an additional analysis was done using the APT tool, elevation data, aerial imagery & other relevant site specific information. (The APT is a tool that affords the user the capability to look at rainfall at a specific location in the recent past, cumulative for the last 3 months (WETS analysis product score)), as well as a climatological review for the past 30 years and the PDSI Drought index. This tool also provides WebWIMP water balance/hydrologic seasons information. The APT uses climatic data collected from numerous nearby weather stations and produces the most reliable source for a full 30 years of precipitation data. Historic and recent aerial photographs do not show the wetlands being inundated by surface water associated with flooding from an (a)(2) water, New Bayou. Here are the long term and short term responses for the APT test for arials.

Date	72 Hour Precip (inch)	PDSI Class	Season	ARC Score	APC
2/15/2010	1.76	Moderate wetness	Wet Season	16	Wetter than Normal
10/28/2012	0.00	Moderate drought	Wet Season	10	Normal Conditions
5/15/2014	1.40	Incipient wetness	Dry Season	9	Drier than Normal
11/21/2015	0.85	Severe wetness	Wet Season	16	Wetter than Normal



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2/7/2016	0.02	Mild wetness	Wet Season	8	Drier than Normal
1/22/2017	0.98	Mild wetness	Wet Season	11	Normal Conditions
3/21/2018	0.00	Moderate wetness	Wet Season	11	Normal Conditions

In conclusion, we have determined that these aquatic features are non-jurisdictional waters (b)(1) waters. This is based on site specific information, federal regulation, FEMA Floodplain and Flood Insurance Studies, NOAA Tide data, and a review of aeriels. These aquatic features do NOT abut an (a)(1)-(a)(3) water, NOR wold they be inundated by flooding of an (a)(1)-(a)(3) water in a typical year, NOR are they physically separated from an (a)1-(a)(3) water by a single natural barrier, NOR are they physically separated by an artificial barrier that allows direct surface hydrologic connection between the aquatic feature(s) in review and an (a)(1)-(a)(3) water in a typical year.

**C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)