



**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): 6/22/2021
 ORM Number: SWG-2018-00675
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: China County/Parish/Borough: Jefferson
 Center Coordinates of Review Area: Latitude 30.030032 Longitude -94.315587

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
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
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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wet 1	0.31	acre(s)	(b)(1) Non-adjacent wetland.	Wet 1 is located above the 100-year floodplain of an apparent agricultural ditch located approximately 1.1 miles southeast and therefore does not get inundated from an (a)(1)-(a)(3) in a typical year. The aerial photos and topographic map show that the wetland does not abut nor is separated from an (a)(1)-(a)(3) water by a single barrier. Wet 1 is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wet 2	0.20	acre(s)	(b)(1) Non-adjacent wetland.	Wet 2 is located above the 100-year floodplain of an apparent agricultural ditch located approximately 1.1 miles southeast and therefore does not get inundated from an (a)(1)-(a)(3) in a typical year. The aerial photos and topographic map show that the wetland does not abut nor is separated from an (a)(1)-(a)(3) water by a single barrier. Wet 2 is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wet 3	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wet 3 is located above the 100-year floodplain of an apparent agricultural ditch located approximately 0.8-mile southeast and therefore does not get inundated from an (a)(1)-(a)(3) in a typical year. The aerial photos and topographic map show that the wetland does not abut nor is separated from an (a)(1)-(a)(3) water by a single barrier. Wet 3 is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wet 4	0.27	acre(s)	(b)(1) Non-adjacent wetland.	Wet 4 is located above the 100-year floodplain of an apparent agricultural ditch located approximately 0.4-mile southeast and therefore

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				does not get inundated from an (a)(1)-(a)(3) in a typical year. The aerial photos and topographic map show that the wetland does not abut nor is separated from an (a)(1)-(a)(3) water by a single barrier. Wet 4 is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier.
Wet 5	0.52	acre(s)	(b)(1) Non-adjacent wetland.	Wet 5 is located above the 100-year floodplain of an apparent agricultural ditch located approximately 0.8-mile southeast and therefore does not get inundated from an (a)(1)-(a)(3) in a typical year. The aerial photos and topographic map show that the wetland does not abut nor is separated from an (a)(1)-(a)(3) water by a single barrier. Wet 5 is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a “typical year”. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier..
Wet 6	0.39	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 6 in located in a rice field. The NRCS determined that the filed where Wet 6 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 6 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 7	0.11	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 7 in located in a rice field. The NRCS determined that the filed where Wet 7 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 7 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 8	0.15	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 8 in located in a rice field. The NRCS determined that the filed where Wet 8 is located was Prior



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 8 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.	
Wet 9	0.21	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 9 in located in a rice field. The NRCS determined that the filed where Wet 9 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 9 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 10	0.24	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 10 in located in a rice field. The NRCS determined that the filed where Wet 10 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 10 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 11	0.30	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 11 in located in a rice field. The NRCS determined that the filed where Wet 11 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 11 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 12	0.49	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 12 in located in a rice field. The NRCS determined that the filed where Wet 12 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 12 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wet 13	0.16	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 13 in located in a rice field. The NRCS determined that the filed where Wet 13 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 13 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 14	0.25	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 14 in located in a rice field. The NRCS determined that the filed where Wet 14 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 14 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 15	0.26	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 15 in located in a rice field. The NRCS determined that the filed where Wet 15 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 15 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 16	0.02	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 16 in located in a rice field. The NRCS determined that the filed where Wet 16 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 16 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Wet 17	0.21	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 17 in located in a rice field. The NRCS determined that the filed where Wet 17 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 17 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
				converted cropland.
Wet 18	0.16	acre(s)	(b)(6) Prior converted cropland.	The 1937 Google Earth aerial shows Wet 18 in located in a rice field. The NRCS determined that the filed where Wet 18 is located was Prior Converted Cropland in 1995. The aerials show the field was in rice production during the last 5 tears. The field containing Wet 18 was in rice production prior to 1985 and is currently still in rice production, meeting the definition for prior converted cropland.
Ditch 1	19,879	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 1911 Beaumont Corps of Engineers Tactical Map does not show a tributary in the location of China Ditch. The 1914 U.S. Department of Agriculture Drainage Investigations Map of Jefferson County shows that Ditch 1 (China Ditch) was a proposed ditch (No. 58) from a “Dredged Drainage Ditch (Main B)” that is now called Green Pond Gully, northwesterly to west of proposed Ditch 59, east of South China Road. Ditch 1 is visible on the 1937 Google Earth aerial photo. The ditch does not relocate a tributary nor is it constructed in a tributary.
Ditch 2	1,488	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 not visible on the 1937 Google Earth aerial photo. It is visible on the 1989 Google Earth aerial. The 1911 Beaumont Corps of Engineers Tactical Map does not show a tributary in the location of Ditch 2. The feature is a constructed or excavated channel used to convey water. The ditch does not relocate a tributary nor is it constructed in a tributary.
Ditch 3	442	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 through rice fields used to convey water. The 1911 Beaumont Corps of Engineers Tactical Map does not show a tributary in the location of Ditch 3. Ditch 3 is visible on the 1937 Google Earth aerial photo. The 1989 Google Earth aerial photo shows Ditch 3 was enlarged. The ditch does not relocate a tributary nor is it constructed in a tributary.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 4	3,290	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 the eastern roadside ditch of South China Road and is a constructed or excavated channel used to convey water. The ditch and road are present on the 1937 Google Earth aerial photo. The ditch does not relocate a tributary nor is it constructed in a tributary.
Ditch 5	1,027	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 5 is not visible on the 1937 Google Earth aerial photo. The 1911 Beaumont Corps of Engineers Tactical Map does not show a tributary in the location of Ditch 2. The feature is a constructed or excavated channel used to convey 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: [Horizon Environmental Services, Inc. July 13, 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 Pro 23 November 2019](#)
- 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: [1911 Beaumont, Tex. U.S. Corps of Engineers Tactical Map, USGS TOPO China TX 1985; 1:24,000](#)

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	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
Other Sources	FEMA FIRM 4803850125C dated 6 August 2002

B. Typical year assessment(s): Wet 1-5 are located above the 100-year floodplain and therefore do not get inundated in a typical year from any water of the United States.

C. Additional comments to support AJD: N/A.