



**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): 4/5/2021
 ORM Number: SWG-2019-00045
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris
 Center Coordinates of Review Area: Latitude 29.919735° Longitude -95.282477°

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:
- 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
P133-00-00	1,085 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.09	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wetland 1 is a PEM wetland that exhibits a high water table at 11 inches and is flooded by the adjacent tributary, P133-00-00, in a typical year. Thus wetland 1 has a hydrologic connection to P133-00-00 an (a)(2) water. Wetland 1 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by P133-00-00. This was determined based on a review of site-specific information including, elevation data, FEMA profiles, aerial photos, and USGS topo maps.
Wetland 2	0.67	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wetland 2 is a PFO wetland that exhibits a high water table at 11 inches and is flooded by the adjacent tributary, P133-00-00, in a typical year. Thus wetland 2 has a hydrologic connection to P133-00-00 an (a)(2) water. Wetland 2 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by P133-00-00. This was determined based on a review of site-specific information including, elevation data, FEMA profiles, aerial photos, and USGS topo maps.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 2	455	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature only contains water in direct response to rainfall and is considered ephemeral. This was determined based on a review of site-specific information including, elevation data, FEMA profiles, aerial photos, and USGS topo maps.
Stream 3	83	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature only contains water in direct response to rainfall and is considered ephemeral. This was determined based on a review of site-specific information including,

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
			elevation data, FEMA profiles, aerial photos, and USGS topo maps.

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: [Wetland Delineation Report “P133-00-00-Y003” Spirit Environmental, Inc., August 2020; Revised September 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: 1943 B&W, 1977 B&W, 1995 B&W, 2004 TC, 2009 TC, 2014 TC, 2016 TC, 2019 TC, Delineation report site photos July 22nd and 23rd, 2020.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [SWG-2019-00045 see III.C.](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [2018 NRCS Soil Survey Data](#)

USFWS NWI maps: [2011 Humble, Tx NWI Data](#)

USGS topographic maps: [See Below](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Humble, TX. USGS Topographic Maps: 1916, 1919, 1946, 1949, 1954, 1967, 1982, 1995, 2013. The topography is relatively flat within the project area and surrounding areas. Elevation ranges from 68-59 feet shifting towards the southeast. Based on the USGS Humble, Texas topographic quadrangle map, the project area is adjacent to an intermittent tributary of Greens Bayou (HCFCD ID P133-00-00) (dash-dot blue line). Green vegetation symbology is denoted throughout the project area with the exception of the access roads and oil and gas pad sites. Three (3) oil wells are marked in the central and the eastern portions of the project area. A pipeline runs along Smith Road.
USDA Sources	2018 NRCS Soil Survey Data. Mapped with 4 hydric soils, Bissonnet loam, Sorter silt loam, Hatliff-Pluck-Kian complex and Clodine-Urban land complex
NOAA Sources	N/A.
USACE Sources	N/A
State/Local/Tribal Sources	HCFCD (see below)
Other Sources	HCFCD 10 yr. FP map ARCGIS Houston-Galveston Area Council Lidar 2008.



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B. Typical year assessment(s): 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. Water features were analyzed using APT calculating for the site visit dates of 07/22/2020 and 07/23/2020. 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 22 July 20 totaled 11 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 appx 37.91 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
22 Jul 20 Agent site visit	~3-4"	11 (N)	Above	Dry	Incipient drought
23 Jul 20 Agent site visit	~3-4"	12 (N)	Above	Dry	Incipient drought
28 OCT 2017 Google Earth	0	11 (N)	Normal	Wet	Extreme wetness
15 FEB 2017 Google Earth	<1	11 (N)	Normal	Dry	Mild drought
15 FEB 2017 Google Earth	<1	13 (W)	Normal	Wet	Incipient wetness Google Earth
31 MAY 2016 Google Earth	<1	12(N)	Normal	Dry	Incipient drought

The results of the review of the APT analysis aids in reaching the conclusion needed to determine if a subject feature has more than ephemeral flow and/or is inundated by flooding from an (a)1-(a)3 water in a typical year.

C. Additional comments to support AJD:

SWG-2019-00045: (January 30, 2019) This previous preliminary jurisdictional determination (PJD) determined the 0.44 acre of the aquatic resource, P133-00-00, onsite to be jurisdictional. On January 30, 2019, HCFCD received a jurisdictional determination for P133-00-00; therefore, the extent of P133-00-00 within the project area would also be considered jurisdictional under NWPR.