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): 2/2/2021
ORM Number: SWG-2020-00271
Associated JDs: N/A
Review Area Location[1]: State/Territory: Texas City: Crosby County/Parish/Borough: Harris County
Center Coordinates of Review Area: Latitude 29.917220 Longitude -95.126659

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
San Jacinto River (SJA)	49.04	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	SJA, below dam, is considered a traditional navigable water on the Galveston District's list and is subject to the ebb and flow of the daily tide.

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
San Jacinto River (SJA)	49.04	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	SJR, below dam, is considered a traditional navigable water on the Galveston District's list and is subject to the ebb and flow of the daily tide.

[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.

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.	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
OW-1	0.11	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Feature OW-1 is an open water feature that abuts a water of the U.S. and ultimately continues uninterrupted into the SJR, an (a)(1) navigable water within the study area. OW-1 contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
OX-1	18.07	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Feature OX-1 is a historical meander of the SJR and an open water feature that abuts a water of the U.S. and ultimately continues uninterrupted into the San Jacinto River, an (a)(1) navigable water within the study area. OX-1 contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
RE-1 Lake Houston	30.39	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature is an impoundment of the SJR an (a)(1) water whereby overflow is conveyed by a concrete-lined control structure to the original channel downstream of the study area and contributes surface water flow to an (a)(1) water in a typical year. See Section III.B for typical year assessment.
RE-2 Lake Houston	15.36	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature is an impoundment of the SJR an (a)(1) water whereby overflow is conveyed by a concrete-lined control structure to the original channel downstream of the study area and contributes surface water flow to an (a)(1) water in a typical year. See Section III.B for typical year assessment.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
EW-2	0.24	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3)	EW-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 SJR. This was determined based on a review of site-specific

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
			water in a typical year.	information including, elevation data, aerial photos, and USGS topo maps. EW-2 is separated from an (a)(1), (2), or (3) water by only a single natural barrier (natural river berm). EW-2 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
EW-3	0.97	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches the SJR, classified as an (a)(1) water and therefore, meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
EW-4	4.67	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches the SJR, classified as an (a)(1) water and therefore, meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-4	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches the SJR, classified as an (a)(1) water and therefore, meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-5	7.86	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches the SJR, classified as an (a)(1) water and therefore, meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-11	0.73	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	FW-11 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 SJR. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. FW-11 is also connected to an a(1) water (SJR) by an ephemeral stream (ES-3). FW-11 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-12	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches the SJR, classified as an (a)(1) water and therefore, meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-13	0.20	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches the SJR, classified as an (a)(1) water and therefore, meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-14	21.26	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches the SJR, classified as an (a)(1) water and therefore, meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-16	2.25	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches the SJR, classified as an (a)(1) water and therefore, meets

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-17	8.49	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	FW-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 SJR. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. FW-1 is separated from an (a)(1) SJR by only a single natural barrier (natural river berm). This feature meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-18	5.14	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	FW-18 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded or inundated in a typical year by SJR. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. FW-18 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-19	0.22	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	FW-18 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded or inundated in a typical year by SJR. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. FW-19 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-20	25.48	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches an a(1) water (OX-1) of the U.S. FW-20 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-21	1.33	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches an a(1) water (OX-1) of the U.S. FW-21 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-22	1.27	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	FW-22 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded or inundated in a typical year by SJR. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. FW-22 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-23	1.29	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches an a(1) water (OX-1) of the U.S. FW-23 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-24	0.47	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches an a(1) water (OX-1) of the U.S. FW-24 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
FW-25	3.78	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches an a(1) water (OX-1) of the U.S. FW-20 meets the 33 CFR

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				328.3(c)(i) definition of adjacent wetlands. This feature directly abuts a water of the U.S.
SW-1	1.10	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches an a(1) water (RE-1) of the U.S. SW-1 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands.
SW-2	2.25	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	This feature directly abuts/touches an a(1) water (OX-1) of the U.S. SW-2 meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands. This feature directly abuts a water of the U.S.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
BP-1	0.01	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	This feature is an artificial pond that was constructed or excavated wholly in uplands and functions to store water. This feature does not contribute flow to jurisdictional waters in a typical year. This feature was observed to be a man-made excavated depression coincident with the ceased mine operation areas depicted on the topographic map.
BP-2	0.04	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	This feature is an artificial pond that was constructed or excavated wholly in uplands and functions to store water. This feature does not contribute flow to jurisdictional waters in a typical year. This feature was observed to be a man-made excavated depression coincident with the ceased mine operation areas depicted on the topographic map.
BP-3	0.04	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in	This feature is an artificial pond that was constructed or excavated wholly in uplands and functions to store water. This feature does not contribute flow to jurisdictional waters in a typical

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	year. This feature was observed to be a man-made excavated depression coincident with the ceased mine operation areas depicted on the topographic map.
BP-4	0.06	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	This feature is an artificial pond that was constructed or excavated wholly in uplands and functions to store water. This feature does not contribute flow to jurisdictional waters in a typical year. This feature was observed to be a man-made excavated depression coincident with the ceased mine operation areas depicted on the topographic map.
BP-5	0.03	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	This feature is an artificial pond that was constructed or excavated wholly in uplands and functions to store water. This feature does not contribute flow to jurisdictional waters in a typical year. This feature was observed to be a man-made excavated depression coincident with the ceased mine operation areas depicted on the topographic map.
BP-6	0.03	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	This feature is an artificial pond that was constructed or excavated wholly in uplands and functions to store water. This feature does not contribute flow to jurisdictional waters in a typical year. This feature was observed to be a man-made excavated depression coincident with the ceased mine operation areas depicted on the topographic map.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
BP-7	0.16	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	This feature is an artificial pond that was constructed or excavated wholly in uplands and functions to store water. This feature does not contribute flow to jurisdictional waters in a typical year. This feature was observed to be a man-made excavated depression coincident with the ceased mine operation areas depicted on the topographic map.
DT-1	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. This feature was observed to be an excavated feature constructed in uplands and is not inundated by a water of the U.S. in a typical year.
DT-2	0.02	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. This feature was observed to be an excavated feature constructed in uplands and is not inundated by a water of the U.S. in a typical year. This feature was observed to be an excavated feature constructed in uplands and is not inundated by a water of the U.S. in a typical year.
ES-1	852	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-2	916	linear feet	(b)(3) Ephemeral feature, including an ephemeral	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	located within an (a)(4) water. 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.
ES-3	244	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-4	128	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-5	122	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-6	251	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-7	1312	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. This feature does not relocate a tributary nor is it within a tributary. Flow regimes were determined based on review

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				of referenced resources listed in sections IIIA and IIIB.
ES-8	1115	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-9	63	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-10	81	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-11	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-12	372	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
ES-13	527	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-14	59	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ES-15	314	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ESW-1	467	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ESW-2	304	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
ESW-3	272	linear feet	(b)(3) Ephemeral feature, including an ephemeral	This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. 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.
EW-1	0.15	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
FW-1	0.26	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
FW-2	0.74	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
FW-3	0.09	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
FW-6	0.91	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
FW-7	0.21	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
FW-8	2.93	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
FW-9	0.45	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
FW-10	1.75	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
FW-15	2.95	acre(s)	(b)(1) Non-adjacent wetland.	This feature does not abut an (a)(1)-(a)(3) water. It 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.
SJRA Canal	1.55	acre(s)	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature is an artificial water supply canal that does not directly abut an existing water of the U.S. Additionally, the canal was created out of uplands for the purpose of supplying industrial and irrigation water.
DT-1 (Lay down areas)	0.01	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. This feature was observed to be an excavated feature constructed in uplands and is not inundated by a water of the U.S. in a typical year.
DT-2 (Lay down areas)	0.03	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. This feature was observed to be an excavated feature constructed in uplands and is not inundated by a water of the U.S. in a typical year.

III. SUPPORTING INFORMATION

U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

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: Waters of the United States Delineation Report, August 2020. Memorandum Addendum for proposed lay down areas, January 2021.
This information is and is not sufficient for purposes of this AJD.
Rationale: Edits required for maps, labels and rationale

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

☒ Photographs: Aerial and Other: Field photographs taken May, June, and July 2020; and January 2021. TNRIS Aerials for 1944, 1964, 1996, and 2019.

☒ Corps site visit(s) conducted on: October 22, 2020.

☐ 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 SSURGO.

☒ USFWS NWI maps: Wetland Mapper.

☒ USGS topographic maps: Crosby and Harmaston, Texas 7.5-Minute Quadrangles for 1944, 1954, 1982, and 2019.

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.
Other Sources	N/A.

B. Typical year assessment(s): In an effort to determine adjacency (as it pertains to hydrologic trends and the subject aquatic resources verified by SWG) an 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 compared to long term precipitation. It provides results for short term precipitation (last 72 hours), the last 3 months (WETS score) and the APT result comparing the last 30 years from numerous nearby gages. It also reports the PDSI (drought index) rainfall & WebWimp water balance/hydrologic seasons information. WETS analysis produces a score between 6 and 18 noting a score of 6-9 is drier than normal, 10-14 is normal & 15-18 is wetter than normal. 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). Here are the long term and short term response for the APT test for aerials & site visit.

Water features where analyzed using APT calculating for agent's site visit date of 18 May 2020. The WETs score (last 3 mths) totaled 13 on a scale of 6-18, 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 precipation data. The site coridnates are located at an approx. 8.03 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
18 May 20 (Agent site visit)	0	11 (N)	Normal	Dry	Normal
22 OCT 20 (Corps site visit)	<1”	12 (N)	Normal	Wet	Normal
23 FEB 19 (Google earth)	<1”	12(N)	Normal	Wet	Normal
22 DEC 18 (Google earth)	<1”	12(N)	Normal	Wet	Severe wetness
05 APR 17 (Google earth)	0	12(N)	Normal	Wet	Severe wetlness

The results of the review of the APT analysis aiding in reaching the conclusion needed to determine if the subject feature have more than ephermal flow and/or are inundated by flooding from a (a)1-(a)3 water in a typical year. Flow regimes were veriffied based on field observations, current and historical data (aerial photography and USGS topographic maps), ORM data and past actions, and NWI maps.

According to the Dirct Antecedent Rainfall Evaluation Method (DAREM) data, the study area was experiencing normal to wetter than normal hydrologic conditions at the time of the field investigations during the months of May, June, and July 2020. Further review of the APT indicates that the study area was experiencing normal to wetter than normal hydrologic conditions at the time of the field investigations. Additionally, the DAREM and APT indicates that the lay down areas were experiencing wetter than normal conditions at the time of the field investigation during the month of January 2021.

C. Additional comments to support AJD: “According to the Flood Emergency Management Agency Flood Insurance Study (FIS) data, the San Jacinto River is located within the limits of the 1% annual chance coastal flooding zone. The limits begin approximately 3.5 miles downstream of US 90 where the San Jacinto streambed elevation measures -22 feet and ends at the Lake Houston Dam at 0 foot elevation. Additionally, the Harris County Flood Warning System rain gauge (No. 720) within the San Jacinto River located at US 90 indicates that the stream bed is measured at -17.50 foot elevation, consistent with the FIS data. Review of the rain gauge data determined that the San Jacinto River elevation fluctuates approximately 1 foot daily. Further review of tide charts for the San Jacinto River at Lynchburg Landing also indicates that the stream elevation fluctuates approximately 1 foot daily. As such, it can be assumed that the San Jacinto River at US 90 is subject to daily tides. Furthermore, the water level within the historical meander of the San Jacinto River was observed to be approximately 2-3 feet below the mean high tide line; this fluctuation was observed twice during one month of field investigations. Based on field observations and the desktop background data, it can be assumed that the San Jacinto River within the study area (abutting the Lake Houston Dam) is likely subject to daily tides.”