



**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): 10/22/2020
 ORM Number: SWG-2020-00042
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris
 Center Coordinates of Review Area: Latitude 29.899197 Longitude -95.512607

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
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
Wetland A	0.39 acre(s)	(b)(1) Non-adjacent wetland.	It is a wetland that 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

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: [Title\(s\) and date\(s\)](#)
This information [Select](#). sufficient for purposes of this AJD.

Rationale:

- Data sheets prepared by the Corps: [1 July 2020 by Brad Dawe](#)
- Photographs: [Select. Site visit photographs 1 July 2020, Google Earth 2010-2019](#)
- Corps site visit(s) conducted on: [1 July 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](#)
- USFWS NWI maps: [SWG 2020-00042 USFWS NWI Map 11 February 2019](#)
- USGS topographic maps: [Earth Point Topo Map](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Satsuma, Texas USGS Quadrangle Map 1916, 1982, 2013, and 2019
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	ORM for historical review
State/Local/Tribal Sources	N/A.
Other Sources	FEMA NFHL, Digital Globe

B. Typical year assessment(s): [The USACE conducted a site visit on 1 July 2020 and conditions were above normal precipitation conditions with an APT score of 15. Additionally, In addition, the APT calculated the hydrologic conditions which correlate with the aerials included in the document review. The results are listed in Table 1.](#)

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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Table 1

Date	WETS	APT	Season	PDSI	Preceding 72 hr Rainfall
1/1/2008	11	Below	Wet	Normal	<1"
1/7/2009	10	Below	Wet	Moderate Drought	<1"
1/4/2010	16	Above	Wet	Mild Wetness	<1"
2/24/2014	6	Below	Wet	Moderate Drought	<1"
3/3/2016	13	Normal	Wet	Mild Wetness	<1"
2/11/2019	13	Above	Wet	Moderate Wetness	<1"
12/1/2019	13	Normal	Wet	Incipient Drought	<1"
7/1/2020 (USACE Site Visit)	15	Above	Dry	Incipient Wetness	0

In review of the aerials, we did not find any photographs depicting indicating any flood waters from the closest (a)1-(a)3 waters would flood the subject site. This included those photos that were taken during Wetter than Normal precipitation events. Therefore, using the APT tool in conjunction with review of the historic aerials and data provided, it was determined that the delineated wetlands would not be inundated by flooding from an (a)(1) – (a)(3) water in a typical year. Therefore, we determined that Wetland A is associated with the ponding of precipitation.

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