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): 5/25/2021
ORM Number: SWG-2020-00043
Associated JDs: N/A.
Review Area Location[1]: State/Territory: Texas City: Houston County/Parish/Borough: Harris
Center Coordinates of Review Area: Latitude 29.895173 Longitude -95.501546

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Tributary 1	3244	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This feature is a re-routed unnamed White Oak Bayou tributary which contributes surface water flow directly or indirectly to an (a)(1) water, White Oak Bayou, in a typical year. See additional information in the APT discussion.

[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.

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
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wetland 1	0.04	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 2	0.107	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 3	0.439	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 4	0.114	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 5	0.043	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 6	0.065	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985

[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
				and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 7	0.085	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 8	0.02	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 9	0.139	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Wetland 10	0.285	acre(s)	(b)(6) Prior converted cropland.	Based on information from the landowner, this property was used in support of agriculture, specifically grazing, prior to 23 December 1985 and contemporary aerial imagery shows these wetland areas are used in support of agriculture, specifically, grazing and haying.
Pond 1	0.078	acre(s)	(b)(6) Prior converted cropland.	This pond was excavated from wetlands for the purpose of livestock watering. Aerial imagery shows livestock utilizing this pond.

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 dated 20 December 2019 submitted by Integrated Environmental Solutions, LLC.
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: Google Earth 10 March 2011, 27 October 2012, 23 January 2017, and 11 February 2019; Photographs from consultants field data 11 December 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: Satsuma , Texas 1916, 1970, and 1982, Aldine, Texas 1916, 1954, 1967 (1970 ed), and 1982, and Addicks, Texas 1955

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): Tributary 1 was analyzed using the Antecedent Precipitation Tool (APT). 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 Palmer Drought Severity Index (PDSI). This tool also provides The Web-based, Water-Budget, Interactive, Modeling ProgramWebWimp 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. The results of this analysis are presented in the following table:

Date	72 hour precip (inches)	PDSI Class	WebWIMP	ARC Score	APC
3/10/2011	0.01	Mod drought	Wet Season	10	Normal Conditions
10/27/2012	0.02	Mod drought	Wet Season	13	Normal Conditions
1/23/2017	0.66	Mild wetness	Wet Season	15	Wetter than Normal
2/11/2019	0.03	Mod wetness	Wet Season	13	Normal Conditions
12/11/2019	0.63	Incip drought	Wet Season	12	Normal Conditions

Water is visible in all the Google Earth aerials dated 10 March 2011, 27 October 2012, 23 January 2017, and 11 February 2019. The photographs submitted by the consultant in the wetland delineation report show water in the tributary at several locations along the tributary. Flowing water is observed in the tributary even though the APC shows normal conditions in all years but 2017 and the PDSI Class has moderate and incipient drought and mild and moderate wetness. We determined that Tributary 1 is a perennial tributary which contributes surface water flow to an (a)(1) water, Whiteoak Bayou, in a typical year.

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