



**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): 4/21/2021

ORM Number: SWG-2020-00147

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Crosby County/Parish/Borough: Hariis

Center Coordinates of Review Area: Latitude 30.01856 Longitude -95.07194

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	
I-S1 (Q134-00-00)	9531 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This segment of stream is a surface water channel (Q134-00-00) that contributes surface water flow to an (a)(1) water in a typical year, is intermittent, and flows as such in a typical year. Q134-00-00 flows into Cedar Bayou a (a)(2) water then into Galveston Bay a (a)(1) water. Portions of this tributary are considered to be relocated/alterd which continues to meet the flow conditions of the "tributary" definition and contributes surface water flow to a (a)(1) water in a typical year and thus, jurisdictional as defined by 33 CFR 328.3. This flow regime was	

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps.

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
EW-1	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-2	0.22	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-3	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-4	0.08	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-5	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-6	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-7	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-8	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-8	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q130-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-9	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.
EW-10	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Emergent wetland located above and below OHWM of Q134-00-00 and meets criteria (a)(4) as defined in 33 CFR 328.3.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
DT-1	6040	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).	Feature DT-1 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 natural tributary and is not constructed in an adjacent wetland. Elevation data (est. by Gin City survey) confirms this feature is above the 60.5' OHWM elevation of IS-1(Q134-00-00). Therefore, DT-1 does not extend the OHWM of an (a)(1) – (3) water.
DT-2	8816	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).	Feature DT-2 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 natural tributary and is not constructed in an adjacent wetland. Elevation data (est. by Gin City survey) confirms this feature is above the 60.5' OHWM elevation of IS-1(Q134-00-00). Therefore, DT-2 does not extend the OHWM of an (a)(1) – (3) water.

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: [Waters of the United States Delineation Report, Q134-00-00 & Q134-01-00 Flood Reduction Study, Half Assoc., December 2019](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Aquatic resource map revisions 04-19-2021](#)

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

☒ Photographs: [Aerial and Other: Digital Globe 2017 & 2019, TOP 1996, GeoSearch 1953, Site photos 06-11-12, 2019.](#)

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

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [SWG-2020-00147, March 23, 2020, AJD was issued with incorrect delineation report.](#)

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

☒ USDA NRCS Soil Survey: [NRCS Web layer, 2018](#)

☐ USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).

☒ USGS topographic maps: [7.5 min USGS Quad Crosby and Sheeks, 1961, 1954, 2019](#)

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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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	FEMA DFIRM 2018 DAREM Score 14-Normal

B. Typical year assessment(s): Water features were analyzed using APT calculating for consultant's site visit, 06-13-2019. 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 06-13-2019 totaled 13 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 approx. 60.9 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
13 Jun 19 (Agent site visit)	0"	13 (N)	Normal	Dry	Moderate Wetness
16 Nov 19 (Google earth)	<1"	13 (N)	Normal	Dry	Moderate Wetness
01 Jan 19 (Google Earth)	<1"	13(N)	Normal	Wet	Severe Wetness
07 Sep 17 (Google Earth)	<1"	13(N)	Normal	Wet	Severe Wetness
30 Dec 16	~1	14(N)	Normal	Wet	Mild wetness

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. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps.

C. Additional comments to support AJD: AJD map in 10 sheets. This determination will supersede the AJD issued March 23, 2020.