



**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): 5/27/2021
 ORM Number: SWG-2020-00190
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris
 Center Coordinates of Review Area: Latitude 30.146526° Longitude -95.569897°

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
S1B001 Ephemeral Channel	105	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) S1B001 is an ephemeral channel.
S1B002 Ephemeral Channel	104	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) S1B002 is an ephemeral channel.
S1B003 Ephemeral Channel	118	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) S1B003 is an ephemeral channel.
S1B004 Ephemeral Channel	73	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) S1B004 is an ephemeral channel.
S1B005 Ephemeral Channel	100	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) S1B005 is an ephemeral channel.
S1B006 Ephemeral Channel	123	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) S1B006 is an ephemeral channel.
S1B007 Ephemeral Channel	102	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) S1B007 is an ephemeral channel.
W1B001	0.041	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to Spring Creek. Based on aerial photography, W1B001 is roughly 10 to 15 feet above the ordinary high watermark elevation of Spring Creek at 140 feet above mean sea level.
W1B002 (PEM)	0.084	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to Spring Creek. Based on aerial photography, W1B002 is

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
				roughly 10 to 15 feet above the ordinary high watermark elevation of Spring Creek at 139 feet above mean sea level.
W1B002 (PFO)	0.266	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to Spring Creek. Based on aerial photography, W1B002 is roughly 10 to 15 feet above the ordinary high watermark elevation of Spring Creek at 141 feet above mean sea level.
W1B003	0.079	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is not adjacent to Spring Creek. Based on aerial photography, W1B003 is roughly 10 to 15 feet above the ordinary high watermark elevation of Spring Creek at 140 feet above mean sea level.

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: [SWCA Environmental Consultants, wetland delineation report dated, March 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: See Below](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [SWG-2020-00190 – PJD issued Dec 20, 2020; determined ephemeral ditches](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [See Below](#)
- USFWS NWI maps: <http://www.fws.gov/wetlands/data/Data-Download.html> (Accessed Feb 2021).
- 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	topographic map (USGS 7.5-Minute Series, Oklahoma, Texas Quadrangle) dated 2021
Other USDA data (specify)	http://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx (Accessed Feb 2021)
NOAA Sources	N/A.
USACE Sources	2010 Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic Gulf Coastal Plains (Version 2.0); 1987 Corps of Engineers Wetlands Delineation Manual
Other state/local data (specify)	2021. The National Map. at: https://viewer.nationalmap.gov/advanced-viewer/ Accessed February 2021. http://www.fws.gov/wetlands/data/Data-Download.html (Accessed Feb 2021).



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Data Source (select)	Name and/or date and other relevant information
Other information (specify)	aerial photography dated 2021
FEMA/FIRM maps	FIRM Panel 48201C0065L, Jan 2021

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)