



**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): 7/14/2021

ORM Number: SWG-2020-00442

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).

Review Area Location<sup>1</sup>: State/Territory: Texas City: Beaumont County/Parish/Borough: Jefferson

Center Coordinates of Review Area: Latitude 30.070317 Longitude -94.134626

**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: 20 August 2020 site visit confirmed the site does not exhibit the three required wetland criteria.
- 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)<sup>2</sup>**

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
Stream 2 (Hillebrandt Bayou)	1.3	acre(s)	RHA Non-tidal water is on the district's Section 10 waters list	Hillebrandt Bayou is included in the Galveston District Section 10 List, and is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce. Therefore, Stream 2 meets the 33 CFR 329.4 navigable waters definition.
Stream 4	0.011	acre(s)	RHA Non-tidal water is on the district's Section 10 waters list	Stream 4 extends the ordinary high water mark (OHWM) of Hillebrandt Bayou which is included in the Galveston District Section 10 List, and is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce. Therefore, Stream 4 meets the 33 CFR 329.4 navigable waters definition.
Stream 6	0.007	acre(s)	RHA Non-tidal water is on the district's Section 10 waters list	Stream 6 extends the ordinary high water mark (OHWM) of Hillebrandt Bayou which is included in the Galveston District Section 10 List, and is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce. Therefore, Stream 6 meets the 33 CFR 329.4 navigable waters definition.
Stream 10 (Hillebrandt Bayou)	0.139	acre(s)	RHA Non-tidal water is on the	Stream 10 is a section of Hillebrandt Bayou which is included in the Galveston District Section 10 List, and is currently used, was used in the past, or may

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.



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

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
		district's Section 10 waters list	be susceptible to use in interstate or foreign commerce. Therefore, Stream 10 meets the 33 CFR 329.4 navigable waters definition.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
Stream 2 (Hillebrandt Bayou)	1.3 acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).	Hillebrandt Bayou is included in the Galveston District Section 10 List, and is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce. Therefore, Stream 2 meets the 33 CFR 328.3(a)(1) waters definition.
Stream 4	0.011 acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).	The portion of Stream 4 within the review area extends the ordinary high water mark (OHWM) of Hillebrandt Bayou, an (a)(1) water. Therefore, Stream 4 meets the 33 CFR 328.3(a)(1) waters definition.
Stream 6	0.007 acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the	The portion of Stream 6 within the review area extends the ordinary high water mark (OHWM) of Hillebrandt Bayou, an (a)(1) water. Therefore, Stream 6 meets the 33 CFR 328.3(a)(1) waters definition.

<sup>3</sup> 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.



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

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
			ebb and flow of the tide (CWA Section 404 ONLY).	
Stream 10 (Hillebrandt Bayou)	0.139	acre(s)	(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA Section 404 ONLY).	Stream 10 is another section of Hillebrandt Bayou, an (a)(1) water. Therefore, Stream 10 meets the 33 CFR 328.3(a)(1) waters definition.

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
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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 1	0.012	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	Wetland 1 is within a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Wetland 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			conditions of (c)(1).	
Wetland 2	0.034	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).	Wetland 2 is within a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Wetland 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Wetland 3	0.041	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).	Wetland 3 is within a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Wetland 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Wetland 4	0.125	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).	Wetland 4 is within a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Wetland 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Wetland 5	0.381	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).	Wetland 5 is within a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Wetland 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Wetland 6	0.042	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an	Wetland 6 is within a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland.



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

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(4) water that do not satisfy the conditions of (c)(1).	Therefore, Wetland 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Wetland 7	0.088	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).	Wetland 7 is within a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Wetland 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Wetland 8	0.008	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).	Wetland 8 is within a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Wetland 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Stream 1 Culvert	388.9	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Stream 1 Culvert is an underground or buried portion of a channel network (including culverts). Therefore, Stream 1 Culvert meets the 33 CFR 328.3(b)(1) culvert exclusion.
Stream 4 Culvert	170.5	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Stream 4 Culvert is an underground or buried portion of a channel network (including culverts). Therefore, Stream 4 Culvert meets the 33 CFR 328.3(b)(1) culvert exclusion.
Stream 7 Culvert	401.2	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Stream 7 Culvert is an underground or buried portion of a channel network (including culverts). Therefore, Stream 7 Culvert meets the 33 CFR 328.3(b)(1) culvert exclusion.
Stream 11 Culvert	411.1	linear feet	(b)(1) Water or water feature that is not identified in	Stream 11 Culvert is an underground or buried portion of a channel network (including culverts).



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

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Therefore, Stream 11 Culvert meets the 33 CFR 328.3(b)(1) culvert exclusion.
Stream 12 Culvert	309.9	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 12 Culvert is an underground or buried portion of a channel network (including culverts). Therefore, Stream 12 Culvert meets the 33 CFR 328.3(b)(1) culvert exclusion.
Stream 13 Culvert	74.4	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Stream 13 Culvert is an underground or buried portion of a channel network (including culverts). Therefore, Stream 13 Culvert meets the 33 CFR 328.3(b)(1) culvert exclusion.
Stream 14 Culvert	296.1	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Stream 14 Culvert is an underground or buried portion of a channel network (including culverts). Therefore, Stream 14 Culvert meets the 33 CFR 328.3(b)(1) culvert exclusion.
Stream 1	0.007	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).	Stream 1 is a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Stream 1 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Stream 3	0.449	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).	Stream 3 is a constructed or excavated ditch channel used to convey water. This feature is a water distribution canal and part of a closed channel network. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Stream 3 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Stream 5	37.1	linear feet	(b)(5) Ditch that is not an (a)(1) or	Stream 5 is a constructed or excavated ditch channel used to convey water. When originally



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

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Stream 5 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Stream 7	0.006	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).
			Stream 7 is a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Stream 7 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Stream 8	0.010	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).
			Stream 8 is a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Stream 8 meets the 33 CFR 328.3(b)(5) ditch exclusion.
Stream 9	10.654	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).
			Stream 9 is a constructed or excavated ditch channel used to convey water. When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Stream 9 meets the 33 CFR 328.3(b)(5) ditch exclusion.

**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 U.S. Delineation Report](#)

This information [Select.](#) sufficient for purposes of this AJD.

Rationale: [N/A](#) or [describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [N/A](#)



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

- Photographs: [Aerial and Other: 2018 National Agriculture Imagery Program \(NAIP\) 0.6-meter Color Infrared; Google Earth Aerial imagery – 1937 to 2020.](#)
- Corps site visit(s) conducted on: [N/A](#)
- 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, National Cooperative Soil Survey – Jefferson County, Texas.](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM): City of Beaumont Panel Numbers 4854570035C and 4854570040C (8/6/2002). Flood Zone: AE. Base Flood Elevation: 14 feet (NAVD88). Texas Water Development Board (TWDB), Strategic Mapping Program (StratMap): 2017 Jefferson, Liberty, &amp; Chambers Counties Light Detection and Ranging (LiDAR), 0.6-Meter Bare Earth Digital Elevation Model (DEM), North American Vertical Datum 1988 (meters).</a>

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

**C. Additional comments to support AJD:** [Hillebrandt Bayou floodway and 1% annual chance flood zone \(100-year floodplain\) mostly confined to the maintained channel. Due to site size and complexity the AJD map is separated into two. The first identifies jurisdictional features and the second identifies excluded features.](#)