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): 4/30/2021
ORM Number: SWG-2020-00624
Associated JDs: N/A
Review Area Location[1]: State/Territory: Texas City: Houston County/Parish/Borough: Harris
Center Coordinates of Review Area: Latitude 29.585681 Longitude -95.258972

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
Clear Creek (A100-00-00)	4031	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Clear Creek (A100-00-00) is a naturally occurring surface water channel that contributes surface water flow to an (a) (1) water in a typical year, is perennial, and flows as such in a typical year. Clear Creek (a)(2) flows into Galveston Bay (a)(1) water. Water is visible in the creek in every Google Earth aerial photo. Flow regimes were determined based on review of referenced resources listed in sections IIIA and IIIB.

[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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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): List of Adjacent Wetland included in Wetland Delineation Report				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wet 1	0.02	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wet 1 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by Clear Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Wet 1 is separated from an (a)(1), (2), or (3) water by only a single natural barrier (natural stream berm). Wet 1 is outside linear ditch (A123-00-00) but within project area.
Wet 2	0.22	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wet 2 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by Clear Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Wet 2 is separated from an (a)(1), (2), or (3) water by only a single natural barrier (natural stream berm). Wet 2 is outside linear ditch (A123-00-00) but within project area.
Wet 3	4.76	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wet 3 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by Clear Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Wet 3 is separated from an (a)(1), (2), or (3) water by only a single natural barrier (natural stream berm).
Wet 4	7.26	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wet 4 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by Clear Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Wet 4 is separated from an (a)(1), (2), or (3) water by only a single natural barrier (natural stream berm).
Wet 5	0.22	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wet 5 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by Clear Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Wet 5 is separated from an (a)(1), (2), or (3) water by only a single natural barrier (natural stream berm).

Adjacent wetlands ((a)(4) waters): List of Adjacent Wetland included in Wetland Delineation Report				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wet 8	1.31	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wet 8 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by Clear Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Wet 8 is separated from an (a)(1), (2), or (3) water by only a single natural barrier (natural stream berm).
Wet 10	0.65	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wet 10 does not abut a a)1-a)3 water but it is located in landscape position that would be anticipated to be flooded in a typical year by Clear Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Wet 10 is separated from an (a)(1), (2), or (3) water by only a single natural barrier (natural stream berm). Wetland Delineation

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wet 6	0.02	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure.
Wet 7	0.01	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an (a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure.
Wet 9	5.24	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1) – (a)(3) water; is not inundated by flooding from an (a)(1) – (a)(3) water in a typical year; is not physically separated from an (a)(1) – (a)(3) water only by a natural berm, bank, dune, or similar natural feature; or is not physically separated from an

[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
				(a)(1) – (a)(3) water only by an artificial dike, barrier, or similar artificial structure.

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 Assessment, Approximatelyu 100-acre Tract, Hughes Stormwater Detention Basin, Hughes Road and Perarland Parkway, Houston, Harris County, Texas 77089 (HCFCD Project # A500-04-00-E001, Pre-USACE Verified dated August 20, 2020 revised April 21, 2021.

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

Rationale: The report required updates and new maps

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: 1957, 1964, 1973, 1984, 1955, 2008 Aerials, Ssite photos 04/28/2020

☐ Corps site visit(s) conducted on: N/A

☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: NRCS Web Soil Survey 12-2019 Aerial

☒ USFWS NWI maps: See report-NWI Web overlay

☒ USGS topographic maps: 1919, 1920, 1929, 1932, 1944, 1947, 1955, 1969, 1982, 1995, 2013, Pearland, Texas and Friendswood, Texas

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): In an effort to determine adjacency (as it pertains to hydrologic trends and the subject aquatic resources verified by SWG) an analysis was done using the APT tool, elevation data, aerial imagery & other relevant site-specific information. The APT is a tool that affords the user the capability to look at rainfall at a specific location in the recent past compared to long term precipitation. It provides results for short term precipitation (last 72 hours), the last 3 months (WETS score) and the APT result comparing the last 30 years from numerous nearby gages. It also reports the PDSI (drought index) rainfall & WebWimp water balance/hydrologic seasons information. WETS analysis produces a score between 6 and 18 noting a score of 6-9 is drier than normal, 10-14 is normal & 15-18 is wetter than normal. 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). Here are the long term and short term response for the APT test for aerials & site visit.

Water features where analyzed using APT calculating for agent's site visit date of 26 APR 2020. The WETs score (last 3 mths) totaled 10 on a scale of 6-18, 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 precipation data. The site coridnates are located at an approx. 39.12 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
04 APR 20 (Agent site visit)	0	10 (N)	Normal	Wet	Mild Drought
16 NOV 20 (Google earth)	0”	10 (N)	Normal	Wet	Incipient drought
23 FEB 19 (Google earth)	<1”	15 (W)	Above	Wet	Moderate wetness
03 DEC 18 (Google earth)	<1”	10 (N)	Normal	Wet	Severe wetness
30 DEC16 (Google earth)	0	9 (D)	Below	Wet	Mild wetness
29 SEP 17 (Google earth)	2”	15 (W)	Above	Dry	Extreme wetness

The results of the review of the APT analysis, average score 9.8, aiding in reaching the conclusion needed to determine if the subject feature have more than ephermal flow and/or are inundated by flooding from a (a)1-(a)3 water in a typical year. Flow regimes were veriffied based on field observations, current and historical data (aerial photography and USGS topographic maps), ORM data and past actions, and NWI maps.

C. Additional comments to support AJD: N/A