



**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): 2/26/2021
 ORM Number: SWG-2020-00811
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris
 Center Coordinates of Review Area: Latitude 29.968722 Longitude -95.602346

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. | 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 |
| Cypress Creek | 1,000 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Cypress Creek 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. Cypress Creek is an (a)(2) water that flows into Spring Creek (a)(2), then into the San Jacinto River an (a)(1) water. |
| N/A. | 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.



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

| 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 |
| Wet 1 | 0.014 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | This wetland feature abuts Cypress Creek, a perennial (a)(2) tributary. Therefore, this wetland meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands. |
| Wet 2 | 0.002 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | This wetland feature abuts Cypress Creek, a perennial (a)(2) tributary. Therefore, this wetland meets the 33 CFR 328.3(c)(i) definition of adjacent wetlands. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|---------|--|---|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| Ditch 3 | 0.025 | 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). | Ditch 3 is an upland man-made drainage ditch not constructed in a (c)(1) or (a)(4). This ditch is not a water of the US. Ditch 3 is a road-side drainage ditch that drains stormwater runoff from surrounding area. |

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, Tower Oaks/Grantwood Detention Pond, August 11, 2020. Raba Kistner, Inc.](#)

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

Rationale: [labeling errors were corrected](#)

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

Photographs: [Aerial and Other: Site visit photos June 30-July 1, 2020. B&W \(1944, 1953, 1968, 1976, 1986\), IR \(1995, 2004\), Color 2018.](#)

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

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

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.



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

- 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: 1:24k Satsuma, Tx. (2019, 200, 1982, 1961, 1920), 1:31,680 Satsuma, Tx. 1916.

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): Water features were analyzed using APT calculating for agents's site visit date of 30 June 2020. 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 date was 15 on a scale of 7-18 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 122.68 ft elevation. Extreme rainfall in August 2017 over 10 inches, however APT still averaged out to be within normal conditions. Based on the table results, the weighted APT averaged out to be normal conditions (14). Below is the result of dates run for this site:

| Date | Rain prior 72 hours | WETS (3 mth) score: | APT | Season | PDSI |
|------------------|---------------------|---------------------|--------|--------|-------------------|
| 30 JUN 2020 | <1 | 15 (W) | Wetter | Dry | Mild drought |
| Site visit-agent | | | | | |
| 01 DEC 2019 | <1 | 13 (N) | Normal | Wet | Incipient drought |
| Google Earth | | | | | |
| 23 FEB 2019 | <1 | 12 (N) | Normal | Wet | Moderate wetness |
| Google Earth | | | | | |
| 28 OCT 2017 | ~0.5 | 12(N) | Normal | Wet | Moderate wetness |
| Google Earth | | | | | |
| 30 DEC 2016 | 0 | 14(N) | Normal | Wet | Mild wetness |
| Google Earth | | | | | |
| 29 AUG 2017 | +10 | 17(W) | Wetter | Dry | Extreme wetness |
| Google Earth | | | | | |
| 04 APR 2016 | 0 | 14(N) | Normal | Wet | Moderate wetness |
| Google Earth | | | | | |

Climatic data was collected from 12 stations, which are the closest stations (2.3-13 mi) and is within the appropriate geographic region and is the most reliable source with a full 30 years of data. Furthermore, the precipitation assessment did not deviate from the 30th to 70th percentile of precipitation totals for the periodic range used. For each period, the 30-day precipitation total falls within the 70th and 30th



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

percentiles for totals from the same date range over the preceding 30 years. Based on randomly selected resources the APT was calculated for 7 selected resources and an determination of “normal,” is made based on the condition value sums.

C. Additional comments to support AJD: *N/A or provide additional discussion as appropriate.*