



**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): 8/9/2021

ORM Number: SWG-2021-00093

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: La Porte County/Parish/Borough: Harris

Center Coordinates of Review Area: Latitude 29.65974 Longitude -95.104036

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.

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	
Waterbody 2-Willow Springs Bayou (HCFCD Unit No. B112-00-00)	806	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Waterbody 2 is Willow Springs Bayou (B112-00-00) an (a)(2) water and a perennial natural watercourse that contributes direct surface flow to Armand Bayou, an (a)(1) TN, in a typical year. Flow regimes were determined based on review of referenced resources listed in sections IIIA and IIIB. Please see typical year assessment below.
Waterbody 3-Tributary HCFCD Unit	1,248	linear feet	(a)(2) Perennial tributary contributes	Waterbody 3 is a tributary to Willow Springs Bayou (B112-00-00) is considered an (a)(2) perennial natural watercourse that contributes direct surface

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
No. B112-02-00		surface water flow directly or indirectly to an (a)(1) water in a typical year.	flow to Armand Bayou, an (a)(1) TN, in a typical year. Flow regimes were determined based on review of referenced resources listed in sections IIIA and IIIB. Please see typical year assessment below.

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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
Detention Pond 1	0.76	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.

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: [Pre-USACE Verified Waters of the United States Delineation Report, December 2020, AECOM.](#)

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

Rationale: [Wet 1 label had to be changed to detention pond 1, received 08/10/2021.](#)

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

☒ Photographs: [Aerial and Other: Delineation Report Attachment 4 – Site Photographs, April 22, 2020; Texas Natural Resources Information System \(TNRIS\) National Agriculture Imagery Program \(NAIP\) 2004, 2010, 2014, 2016](#)

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

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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- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- ☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [NRCS Soils Data, December 2020](#)
- ☒ USFWS NWI maps: [USFWS NWI, December 2020](#)
- ☒ USGS topographic maps: [1916 USGS Topographic Map La Porte, Texas Quadrangle, 2019 USGS Topographic Map La Porte, Texas Quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	See USGS mapping sources above.
USDA Sources	<p>Natural Resources Conservation Service (NRCS). 2006. Land Resource Regions and Major Land Resource Areas of the United States, the Caribbean, and the Pacific Basin. Available online at www.nrcs.usda.gov/Internet/FSE_DOCUMENTS?nrcs142p2-050898.pdf. Accessed April 2020.</p> <p>NRCS Climate Analysis for Wetlands Tables (WETS) Houston William P Hobby Airport. Local weather data obtained online at http://agacis.rcc-acis.org/?fips=48201. Accessed April 25, 2020.</p> <p>United States Department of Agriculture (USDA), NRCS. 2018. Field Indicators of Hydric Soils in the United States, Version 8.2. L.M. Vasilas, G.W. Hurt, and J.F. Berkowitz (eds.). USDA, NRCS, in cooperation with the National Technical Committee for Hydric Soils.</p> <p>Lists of Hydric Soils. National List; all states. USDA. NRCS. Service. Available online at http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/use/hydric/. Accessed April 2020.</p> <p>NRCS Climate Analysis for Wetlands Tables (WETS) Houston William P Hobby Airport. Local weather data obtained online at http://agacis.rcc-acis.org/?fips=48201. Access April 25, 2020.</p>
NOAA Sources	N/A.
USACE Sources	<p>USACE. 1987. Corps of Engineers Wetland Delineation Manual. Technical Report Y-87-1, U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MS.</p> <p>USACE. 2010. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0), ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-10-20. Vicksburg, MS: U.S. Army Engineer Research and Development Center.</p> <p>USACE. Regulatory Guidance Letter: Ordinary High-Water Mark Identification. Available online http://www.usace.army.mil/Portals/2/docs/civilworks/RGLS/rg105-05.pdf. Accessed May 12, 2020.</p>
State/Local/Tribal Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
Other Sources	<p>National Drought Mitigation Center, the U.S. Department of Agriculture (USDA) and the National Oceanic and Atmospheric Administration (NOAA). United States Drought Monitor GIS data files. Available online at https://droughtmonitor.unl.edu/Data/GISData.aspx. Accessed May 12, 2020.</p> <p>Cowardin, L. M., V. Carter, F. C. Golet, E. T. LaRoe. 1979. Classification of wetlands and deepwater habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. Jamestown, ND: Northern Prairie Wildlife Research Center Online. http://www.npwrc.usgs.gov/resource/wetlands/classwet/index.htm (Version 04DEC1998).</p> <p>Federal Emergency Management Agency (FEMA). 2017. Flood Insurance Rate Maps for Harris County. Accessed April 2020.</p> <p>Google Inc. 2009. Google Earth (Version 5.1.3533.1731) [Software]. Accessed April 2020. Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X.</p> <p>Lichvar, R.W., D.L. Banks, W.N. Kirchner, and N.C. Melvin. 2016. The National Wetland Plant List: 2016 wetland ratings. Phytoneuron 2016-30: 1-17. Published 28 April 2016. ISSN 2153 733X.</p>

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 were analyzed using APT calculating for agent site visit photograph date of 22 APR 2020. The WETS score (last 3 mths) for that 22 APR 2020 totaled 11 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 appx 20.04 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
22 APR 2020 (Agent Site Visit/photos)	0"	11(N)	Normal	Wet	Mild Drought
16 NOV 2020 Google Earth	0	11(N)	Normal	Wet	Mild Drought



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01 DEC 2020 Google Earth	0	10(N)	Normal	Wet	Incipient Drought
28 OCT 2017 Google Earth	0	13(N)	Normal	Wet	Extreme Wetness
05 APR 2017 Google Earth	0	13(N)	Normal	Wet	Extreme 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.

Waterbody 2-Willow Springs Bayou (806 LF of HCFCD Unit No. B112-00-00) and Waterbody 3-Tributary (1, 248 LF of HCFCD Unit No. B112-02-00) are naturally occurring surface water channels that contribute surface water flow to an (a) (1) water in a typical year, are perennial natural watercourses, and flows as such in a typical year. These waters eventually flow into Armand Bayou (a)(1) water.

Excluded features:

Detention Pond 1 (0.76 ac) is an excluded under (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.

C. Additional comments to support AJD: N/A