



**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): 7/7/2021  
 ORM Number: SWG-2021-00346  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Texas City: Houston County/Parish/Borough: Harris  
 Center Coordinates of Review Area: Latitude 30.143046 Longitude -95.578095

**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)<sup>2</sup>**

§ 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):<sup>3</sup>

(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
WA001	0.092 acre(s)	(a)(4) Wetland inundated by flooding from an	WA001 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 Spring

<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.  
<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.



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
		(a)(1)-(a)(3) water in a typical year.	Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Please see typical year assessment below.
WA002	0.361	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year. WA002 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 Spring Creek. This was determined based on a review of site-specific information including, elevation data, aerial photos, and USGS topo maps. Please see typical year assessment below.

**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
N/A.	N/A.	N/A.	N/A.

**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 REPORT FOR SPRING CREEK GREENWAY PHASE V - BURROUGHS PARK PROJECT, HARRIS COUNTY, TEXAS MAY 2021, SWCA Environmental Consultants](#)

This information is sufficient for purposes of this AJD.

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

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Agent Site visit 04/09/2021, ESRI May 2021](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- 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: [NRCS Soil Survey for Harris County, Texas](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [USGS Oklahoma, Texas 7.5-minute quadrangle map \(USGS 2019, 2021; USFWS 2021\).](#)

**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>

<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.



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Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	FEMA FIRM No. 48201C0065L (effective 6/18/2007)

**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 aeriels & site visit.

Water features where analyzed using APT calculating for agent's site visit date of 09 APR 2021. The WETs score (last 3 mths) totaled 6 on a scale of 6-18, which indicates that the measurements or observations made are reflective of drier than 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 coridnates are located at an approx. 135. 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
09 APR 2021 (Agent site visit)	0	6 (D)	Drier than Normal	Wet	Mild Drought
16 NOV 2020 (Google earth)	0"	6 (D)	Drier than Normal	Wet	Mild Drought
19 JAN 2019 Google earth)	<1"	15 (W)	Above	Wet	Incipient Drought
15 FEB 2017 (Google earth)	1"	15 (N)	Above	Wet	Incipien t Drought
31 MAY 2016 (Google earth)	0	9 (D)	Below	Wet	Mild wetness
29 SEP 17** (Google earth)	2"	18 (W)	Above	Dry	Severe Wetness

The results of the review of the APT analysis, average score 11.5 (normal), aids in reaching the conclusion needed to determine if the subject feature are inundated by flooding from a (a)1-(a)3 water in a typical year. \*\*Hurricane Harvey rains.

Wetlands WA001 and WA002 are located in landscape position that would be anticipated to be flooded in a typical year by Spring Creek (a)(2). These features are considered jurisdictional under NWPR. These wetlands are in a contiguous landscape position that would be anticipated to be inundated by flooding by



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the nearest waters of the U.S. (Spring Creek) in a typical year. The determination regarding potential inundation due to flooding by the nearest waterway is based largely up on site specific information and scientific studies regarding flood plain correlation and elevation information for bankfull and floodplains (e.g. study entitled: Hydrogeomorphological differentiation between floodplains and terraces by: Qina Yan, Toshiki Iwasaki, Andrew Stumpf, Patrick Belmont, Gary Parker & Praveen Kuma.) as well as review of historic site information (including precipitation data) and aerial photos of the site. The study referenced previously revealed that the 10-year flood plain elevation is located in a slightly higher elevation than bank full elevation in riverine systems. Noting per NWPR regulation, that bank full is anticipated to be located within the area that folds in a typical year and as such jurisdictional. The aquatic resources listed here are located below bank full and the projected 10-year flood plain elevation for this area.

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