



**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): 5/12/2021
 ORM Number: SWF-2020-00341
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Bryan County/Parish/Borough: Brazos
 Center Coordinates of Review Area: Latitude 30.7253832 Longitude -96.4369170

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. |

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 |
| Report ID 9 - Thompsons Creek | 4,600 linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Based on observations from the field assessment and supporting information, Thompsons Creek flows continuously for most of the year and more than in direct response to precipitation. This portion of Thompsons Creek exhibited an ordinary high-water mark (OHWM) between 3- to 6-feet. The NHDplus map identifies Thompsons Creek as a intermittent stream with a monthly mean flow above 1 cfs for the majority of the year. |

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): | | | | |
| (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)): ⁴ | | | | |
|--|----------------|-------------|---|--|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| Report ID 1 – Swale 1 | 125 | 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. | Based on observations from the consultant's field assessment, Swale 1 is a low-lying, grass covered swale that does not possess an OHWM or defined bed and bank. The lack of stream characteristics indicate that the feature conveys water only in direct response to precipitation events and does not provide sufficient flow duration to constitute sustained flows |
| Report ID 2 - Thompsons Creek Tributary 14 | 1,825 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Based on observations from the field assessment and supporting information, Thompsons Creek Tributary 14 is an ephemeral channel only flows in response to precipitation events. This portion of Thompsons Creek Tributary 14 exhibited an OHWM between 1- to 2-feet. The NHDplus map does not identify Thompsons Creek Tributary 14 as a waterbody. |
| Report ID 3 - Unnamed Tributary 1 | 370 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Based on observations from the field assessment and supporting information, Unnamed Tributary 1 is an ephemeral channel only flows in response to precipitation events. This portion of Unnamed Tributary 1 exhibited an OHWM between 1- to 2-feet. The NHDplus map does not identify Unnamed Tributary 1 as a waterbody. |
| Report ID 4 - Swale 2 | 300 | linear feet | (b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet | Based on observations from the consultant's field assessment, Swale 2 is a low-lying swale that has an OHWM between 0- to 1-foot; however, it has no defined bed and bank. |

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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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|-------------|---|---|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | the other (b)(1) subcategories. | The lack of stream characteristics indicate that the feature conveys water only in direct response to precipitation events and does not provide sufficient flow duration to constitute sustained flows |
| Report ID 5 – Swale 3 | 200 | 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. | <p>Based on observations from the consultant's field assessment, Swale 3 is a low-lying, grass covered swale that does not possess an OHWM or defined bed and bank.</p> <p>The lack of stream characteristics indicate that the feature conveys water only in direct response to precipitation events and does not provide sufficient flow duration to constitute sustained flows</p> |
| Report ID 6 - Swale 4 | 315 | 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. | <p>Based on observations from the consultant's field assessment, Swale 4 is a low-lying swale that has an OHWM between 0- to 1-foot; however, it has no defined bed and bank.</p> <p>The lack of stream characteristics indicate that the feature conveys water only in direct response to precipitation events and does not provide sufficient flow duration to constitute sustained flows</p> |
| Report ID 7 - Unnamed Tributary 2 | 420 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | <p>Based on observations from the field assessment and supporting information, Unnamed Tributary 2 is an ephemeral channel only flows in response to precipitation events. This portion of Unnamed Tributary 2 exhibited an OHWM between 1- to 2-feet.</p> <p>The NHDplus map does not identify Unnamed Tributary 2 as a waterbody.</p> |
| Report ID 8 - Thompsons Creek Tributary 13 | 1300 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | <p>Based on observations from the field assessment and supporting information, Thompsons Creek Tributary 13 is an ephemeral channel only flows in response to precipitation events. This portion of Thompsons Creek Tributary 13 exhibited an OHWM of approximately 1-foot.</p> <p>The NHDplus map does not identify Thompsons Creek Tributary 13 as a waterbody.</p> |
| Report ID 8a - Thompsons Creek Tributary 13.1 | 475 | linear feet | (b)(3) Ephemeral feature, including an ephemeral | Based on observations from the field assessment and supporting information, Thompsons Creek Tributary 13.1 is an ephemeral channel only flows in response to |



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|--------------------------------------|--|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | stream, swale, gully, rill, or pool. | <p>precipitation events. This portion of Thompsons Creek Tributary 13.1 exhibited an OHWM of approximately 1-foot.</p> <p>The NHDplus map does not identify Thompsons Creek Tributary 13.1 as a waterbody.</p> |
| Report ID 10 - Thompsons Creek Tributary 10.1 | 1025 | linear feet | <p>(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.</p> <p>Based on observations from the field assessment and supporting information, Thompsons Creek Tributary 10.1 is an ephemeral channel only flows in response to precipitation events. This portion of Thompsons Creek Tributary 10.1 exhibited an OHWM between 1- to 3-feet</p> <p>The NHDplus map does not identify Thompsons Creek Tributary 10.1 as a waterbody.</p> |
| Report ID 11 - Unnamed Tributary 3 | 1300 | linear feet | <p>(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.</p> <p>Based on observations from the field assessment and supporting information, Unnamed Tributary 3 is an ephemeral channel only flows in response to precipitation events. This portion of Unnamed Tributary 2 exhibited an OHWM between 2- to 4-feet.</p> <p>The NHDplus map does not identify Unnamed Tributary 3 as a waterbody.</p> |
| Map ID Wet 1 - Wetland 1 | 0.005 | acre(s) | <p>(b)(1) Non-adjacent wetland.</p> <p>Wetland 1 is small emergent wetland area abutting Swale 1 that was formed from the construction of a culvert connecting to the drainage ditch for North Earl Rudder Freeway.</p> <p>Based on site observations and flow characteristics, physical and biological indicators, and supporting information; Wetland 1 does not meet the definition of an “adjacent wetland” since the abutting waters (Swale 1) is non-jurisdictional.</p> |
| Map ID OW 1 – Open Water 1 | 0.220 | acre(s) | <p>(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional</p> <p>Open Water 1 is a man-made, artificial stock pond with an earthen dam. Upgradient of Open Water 1 is uplands. The outlet of the artificial pond is located on the east side of the pond and consists of overland flow around the earthen dam. Downstream of the pond is an erosional swale that connects to Open Water 2</p> <p>Based on the connecting hydrology, Open Water 1 is constructed within non-jurisdictional waters and is not inundated by flooding from a jurisdictional water.</p> |



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|--------------------------|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | water that meets (c)(6). | |
| Map ID OW 2 – Open Water 2 | 0.430 | acre(s) | <p>(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).</p> <p>Open Water 2 is a man-made, artificial stock pond with an earthen dam. Upgradient of Open Water 2 is an erosional swale connecting to Open Water 1. The outlet of the artificial pond is located on the east side of the pond and consists of overland flow around the earthen dam. Downstream of the pond is an erosional swale that connects with Wetland 2. The erosional swale continues ~875-feet down stream until it connects with Thompsons Creek Tributary 14 (ephemeral stream).</p> <p>Based on the connecting hydrology, Open Water 2 is constructed within non-jurisdictional waters and is not inundated by flooding from a jurisdictional water.</p> |
| Map ID Wet 2 - Wetland 2 | 0.092 | acre(s) | <p>(b)(1) Non-adjacent wetland.</p> <p>Wetland 2 is small emergent wetland area abutting an erosional swale south of Open Water 2. Downstream of Wetland 2, the erosional swale continues ~875-feet until it connects with Thompsons Creek Tributary 14 (ephemeral stream).</p> <p>Based on site observations and flow characteristics, physical and biological indicators, and supporting information; Wetland 2 does not meet the definition of an “adjacent wetland” since the abutting waters are non-jurisdictional.</p> |
| Map ID Wet 3 - Wetland 3 | 0.009 | acre(s) | <p>(b)(1) Non-adjacent wetland.</p> <p>Wetland 3 is emergent wetland area abutting Swale 2. that was formed from the construction of a culvert for a utility easement roadway.</p> <p>Based on site observations and flow characteristics, physical and biological indicators, and supporting information; Wetland 3 does not meet the definition of an “adjacent wetland” since the abutting waters (Swale 2) is non-jurisdictional.</p> |
| Map ID OW 3 – Open Water 3 | 0.861 | acre(s) | <p>(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as</p> <p>Open Water 3 is a man-made, artificial stock pond with an earthen dam constructed /excavated in an upland area.</p> <p>Upgradient of Open Water 3 is a heavily wooded upland area that contributes overland/sheet flow towards the pond. Down gradient of the pond</p> |



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|---------|---|--|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | consists of a heavily wooded upland area. |
| Map ID OW 4 – Open Water 4 | 0.184 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | Open Water 4 is a man-made, artificial stock pond with an earthen dam constructed /excavated in an upland area. Upgradient of Open Water 4 is a heavily wooded and pasture upland area that contributes overland/sheet flow towards the pond. Down gradient of the pond consists of a heavily wooded and pasture upland area. |
| Map ID OW 5 – Open Water 5 | 0.643 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | Open Water 5 is a man-made, artificial stock pond with an earthen dam constructed /excavated in an upland area. Open Water 5 was constructed as part of the operations of an exploration and production (E&P) well site sometime between 2010 and 2011. Upgradient of Open Water 5 is a pasture upland area that contributes overland/sheet flow towards the pond. Down gradient of the pond consists of a pasture upland area. |
| Map ID OW 6 – Open Water 6 | 0.098 | acre(s) | (b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6). | Open Water 6 is a man-made, artificial stock pond with an earthen dam constructed /excavated in an upland area. Upgradient of Open Water 6 is a pasture upland area that contributes overland/sheet flow towards the pond. Down gradient of the pond consists of a pasture upland area. |
| | | | | |



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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: [AJD request dated _____](#)
[Stream Report IDs are refereced in AJD request information.](#)

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: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial: Brazos County NAIP Imagery \[12-16-2020\], Google Earth Imagery \[12-30-2019 \], 2019 Bryan West NE & NW StratMap Orthoimagery \[02-21-2019\]](#)

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: [Web Soil Survey \(WSS\) database](#)

USFWS NWI maps: [Bryan West Quadrangle National Wetlands Inventory](#)

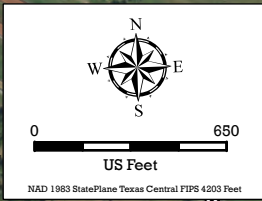
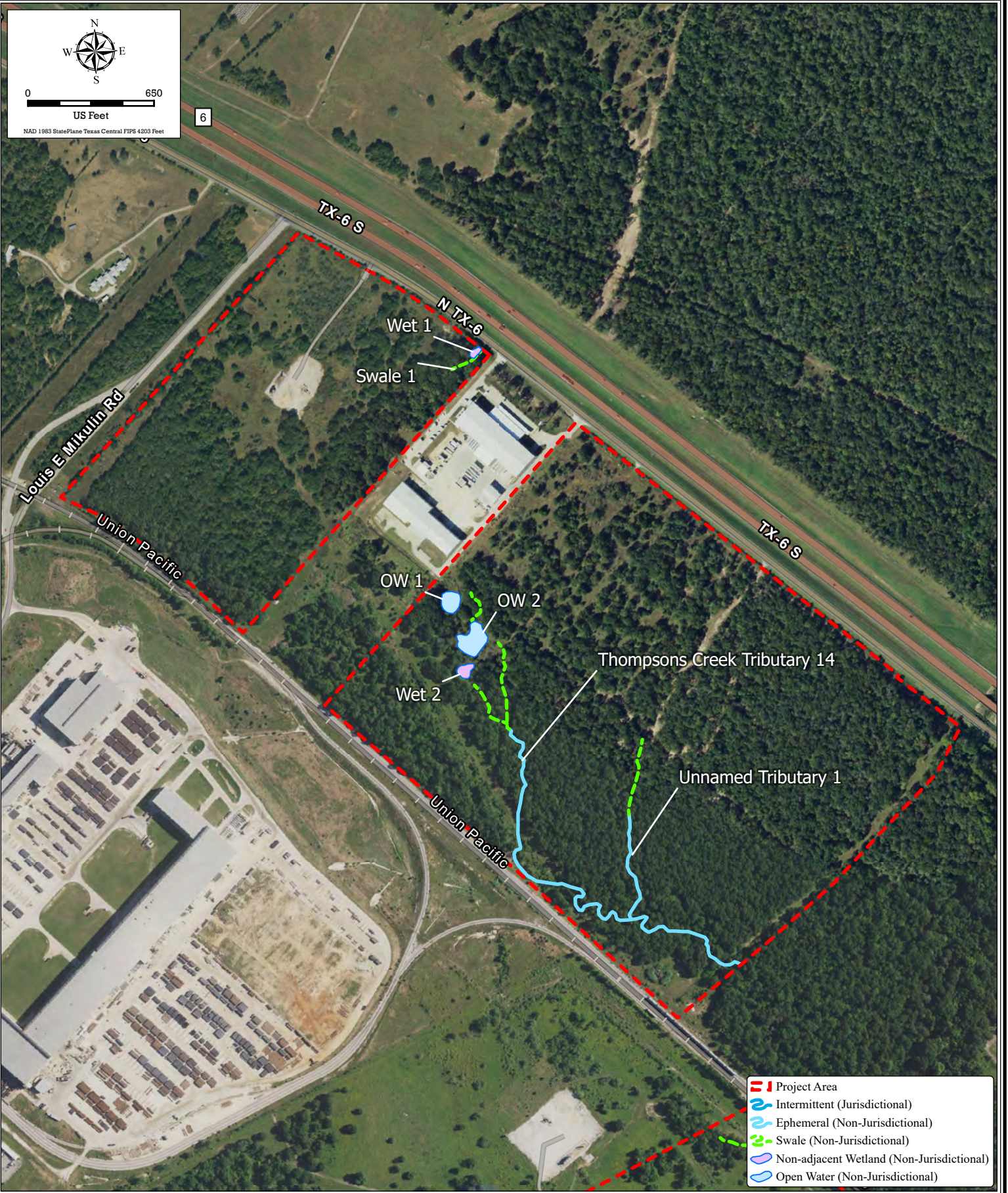
USGS topographic maps: [Bryan West 7.5 Minute Series Quadrangle](#)

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 | Esri National Hydrography Dataset Plus (NHDplus) map created by the U.S. Environmental Protection Agency (EPA) Office of Water and USGS |

B. Typical year assessment(s): Results calculated from the USACE Antecedent Precipitation Tool (APT) v1.0.19 indicated that the calculation of precipitation, drought, and other climatic conditions for the consultant’s field evaluation conducted on April 15, 2020 was conducted and evaluated during “normal” conditions. The 2019 Bryan West NE & NW Orthoimagery were determined to be during “wetter than normal” conditions. The field evaluations conducted on March 17 & 18; 2019 Google Earth Imagery; and the 2020 Brazos County NAIP Imagery were determined to be during “drier than normal” conditions.

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)



- - - Project Area
- Intermittent (Jurisdictional)
- Ephemeral (Non-Jurisdictional)
- - - Swale (Non-Jurisdictional)
- Non-adjacent Wetland (Non-Jurisdictional)
- Open Water (Non-Jurisdictional)

SMS
Environmental & Ecological
Services, Inc.

PROJECT:
DRAWN BY:
DATE: 05/04/2021
SCALE: 1:7,800

Figure 1
Triangle Industrial Park
49.12-Acre & 117.53-Acre Tracts
Bryan, Brazos County, Texas

SOURCE:
Bair Community Maps Contributors, Baylor University,
City of Bryan GIS, Texas Parks & Wildlife, Esri, HERE,
Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS,
EPA, NPS, US Coastline Bureau, USDA,
United States Department of Agriculture (USDA),
Brazos County NAIP Imagery (11-16-2020)



0 750

 US Feet

 NAD 1983 StatePlane Texas Central FIPS 4203 Feet

- Project Area
- Intermittent (Jurisdictional)
- Ephemeral (Non-Jurisdictional)
- Swale (Non-Jurisdictional)
- Non-adjacent Wetland (Non-Jurisdictional)
- Open Water (Non-Jurisdictional)

SMS

 Environmental & Ecological

 Services, Inc.

| |
|------------------|
| PROJECT: |
| DRAWN BY: |
| DATE: 05/04/2021 |
| SCALE: 1:9,000 |

Figure 2

Triangle Industrial Park

449.48 -Acre Tract

 Bryan, Brazos County, Texas

SOURCE:

 Esri Community Maps Contributors, Baylor University,

 City of Bryan GIS, Texas Parks & Wildlife, Esri, HERE,

 Garmin, SafeGraph, INCREMENT P, META/NAASA, USGS,

 EPA, NPS, US Coastline Bureau, USDA,

 United States Department of Agriculture (USDA),

 Brazos County NAIP Imagery (11-16-2020)