



**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): 12/28/2020

ORM Number: SWF-2018-00407

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: College Station County/Parish/Borough: Brazos

Center Coordinates of Review Area: Latitude 30.570385 Longitude -96.257414

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
Lick Creek	5,819.30	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Spring Creek	11,201.40	linear feet	(a)(2) Perennial tributary contributes

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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	River, which is a designated navigable water of the U.S.

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
EW-1	0.24	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	Ponded emergent wetland area which contributes flow to Spring Creek through a culvert under a utility access road during a typical year. Culverted crossing is on ST6 which is an ephemeral tributary that discharges flow to Spring Creek
FW-1	1.6	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Emergent wetland areas representing former oxbow meanders of Lick Creek which are inundated by overflows from Lick Creek during a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
ST1	304.6	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST1 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.

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
ST1-1	0.21	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST1-1 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST2	372.9	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST2 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST3	133.2	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST3 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST4	1,198.2	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST4 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST5	1,421.3	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST5 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST5-1	426.4	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST5-1 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST5-2	143.6	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST5-2 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST6	168.7	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST6 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST7	1,243.5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST7 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
ST7-1	87.8	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST7-1 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST8	611.4	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST8 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST9	163.5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST9 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST10	133.7	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST10 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
ST11	255	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	ST11 is an ephemeral stream that is non-jurisdictional due to only conveying flow in direct response to precipitation.
UP1	0.1	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).	UP1 is an upland stock pond
UP2	0.08	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	UP2 is an upland stock pond



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			a jurisdictional water that meets (c)(6).	
OC1	0.17	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).	OC2 is an on-channel impoundment of an ephemeral stream (ST4) that is non-jurisdictional due to only conveying flow in direct response to precipitation.
OC2	0.16	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).	OC2 is an on-channel impoundment of an ephemeral stream (ST7) that is non-jurisdictional due to only conveying flow in direct response to precipitation.
Pond 5	0.7	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).	Pond 5 is an excavated pond located within the 100-year floodplain of Lick Creek but is not an impoundment of Lick Creek
Pond 6	0.08	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional	Pond 6 is an erosional area that was bermed to create an open water pond. It lies within the 100-year floodplain of Spring Creek, but it is not an impoundment of Spring Creek or any jurisdictional stream



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
		water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).		
N/A.	0	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: Preliminary Jurisdictional Determination of Waters of the United States for Proposed Midtown Business Park, City of College Station, Brazos County, Texas dated September 24, 2018.

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

Rationale: Previous PJD report prepared in 2018 prior to NWPR; supplemental information provided to support request for revision of AJD based on current regulatory changes/definitions.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Included in PJD report dated September 24, 2018
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): SWF-2018-00407
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Included in PJD report dated September 24, 2018
- USFWS NWI maps: Included in PJD report dated September 24, 2018
- USGS topographic maps: Included in PJD report dated September 24, 2018

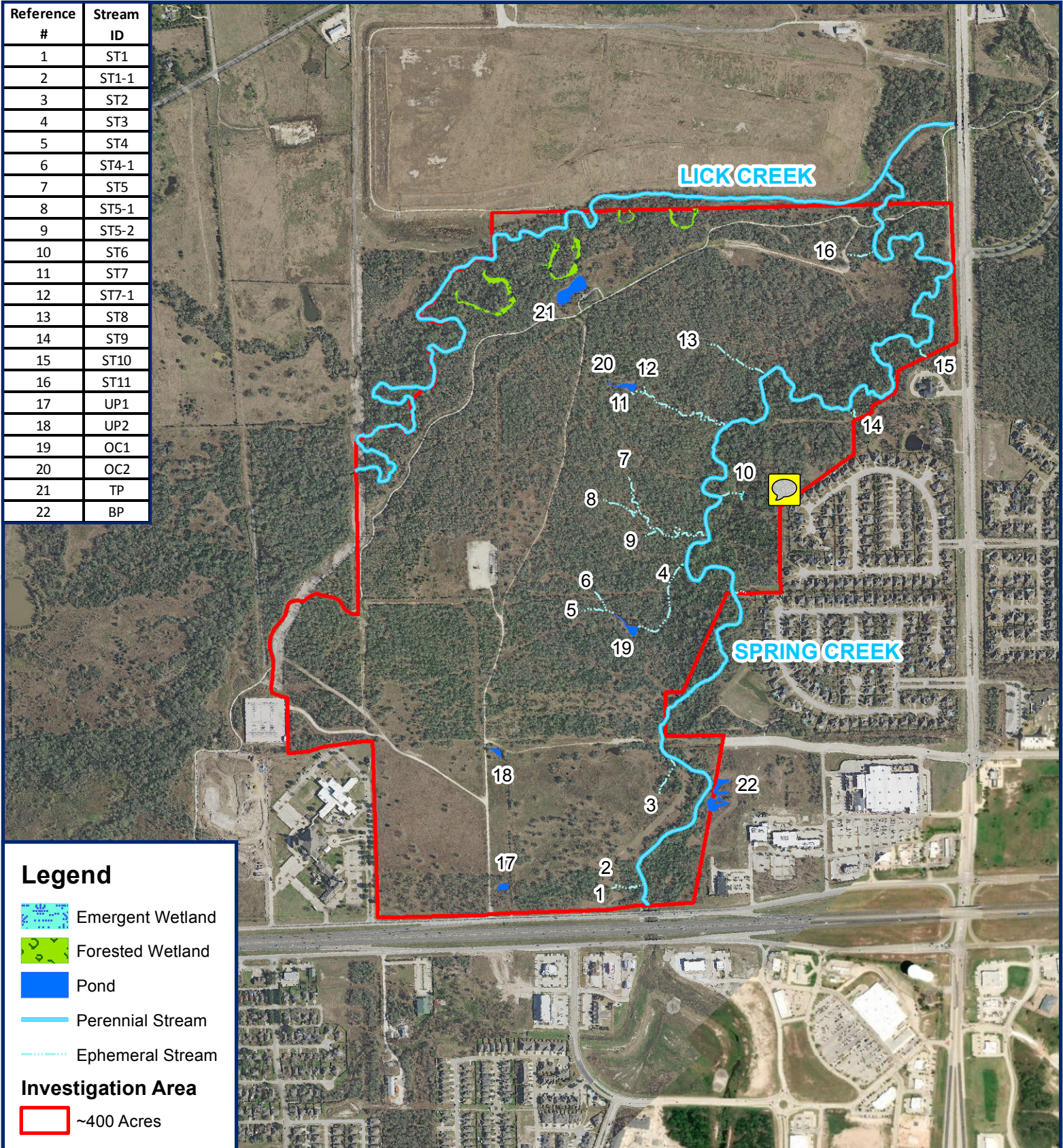
Other data sources used to aid in this determination:

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): Typical year assessment attached; According to the DAREM, the study area was experiencing normal hydrologic conditions at the time of the site investigation.

C. Additional comments to support AJD: Data from WETS Station: College Station Easterwood FLD, TX attached


Reference #	Stream ID
1	ST1
2	ST1-1
3	ST2
4	ST3
5	ST4
6	ST4-1
7	ST5
8	ST5-1
9	ST5-2
10	ST6
11	ST7
12	ST7-1
13	ST8
14	ST9
15	ST10
16	ST11
17	UP1
18	UP2
19	OC1
20	OC2
21	TP
22	BP



Legend

-  Emergent Wetland
-  Forested Wetland
-  Pond
-  Perennial Stream
-  Ephemeral Stream

Investigation Area

 ~400 Acres



DATE: 9/19/2018

1,000 500 0 Feet



**FIGURE A-13
 DELINEATED AQUATIC FEATURES
 PROPOSED MIDTOWN BUSINESS PARK
 CITY OF COLLEGE STATION
 BRAZOS COUNTY, TEXAS**

SOURCE: TINRIS StratMap - 2017 AERIAL IMAGE


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