



**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): 1/6/2021

ORM Number: SWF-2020-00499

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 30.654199 Longitude -96.281075

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
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
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.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Harvey Hillside Creek	1,990	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	<p>The headwaters to Harvey Hillside Creek is located off-site ~ 250-feet upstream at a man-made stormwater retention pond associated with the Central Church Development located immediately north of FM 158.</p> <p>Harvey Hillside Creek enters the project area south of the culvert beneath FM 158 to approximately 1,990-feet downstream to the culvert at Summit Crossing Lane.</p> <p>This ephemeral channel only flows in response to precipitation events. Based on observations from the consultant’s field assessment on July 17, 2020, this portion of Harvey Hillside Creek exhibited an OHWM of 2-feet and dry stream bed with occasional pools resulting from past precipitation (which occurred July 7, 2020). No aquatic life was observed in ponding pools.</p> <p>According to the NRCS WSS, the soils surrounding Harvey Hillside Creek consists of Boonville fine sandy loam (BoB), 1 to 3 percent slopes. This is a non-hydric soil with traditionally shallow perched water, very slow permeability, and very high water runoff.</p> <p>The NHDplus map does not identify Harvey Hillside Creek as a waterbody.</p>
Grassy Swale-1	400	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>Grassy Swale-1 starts within the west-central portion of the project area and connects to Harvey Hillside Creek.</p> <p>Based on observations from the consultant’s field assessment on July 17, 2020, Grassy 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.</p>

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
Unnamed Tributary-1	700	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	<p>The headwaters to Unnamed Tributary-1 headwaters is located off-site ~1,500-feet upstream at the grassy stormwater detention area associated with the Church development located immediately north of FM 158.</p> <p>The Unnamed Tributary-1 to Harvey Hillside Creek enters northeastern portion of the project area and traverses south approximately 480-feet to a point where the channel transitions into a grass covered swales (Grassy Swale-2) with no defined bed and bank. Downstream of the existing man-made stock pond (OW-1), Unnamed Tributary-1 transitions back to a channel with a defined bed and bank. This portion of the tributary traverses approximately 200-feet to where it exits the project area at the culvert for Summit Crossing Lane.</p> <p>A portion of Unnamed Tributary-1 goes through an area that was historically a man-made stock pond (historic artificial pond). Sometime in the recent past the dam to the historic artificial pond was breached. As a result, the area has transitioned back to natural conditions with upland pasture grass and a 2-foot channel traversing through the former area. South of the former damn is where Unnamed Tributary-1 transitions to a grassy swale.</p> <p>This ephemeral channel only flows in response to precipitation events. Based on observations from the consultant’s field assessment on July 17, 2020, Unnamed Tributary-1 has an OHWM of 2-feet and dry stream bed with occasional pools resulting from recent precipitation (which occurred July 7, 2020). No aquatic life was observed in ponding pools.</p> <p>According to the NRCS WSS, the soils surrounding Unnamed Tributary-1 consists of Boonville fine sandy loam (BoB), 1 to 3 percent slopes. This is a non-hydric soil with traditionally shallow perched water, very slow permeability, and very high water runoff.</p> <p>The NHDplus map does not identify Unnamed Tributary-1 as a waterbody.</p>



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Grassy Swale-2	118	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>Grassy Swale-2 is connected to Unnamed Tributary-1 and starts south of the former artificial open water body and connects to the inlet of the existing artificial open water stock pond (OW-1).</p> <p>Based on observations from the consultant's field assessment on July 17, 2020, Grassy Swale-2 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.</p>
OW-1	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).	<p>The man-made, artificial stock pond (OW-1) with an earthen dam encompasses and area of approximately 0.16-acres.</p> <p>Upgradient of OW-1 is Grassy Swale 2. The outlet of OW-1 is located on the southern side of the pond and consists of a culvert constructed within the earthen dam. Downgradient of OW-1 is the ephemeral Unnamed Tributary-1 to Harvey Hillside Creek</p> <p>Based on the connecting hydrology, OW-1 is constructed within non-jurisdictional waters and is not inundated by flooding from a jurisdictional water.</p>

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 Nov 16, 2020](#)
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: 2019 Bryan East SE StratMap Orthoimagery \[01-09-2019\], Google Earth Imagery \[12-29-2019\],](#)
- 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 East Quadrangle National Wetlands Inventory](#)



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USGS topographic maps: [Bryan East 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	Bryan East SE 2017 digital elevation model (DEM), Hypsography (elevation contours), and LiDAR
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) v1.0.18 indicated that the calculation of precipitation, drought, and other climatic conditions for the consultant's field evaluations conducted on July 17, 2020, and the 2017 LiDAR dataset were conducted and evaluated during "normal" conditions. The 2019 Bryan East SE Orthoimagery was determined to be during "wetter than normal" conditions. The 2019 Google Earth Imagery was determined to be during "drier than normal" conditions.

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



Proposed Ascend at Harvey Development Project Area



PROJECT: JBS Project No. 20084

LOCATION: College Station, Brazos County, Texas

APPR:

DATE: 12/01/2020

DRAWN BY: S. Schautschick

SCALE: 1:5,200

DATE: 11/12/2020

FIGURE: 2