



**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): 8/18/2021

ORM Number: SWG-2020-00471

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Texas City: County/Parish/Borough: Harris

Center Coordinates of Review Area: Latitude 29.817030 Longitude -95.150202

**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)<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.	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.	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.	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.

<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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**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
Wetland 1	2.49	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not abut an (a)(1)-(a)(3) water; is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; is not physically separated from an (a)(1)-(a)(3) water by a single natural berm, bank, dune, similar natural feature or an artificial dike, barrier, or similar artificial structure. The Google Earth aeries and topo maps show that Wetland 1 does not abut Carpenters Bayou, the nearest water of the United States (a perennial tributary and an (a)(2) water) nor is separated from Carpenters Bayou by a single natural or artificial barrier. Wetland 1 is located above the 100-year floodplain of Carpenters Bayou and does not get inundated from the bayou in a typical year.
Wetland 2	0.29	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 does not abut an (a)(1)-(a)(3) water; is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; is not physically separated from an (a)(1)-(a)(3) water by a single natural berm, bank, dune, similar natural feature or an artificial dike, barrier, or similar artificial structure. The Google Earth aeries and topo maps show that Wetland 2 does not abut Carpenters Bayou, the nearest water of the United States (a perennial tributary and an (a)(2) water) nor is separated from Carpenters Bayou by a single natural or artificial barrier. Wetland 2 is located within the 100-year floodplain of Carpenters Bayou. Wetland 2 is at an elevation of 33+ feet (NAVD88) and the 10 year flood elevation for Carpenters Bayou is 30 feet (NAVD88). Therefore, Wetland 2 does not get inundated in a typical year.
Wetland 3	3.28	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 does not abut an (a)(1)-(a)(3) water; is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; is not physically separated from an (a)(1)-(a)(3) water by a single natural berm, bank, dune, similar natural feature or an artificial dike, barrier, or similar artificial structure. The Google Earth aeries and topo maps show that Wetland 3 does not abut Carpenters Bayou, the nearest water of the

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				United States (a perennial tributary and an (a)(2) water) nor is separated from Carpenters Bayou by a single natural or artificial barrier. Wetland 3 is located above the 100-year floodplain of Carpenters Bayou and does not get inundated from the bayou in a typical year.
Wetland 4	0.22	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 does not abut an (a)(1)-(a)(3) water; is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; is not physically separated from an (a)(1)-(a)(3) water by a single natural berm, bank, dune, similar natural feature or an artificial dike, barrier, or similar artificial structure. The Google Earth aeriels and topo maps show that Wetland 4 does not abut Carpenters Bayou, the nearest water of the United States (a perennial tributary and an (a)(2) water) nor is separated from Carpenters Bayou by a single natural or artificial barrier. Wetland 4 is located above the 100-year floodplain of Carpenters Bayou and does not get inundated from the bayou in a typical year.
Wetland 5	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 does not abut an (a)(1)-(a)(3) water; is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; is not physically separated from an (a)(1)-(a)(3) water by a single natural berm, bank, dune, similar natural feature or an artificial dike, barrier, or similar artificial structure. The Google Earth aeriels and topo maps show that Wetland 5 does not abut Carpenters Bayou, the nearest water of the United States (a perennial tributary and an (a)(2) water) nor is separated from Carpenters Bayou by a single natural or artificial barrier. Wetland 5 is located above the 100-year floodplain of Carpenters Bayou and does not get inundated from the bayou in a typical year.
Wetland 6	14.71	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6 does not abut an (a)(1)-(a)(3) water; is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; is not physically separated from an (a)(1)-(a)(3) water by a single natural berm, bank, dune, similar natural feature or an artificial dike, barrier, or similar artificial structure. The Google Earth aeriels and topo maps show that Wetland 6 does not abut Carpenters Bayou, the nearest water of the United States (a perennial tributary and an (a)(2) water) nor is separated from Carpenters Bayou by a single natural or artificial barrier. Wetland 6



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			is located above the 100-year floodplain of Carpenters Bayou and does not get inundated from the bayou in a typical year.	
Wetland 7	7.44	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 7 does not abut an (a)(1)-(a)(3) water; is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year; is not physically separated from an (a)(1)-(a)(3) water by a single natural berm, bank, dune, similar natural feature or an artificial dike, barrier, or similar artificial structure. The Google Earth aerials and topo maps show that Wetland 7 does not abut Carpenters Bayou, the nearest water of the United States (a perennial tributary and an (a)(2) water) nor is separated from Carpenters Bayou by a single natural or artificial barrier. Wetland 7 is located above the 100-year floodplain of Carpenters Bayou and does not get inundated from the bayou in a typical year.

### 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: [Houston Fuel Oil Terminal Company, LLC. 2 July 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

☒ Photographs: [Aerial: Google Earth 1943-2020](#)

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

☐ Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Harris County WebSoil Survey](#)

☒ USFWS NWI maps: [Harris County USFWS NWI Map](#)

☒ USGS topographic maps: [USGS](#)

**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="#">Fauna 1916, and Jacinto City (1967, 1982, and 2019), Texas Quadrangle Maps</a>
<a href="#">USDA Sources</a>	<a href="#">Soil Web</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">ORM for Historical review</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">FEMA NFHL Panel 48201C0710M Eff 1/6/2017</a>



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**B. Typical year assessment(s):** [N/A/](#)

**C. Additional comments to support AJD:** [N/A.](#)