



**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): 6/1/2021

ORM Number: SWG-2021-00038

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Humble County/Parish/Borough: Harris

Center Coordinates of Review Area: Latitude 29.899067° Longitude -95.320835°

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
P118-00-19 (upland Drainage Ditch)	133	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The review area contains an upland cut, man-made drainage ditch not constructed in a (c)(1) or (a)(4). Halls Bayou is 1.53 miles away from this portion of ditch. This ditch does not extend the ordinary high watermark of Halls Bayou. This ditch is not a water of the US.
Ditch 1 (upland Drainage Ditch)	1,593	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The review area contains an upland cut, man-made drainage ditch not constructed in a (c)(1) or (a)(4). Halls Bayou is 1.57 miles away from this portion of ditch. This ditch does not extend the ordinary high watermark of Halls Bayou. This ditch is not a water of the US.
Ditch 2 (upland Drainage Ditch)	1,587	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The review area contains an upland cut, man-made drainage ditch not constructed in a (c)(1) or (a)(4). Halls Bayou is 1.69 miles away from this portion of ditch. This ditch does not extend the ordinary high watermark of Halls Bayou. This ditch is not a water of the US.

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: [Request for AJD, dated January 2020; wetland delineation report EASTEX FREEWAY FOREST SECTIONS 3 AND 4 prepared by Berg Oliver.](#)

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 and Other: Aerials: 2020, 2009, and 1995; site visit photographs \(Dec. 2020\) from Request for AJD, dated January 2020](#)

☐ Corps site visit(s) conducted on: [Date\(s\).](#)

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

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

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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- ☒ USDA NRCS Soil Survey: [Web Soil Survey; 2020](#)
- ☒ USFWS NWI maps: [2020; Humble, Texas; 1:24,000](#)
- ☒ USGS topographic maps: [See Below: 1983, Humble, Texas; 1:24,000](#)

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
FEMA/FIRM maps	2020 Floodplain

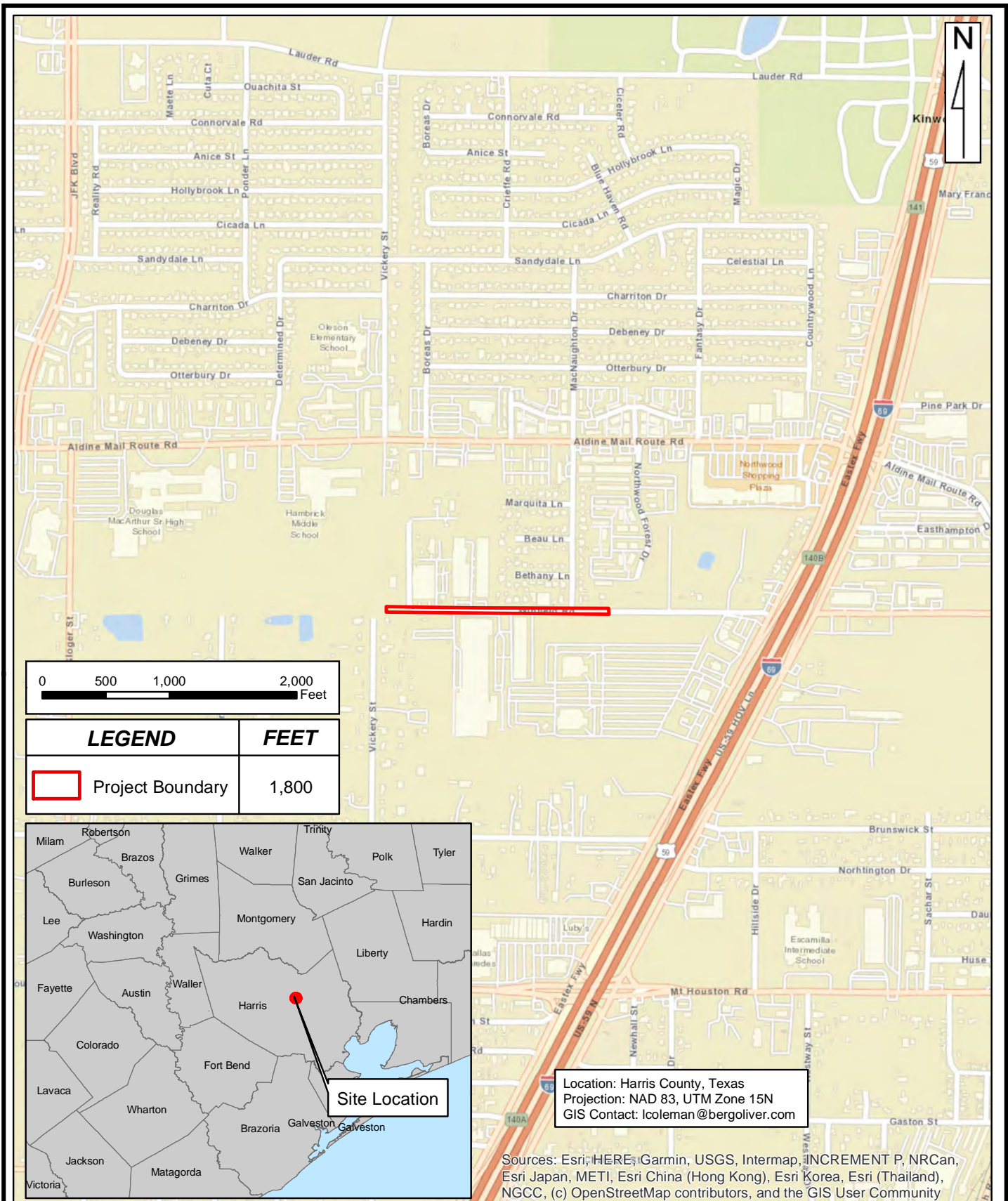
B. Typical year assessment(s): [N/A](#)

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



ENVIRONMENTAL SCIENCE & LAND USE CONSULTANTS
14701 ST. MARY'S LANE, SUITE 400
HOUSTON, TEXAS 77079 PHONE (281)589-0898 <http://www.bergoliver.com>





SITE LOCATION MAP

Project #: 11894N-WD
 For: Geotest Engineering, Inc.
 Location: From Channel P118-19-00 to MacNaughton Drive
Harris County, Texas

REVISIONS

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Location: Harris County, Texas
Image Source: NEARMAP (10/02/20)
Projection: NAD 83, UTM Zone 15N
GIS Contact: Lars Coleman (lcoleman@bergoliver.com)

Legend	Feet
<div></div> P118-19-00	133
<div></div> Man-Made Ditches (Non-Jurisdictional)	3,180
<div></div> Sample Points	
<div></div> Project Boundary	1,800



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WETLAND DETERMINATION AND CLASSIFICATION

SITE LOCATION MAP

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