



**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): 7/7/2021

ORM Number: SWG-2021-00182

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 30.029687° Longitude -95.628041°

**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)<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.	

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.	

<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
Excavated Drainage Channel (D 1)	733.11	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.	D 1 is an upland-cut drainage ditch excavated in upland which conveys stormwater from the residential neighborhood south of the Subject Property to the detention area south of the Subject Property. The ditch exhibits an ephemeral flow regime as evidenced by the presence of herbaceous vegetation throughout the ditch. This ditch does not extend the ordinary high watermark of Cypress Creek. 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: [Wetland Delineation Report, entitled Northpoint Boulevard Segment 2, Tomball, Harris County, Texas and dated March 2021; prepared by IEA, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Wetland delineation conducted according to the 1987 USACE Wetland Delineation Manual and the 2010 Supplement for the Atlantic and Gulf Coastal Plain.](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial and Other: Aerials: 1938, 1944, 1957, 1968, 1977, 1983, 1995, 2004, 2010, 2016, 2020. Site visit photographs from February 25, 2021.](#)
- ☐ 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: [2020 NRCS Soil Survey Data](#)
- ☒ USFWS NWI maps: [2014 NWI](#)
- ☒ USGS topographic maps: [See below](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="#">Tomball, TX 7.5' quad: 1916, 1920, 1962, 1980, 2010, 2013, 2016, 2019. Rose Hill, TX 7.5' quad: 1916, 1920, 1949, 1962, 1980, 2010, 2013, 2016, 2019. 2021 Aerial Photograph with 2017 NHD and 2014 NWI Data</a>
USDA Sources	<a href="#">2021 Aerial Photograph with 2020 NRCS Soil Survey Data</a>
NOAA Sources	<a href="#">N/A.</a>
USACE Sources	<a href="#">N/A.</a>

<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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Data Source (select)	Name and/or date and other relevant information
<a href="#">LiDAR data/maps</a>	<a href="#">2021 Aerial Photograph with 2012 HCFCD LiDAR Elevation Data</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">2021 Aerial Photograph with 2007 and 2013 FEMA Floodplain Data (Panel Numbers 48201C0220L, effective date 1/18/2007 and Panel Number 48201C0240M, effective date 10/16/2013)</a>

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

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