



**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): 8/11/2021

ORM Number: SWG-2021-00193

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 29.634439 Longitude -95.377836

**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.	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
WB 1	0.19	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	WB 1 is a waterbody excavated in upland to store stormwater runoff and act as a flood control feature.
WC 1	202.89	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WC 1 is an ephemeral stream that only holds water during precipitation events.
WC 2	199.84	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WC 2 is an ephemeral stream that only holds water during precipitation events.
WC 3	12.18	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WC 3 is an ephemeral stream that only holds water during precipitation events.
D 1	375.48	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 a waterbody excavated in upland to store stormwater runoff and act as a flood control feature.
D 2	416.68	linear feet	(b)(10) Stormwater control feature constructed or excavated in	D 2 is an upland-cut drainage ditch that conveys stormwater during precipitation events.

<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
			upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	
D 3	472.55	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 3 is an upland-cut drainage ditch that conveys stormwater during precipitation events.
D 4	317.31	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 4 is an upland-cut drainage ditch that conveys stormwater during precipitation events.

### 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, March 2021](#)

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: 1938, 1944, 1953, 1973, 1982, 1989, 2004, 2009, 2012, 2016.](#)  
[Site visit photographs from January 7 and 13, 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 National Wetlands Inventory](#)
- ☐ USGS topographic maps: [See table below](#)



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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Almeda, TX 7.5' quad: 1915, 1920, 1921, 1922, 1943, 1944, 1946, 1944, 1947, 1955, 1967, 1969, 1995, 2013 Bellaire, TX 7.5' quad: 1915, 1920, 1921, 1922, 1943, 1944, 1946, 1944, 1947, 1967, 1969, 1982, 1995, 2013 Park Place, TX 7.5' quad: 1915, 1920, 1921, 1922, 1944, 1947, 1955, 1967, 1969, 1982, 1995, 2013 Mykawa, TX 7.5' quad: 1920, 1921, 1922, 1943, 1944, 1946 Pearland, TX 7.5' quad: 1929, 1955, 1967, 1969, 1982, 1995, 2013 2020 Aerial Photograph with 2017 National Hydrography Dataset
USDA Sources	2020 Aerial Photograph with 2020 NRCS Soil Survey Data
NOAA Sources	N/A.
USACE Sources	N/A.
LiDAR data/maps	2020 Aerial Photograph with 2012 HCFCD LiDAR Data
FEMA/FIRM maps	2020 Aerial Photograph with 2019 FEMA Floodplain Data (panel numbers 48201C0870M, Effective May 2, 2019)

**B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

**C. Additional comments to support AJD:** Based on USGS Topographic maps, aerial photographs, USFWS NWI data, FEMA Floodplain data, and the January 7 and 13, 2021 site visits, the Subject Property includes the following non-jurisdictional features: one waterbody, three watercourses, and four upland-cut drainage ditches.