



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
2000 FORT POINT ROAD
GALVESTON, TEXAS 77550

January 19, 2024

Compliance Branch

SUBJECT: **SWG-2023-00740**; [REDACTED], No Permit Required,
Approximately 7.26 Acre Site, Approximately 1 Mile North from the Intersection of Farm-
to-Market 616 on County Road 429 ([REDACTED]), Lolita, Jackson
County, Texas



Dear [REDACTED]

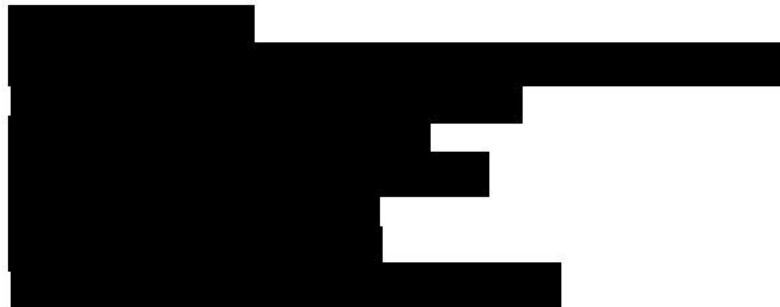
This letter is in response to your request submitted on October 5, 2023, for a No Permit Required letter. The project site is located approximately 1 mile north of the intersection of Farm-to-Market 616 on Lower Lolita Road in Lolita, Jackson County, Texas (map enclosed). Via email on January 18, 2024, you revised the project boundary from approximately 7.74 acres to approximately 7.26 acres to exclude a portion on the west side of County Road 429.

The Corps of Engineers has the regulatory responsibility over two federal laws, Section 10 of the Rivers and Harbors Act (Section 10) which regulates work and/or structures in/or affecting navigable waters of the United States (U.S.) and Section 404 of the Clean Water Act (Section 404) which regulates the discharge of dredged and/or fill material into waters of the U.S., including navigable waters. Based on our desk review conducted on November 16, 2023, we determined the 7.26-acre project site does not contain any aquatic resources, nor waters of the United States. Therefore, the project site is not subject to Section 404 or Section 10 and the discharge of dredged and/or fill material, work and/or structures on the project sites does not require a Department of the Army permit.

Areas of Federal Interests (federal projects, and/or work areas) may be located within this proposed project area. Any activities in these federal interest areas would also be subject to federal regulations under the authority of Section 14 of the Rivers and Harbors Act (aka Section 408). Section 408 makes it unlawful for anyone to alter in any manner, in whole or in part, any work (ship channel, flood control channels, seawalls, bulkhead, jetty, piers, etc.) built by the United States unless it is authorized by the Corps of Engineers (i.e., Navigation and Operations Division).

The delineation and/or jurisdictional determination included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This letter constitutes an approved jurisdictional determination (AJD) for this subject site and is valid for 5 years from the date of this letter unless new information warrants a revision prior to the expiration date. For the purposes of this AJD, we have relied on Pre-2015 Regulatory Regime implemented consistent with *Sackett v. EPA* in evaluating jurisdiction. If you object to this AJD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeals Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Southwestern Division Office at the following address:



In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP; noting the letter date is considered day 1. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

If you have any questions concerning this matter, please reference file number **SWG-2023-00740** and contact [REDACTED] at the letterhead address, via email at [REDACTED] or by telephone at [REDACTED]. To assist us in improving our service to you, please complete the survey found at <https://regulatory.ops.usace.army.mil/customer-service-survey/> and/or if you would prefer a hard copy of the survey form, please let us know, and one will be mailed to you.

Sincerely,

A black rectangular redaction box covering the signature of the official.

Compliance Branch