

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
FILE NUMBER:

SWG
~~D-15945(01)~~ D-15945

REGULATORY PROJECT MANAGER:

Andrew Williams Ryan Fordy et al. Date: 06 May 2004

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office Y (Y/N) Date: 06 May 2004
At the project site N (Y/N) Date: NA

PROJECT LOCATION INFORMATION:

State: Texas
County: Galveston
Center coordinates of site by latitude & longitudinal coordinates: 29 31 14 N, 95 01 58 W
Approximate size of site/property (including uplands & in acres): 18 acres
Name of watershed or watershed: Unnamed borrow pit

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
Abandoned Borrow Pit					X				

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-15820

REGULATORY PROJECT MANAGER: Jayson M Hudson *JMH*

Date: 27-Apr-04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N)
 At the Project Site (Y/N)

Date: 27-Apr-04

Date:

PROJECT LOCATION INFORMATION:

State: Texas

County: Harris

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

Approximate Size of Site/Property (Including Uplands & In Acres):

Name of Waterway or Watershed:

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									XX
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

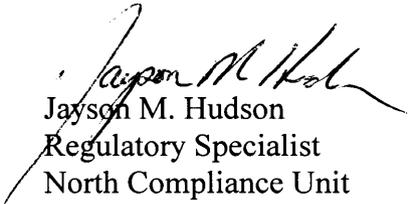
TYPE OF DETERMINATION: Preliminar **XX** or Approved

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs): See Attached

MEMORANDUM FOR THE FILE

SUBJECT: D-15820, Berg ♦ Oliver Associates, Jurisdictional Determination, Along the Water Authority Canal, North of East Wallisville Road in Harris County, Texas

1. Mr. David Sherrill, of Berg ♦ Oliver Associates, requested a jurisdictional determination for a 660-acre site located along the Coastal Water Authority Canal, north of East Wallisville Road, west of Garth Road, south of Barbers-Hill Road and east of Haney Road in Harris County, Texas. The letter requesting this determination was dated 3 March 2004.
2. A desk review was completed on 27 April 2004. The desk review consisted of an examination of the following information:
 - 1994 U.S.G.S Mont Belvieu topographic quadrangle
 - The Federal Emergency Management Agency's Flood Insurance Rate Map (Harris County – Panel 755 of 1135) Map revised on 6 November 1996.
 - 1998 Aerial Photo
 - 1983 Aerial Photo
 - 1965 Aerial Photo
3. The site is located out of the 100-year floodplain of any known water of the United States. Based on a review of the historical aerials, the site is located in an area that was previously used for rice production and has a large canal, the Water Authority Canal running from the northeast to the southwest of the project site. It is evident in several of the aerial photos that the canal has a large berm to the north and south. This berm may prevent the presence of any direct hydrological surface connections between any wetlands that may be present on the site and the canal. The canal does not appear to be a water of the United States and has been excluded from the project area by the applicant.
4. No site visit was conducted.
5. The site is located outside of the 100-year floodplain of any known water of the United States, lacks a direct hydrological surface connection to a water of the United States, does not have any apparent nexus to interstate commerce and is isolated. Therefore, the discharge of dredged or fill material on the property, as shown by the boundaries submitted with the request, is not subject to Section 404 of the Clean Water Act and does not require a Department of the Army permit. This preliminary jurisdictional determination is valid for 5 years from the date of the notifying letter unless new information warrants a revision prior to the expiration date.



Jayson M. Hudson
Regulatory Specialist
North Compliance Unit

**INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
 RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
 COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE:
 FILE NUMBER:

SWG
D-15862

REGULATORY PROJECT MANAGER:

R. Jones

Date: 7 May 04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)

Date: 7 May 04

At the project site (Y/N)

Date: _____

PROJECT LOCATION INFORMATION:

State:

County:

Center coordinates of site by latitude & longitudinal coordinates:

Approximate size of site/property (including uplands & in acres):

Name of waterway or watershed:

IL
Harris
~~29.8259°N~~ 95.5653°W
HUC Basin: 12040104

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									XXX
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			XX		
Is or would be used as habitat by other migratory birds that cross state lines?			XXX		
Is or would be used as habitat for endangered species?					XXX
Is used to irrigate crops sold in interstate commerce?					XXX

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION:

Preliminary Or Approved

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

off site methodology per 1987 WDM & Federal Regulations and local procedures

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston

FILE NUMBER: D15918

REGULATORY PROJECT MANAGER: Johnson

Date: 4/21/2004

PROJECT REVIEW/DETERMINATION COMPLETED: YYYY (Y/N)
 At the Project (Y/N)

Date: 4/21/2004

Date: _____

PROJECT LOCATION INFORMATION:

State: Texas

County: Harris

Center Coordinates of Site by Latitude & Longitudinal Coordinates: 29° 50' 56"N, 95° 41' 25"W

Approximate Size of Site/Property (Including Uplands & In Acres): 11.2

Name of Waterway or Watershed: Bear Creek

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			XXXXX		
Is or would be used as habitat by other migratory birds that cross state lines?			XXXXX		
Is or would be used as habitat for endangered species?					XXXXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXXXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston

FILE NUMBER: D-88732

REGULATORY PROJECT MANAGER: Johnson

Date: 4/20/2004

PROJECT REVIEW/DETERMINATION COMPLETED: (Y/N)
 At the Project Y (Y/N)

Date: 4/20/2004

Date: 2/17/2004

PROJECT LOCATION INFORMATION:

State: Texas
 County: Harris
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: 29° 47' 25"N, 95° 38' 02"W
 Approximate Size of Site/Property (Including Uplands & In Acres): Unknown
 Name of Waterway or Watershed: Langham Creek

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			XXXXX		
Is or would be used as habitat by other migratory birds that cross state lines?			XXXXX		
Is or would be used as habitat for endangered species?					XXXXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXXXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston

FILE NUMBER: D15995

REGULATORY PROJECT MANAGER: Johnson

Date: 5/11/2004

PROJECT REVIEW/DETERMINATION COMPLETED: YYY (Y/N)
 At the Project (Y/N)

Date: 5/11/2004

Date: _____

PROJECT LOCATION INFORMATION:

State: Texas
 County: Chambers and Liberty Counties
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: 29° 52' 19"N, 94° 54' 35"W
 Approximate Size of Site/Property (Including Uplands & In Acres): 7.7-mile pipeline
 Name of Waterway or Watershed: Old River

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		XXXXXXX							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				XXXXXX	
Is or would be used as habitat by other migratory birds that cross state lines?				XXXXXX	
Is or would be used as habitat for endangered species?					XXXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston

FILE NUMBER: D15598

REGULATORY PROJECT MANAGER: Johnson

Date: 5/6/2004

PROJECT REVIEW/DETERMINATION COMPLETED: YYYY (Y/N)
 At the Project (Y/N)

Date: 5/6/2004

Date: _____

PROJECT LOCATION INFORMATION:

State: Texas
 County: Jasper
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: 30° 42' 04"N, 93° 54' 27"W
 Approximate Size of Site/Property (Including Uplands & In Acres): _____
 Name of Waterway or Watershed: Davis Creek

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				XXXXX	
Is or would be used as habitat by other migratory birds that cross state lines?				XXXXX	
Is or would be used as habitat for endangered species?					XXXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston

FILE NUMBER: D15402

REGULATORY PROJECT MANAGER: Johnson

Date: 5/7/2004

PROJECT REVIEW/DETERMINATION COMPLETED: (Y/N)
 FIELD=yes (Y/N)

Date: 5/7/2004

Date: _____

PROJECT LOCATION INFORMATION:

State: Texas

County: Montgomery

Center Coordinates of Site by Latitude & Longitudinal Coordinates: 30° 06' 45"N, 95° 16' 09"W

Approximate Size of Site/Property (Including Uplands & In Acres): _____

Name of Waterway or Watershed: Bens Branch

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				XXXXX	
Is or would be used as habitat by other migratory birds that cross state lines?				XXXXX	
Is or would be used as habitat for endangered species?					XXXXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXXXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston

FILE NUMBER: D15951

REGULATORY PROJECT MANAGER: Johnson

Date: 5/20/2004

PROJECT REVIEW/DETERMINATION COMPLETED: YYYY (Y/N)
 At the Project (Y/N)

Date: 5/20/2004
 Date: _____

PROJECT LOCATION INFORMATION:

State: Texas
 County: Harris
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: 29° 52' 19"N, 95° 33' 20"W
 Approximate Size of Site/Property (Including Uplands & In Acres): 23.6
 Name of Waterway or Watershed: None

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands									XXXXXX
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?				XXXXXX	
Is or would be used as habitat by other migratory birds that cross state lines?				XXXXXX	
Is or would be used as habitat for endangered species?					XXXXXXX
Is used to irrigate crops sold in interstate commerce?					XXXXXXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston

FILE NUMBER: D16053

REGULATORY PROJECT MANAGER: Dwayne Johnson

Date: 6/9/2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office _____ (Y/N)
 At the Project YY _____ (Y/N)

Date: _____
 Date: 6/3/2004

PROJECT LOCATION INFORMATION:

State: Texas
 County: Harris
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: 30° 04' 04"N, 95° 21' 53"W
 Approximate Size of Site/Property (Including Uplands & In Acres): _____ 56
 Name of Waterway or Watershed: Spring Creek

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	XXXXXX								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					XXXX
Is or would be used as habitat by other migratory birds that cross state lines?					XXXX
Is or would be used as habitat for endangered species?					XXXX
Is used to irrigate crops sold in interstate commerce?					XXXX

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved XXXXX

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

**INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
 RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
 COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: D-16014

REGULATORY PROJECT MANAGER: Reagan Richter

Date: 12-May-04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office _____ (Y/N)
 At the Project Site Y (Y/N)

Date: _____
 Date: 6-May-04

PROJECT LOCATION INFORMATION:

State: Texas
 County: Nueces
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: NAD 27-- Lat N28 - 01' - 16.2" Long W97 - 05' - 03.0"
 Approximate Size of Site/Property (Including Uplands & In Acres): 8.26 Acres--0.46 Acres wetland
 Name of Waterway or Watershed: Rockport Wetlands / Aransas Bay watershed

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	6-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary X or Approved _____

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

*uw
5/12/04*

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: SWG
 FILE NUMBER: D-15859

REGULATORY PROJECT MANAGER: Andrew Williams Date: 21 June 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 21 June 2004
 At the project site N (Y/N) Date: _____

PROJECT LOCATION INFORMATION:
 State: Texas
 County: Fort Bend
 Center coordinates of site by latitude & longitudinal coordinates: 29° 42' 00"N, 95° 49' 36"W (NAD27)
 Approximate size of site/property (including uplands & in acres): 200 acres
 Name of waterway or watershed: 12040205 Austin-Oyster

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands						X			
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-15859

Determination of No Jurisdiction

Additional Information Supporting NJD

1. There are approximately six (6) isolated wetland areas, which total approximately 28 acres and they are located completely within the project area.
2. All six wetlands are depressional wetland and they are located completely outside of the 100 year floodzone. Based on the desk review, there were no obvious surface hydrological connections from any of the possible wetland areas to any water of the United States.
3. There are no adjacent wetlands or any other water of the United States located on the proposed project site. This is an approved jurisdictional determination.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: SWG
 FILE NUMBER: I-4926

REGULATORY PROJECT MANAGER: Andrew Williams Date: 17 June 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 17 June 2004
 At the project site Y (Y/N) Date: 13 May 2004

PROJECT LOCATION INFORMATION:
 State: Texas
 County: Galveston
 Center coordinates of site by latitude & longitudinal coordinates: 29° 33' 46"N, 95° 20' 12"W (NAD27)
 Approximate size of site/property (including uplands & in acres): 147 acres
 Name of waterway or watershed: Hickory Slough

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

I-4926

Determination of No Jurisdiction

Additional Information Supporting NJD

1. There is one isolated wetland area, approximately 1.2 acre and it is located completely within the project area.
2. This is a depressional wetland and is located completely outside of the 100 year floodzone. Based on the desk review and site inspection, there were no obvious surface hydrological connections from it to any water of the United States.
3. Approximately 6.5 acres of adjacent wetlands are located on the proposed project site. This is an approved jurisdictional determination.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Galveston District

FILE NUMBER: D-15754

REGULATORY PROJECT MANAGER: Weitknecht

Date: _____

PROJECT REVIEW/DETERMINATION COMPLETED: In the office _____ Y
 At the Project Site _____ Y

Date: 13-May-04
 Date: 29-Apr-04

PROJECT LOCATION INFORMATION:

State: _____
 County: _____
 Center Coordinates of Site by Latitude & Longitudinal Coordinates: _____
 Approximate Size of Site/Property (Including Uplands & In Acres): _____
 Name of Waterway or Watershed: _____

Texas
 Fort Bend
 237902E 3273077N
 _____ 92
 Brazos River

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands		2.86							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary _____ or Approved X

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

13 May 2004

MEMORANDUM FOR THE FILE

Subject: D-15754; Jurisdictional Determination, River Pointe Church, 92 Acre Tract, Ransom Road, Southeast of City of Richmond, Fort Bend County, Texas

1. The total project site is 92 acres. Located within the project boundaries are 2.86 acres of isolated wetlands. None of these wetlands extend off of the subject tract. No project specifics were given with the jurisdictional determination request to ascertain which, if any, of these wetlands are to be filled.
2. The wetlands that were determined to be isolated were called so because they are completely outside the 100-year floodplain of a water of the United States, have no known nexus to interstate commerce, and have no apparent direct surface hydrological connection to a water of the United States.
3. No waters of the U.S. are present on the subject tract.



Glenn Weitknecht
Regulatory Specialist

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: SWG
 FILE NUMBER: D-15808

REGULATORY PROJECT MANAGER: Andrew Williams Date: 21 April 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: 22 April 2004
 At the project site Y (Y/N) Date: 04 November 2003

PROJECT LOCATION INFORMATION:
 State: Texas
 County: Brazoria
 Center coordinates of site by latitude & longitudinal coordinates: 29 34 1.7 N, 95 15 45.9 W
 Approximate size of site/property (including uplands & in acres): 12 acres
 Name of waterway or watershed: Clear Creek

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?					X

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

D-13463/03

Determination of No Jurisdiction

Additional Information Supporting NJD

1. Site totals approximately 12 acres. Four isolated wetlands are partially located within the project area and total approximately 4.5 acres. The amount of isolated wetlands within the project area is approximately 0.7 acres. These wetlands were created when fill was placed into uplands around them prior to 1995 (according to the consultant).
2. The site is mostly located outside of the 100 year floodzone. All of the isolated wetlands are located completely outside of the 100-year floodzone. No surface hydrological connections were observed from any of the isolated wetlands on site to Clear Creek, the closest water of the United States.
3. No other waters of the United States are located on the proposed project site. This is an approved jurisdictional determination.

**INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
 RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
 COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: CESWG

FILE NUMBER: I-4875

REGULATORY PROJECT MANAGER: David Hoth

Date: 13-Apr-04

PROJECT REVIEW/DETERMINATION COMPLETED: In the office y (Y/N)
 At the Project Site y (Y/N)

Date: 12-Apr-04

Date: 8-Apr-04

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Brazoria

Center Coordinates of Site by Latitude & Longitudinal Coordinates:

29 30 51.89 and 95 23 14.96

Approximate Size of Site/Property (Including Uplands & In Acres):

327 Acres

Name of Waterway or Watershed:

Isolated Wetlands

SITE CONDITIONS:

Type of Aquatic Resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	>50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mud Flat									
Sand Flat									
Wetlands					x				
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (Identify Type)									

¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size for non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					x
Is or would be used as habitat by other migratory birds that cross state lines?					x
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					x

¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary or Approved x

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

Approved Jurisdictional Determination:

A site visit was conducted on April 8, 2004 on a proposed subdivision (South Fork Subdivision- 327 acres). The area is currently under construction. Some houses were constructed but a majority of the subdivision was under road construction. The new subdivision is directly north and adjacent to the American Canal and west of State Highway 288.

A desk review of an infrared aerial photograph, a FEMA Flood plain Map, and USGS Map indicated that five wetland areas appeared to be present within the limits of the subdivision. However, the wetlands are not in the 100-year flood plain of a water of the United States, do not have a hydrologic surface connection, and as such, are isolated and do not have a nexus to instate commerce.

The five isolated wetland areas are not waters of the United States and are not subject to Corps of Engineers jurisdiction under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act of 1899. No adjacent wetlands or tributaries of waters of the United States are present within the project area. The estimated acreage of the five isolated wetlands is 16. 63 acres.