



**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): 5/11/2021  
 ORM Number: SWG 2013-00946  
 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 29.757247 Longitude -95.560860

**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
- 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
Wetland A	0.06	acre(s)	(b)(1) Non-adjacent wetland.	It is a wetland that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a typical year. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier that allows inundation from an (a)(1)-(a)(3) water in a typical year. The aerial photos and topo map show that Wetland A does not abut Buffalo Bayou, the nearest (a)(2) water, nor is separated from Buffalo Bayou by a single natural or man-made barrier. Those resources also show that Wetland A was an excavated extension of a headwater of an unnamed tributary to Buffalo Bayou and then was severed from the unnamed tributary by the construction of Deerwood Drive prior to 1978. The wetland is located outside the 100-year floodplain of Buffalo Bayou.
Wetland B	0.28	acre(s)	(b)(1) Non-adjacent wetland.	It is a wetland that does not abut an (a)(1)-(a)(3) water. It is not located in a landscape position that would be flooded/inundated by an (a)(1)-(a)(3) water during a typical year. It is separated from an (a)(1)-(a)(3) water by more than a single natural or man-made barrier that allows inundation from an (a)(1)-(a)(3) water in a typical year. The aerial photos and topo map show that Wetland B does not abut Buffalo Bayou, the nearest (a)(2) water, nor is separated from Buffalo Bayou by a single natural or man-made barrier. The wetland is located outside the 100- and 500-year floodplains of Buffalo Bayou.
Man-Made Pond 1	0.03	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional	Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons are not considered waters of the United States. The aerial photos and topos show that Man-Made Pond 1 was part of Wetland A, an excavated headwater, but was severed from Wetland A prior to 2011.

<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
		water that meets (c)(6).	

**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: [\(Hydrex Environmental\) 30 March 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [1 July 2020](#)
- Photographs: [Aerial: Google Earth 1944-2019](#)
- Corps site visit(s) conducted on: [1 July 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [31 March 2015](#)
- Antecedent Precipitation Tool: [\*provide detailed discussion in Section III.B.\*](#)
- USDA NRCS Soil Survey: [Harris County WebSoil Survey](#)
- USFWS NWI maps: [Harris County USFWS NWI Mapper](#)
- USGS topographic maps: [N/A](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">Hillendahl (1915), and Hedwig Village (1970, 1982, 2010; and 2019) Texas Quadrangle Map</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">ORM for Historical review</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">FEMA NFHL Panel 48207C0645L Eff 6/18/2007</a>

**B. Typical year assessment(s):** All the aquatic resources are located above the 100-year floodplain of Buffalo Bayou [an (a)(2) water], the nearest water of the United States. None of the aquatic resources are inundated from Buffalo Bayou or any other (a)(1)-(a)(3) water in a typical year.

**C. Additional comments to support AJD:** A previous Approved Jurisdictional Determination was finalized on 31 March 2015 under the Rapanos Guidance and found one wetland (approximately 0.24-acre) on site that was determined to be isolated and non jurisdictional and not subject to section 404 of the Clean Water Act.