

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): February 28, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SWG-2014-00727, Williams Brothers Construction Co. Inc., Upland 1

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Montgomery City:

Center coordinates of site (lat/long in degree decimal format): Lat. 30.174460°, Long. -95.682162°

Universal Transverse Mercator: 15, 3341157.2 N., 241718.4 E., NAD: 83

Name of nearest waterbody: Unnamed tributary to Mill Creek

Name of watershed or Hydrologic Unit Code (HUC): Spring - 12040102

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: February 28, 2018
- Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Cox I McLain Environmental Consulting, Inc. Preliminary Jurisdictional Determination Report – February 2018
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas: Spring - 12040102
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Magnolia East, Texas
- USDA Natural Resources Conservation Service Soil Survey. Citation: Montgomery County
- National wetlands inventory map(s). Cite name: NWI Mapper
- State/Local wetland inventory map(s):
- FEMA/FIRM maps: Panel 48201C0045L eff. 6/18/2007
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth Aerials
- or Other (Name & Date): 2009 and 2016 Color Infrared Images from TNRIS
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: There are no aquatic features mapped within the review area on the topographic or NWI maps. The entire review area consists of soil units with a 0 percent hydric rating. The FEMA floodplain map indicates that the review area is in an area of minimal flood hazard (Zone X – unshaded). No depressions, changes in vegetative cover or color, or other indicators of potential aquatic

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

features were observed in the aerial imagery review. Based on a review of the information provided by the applicant's consultant and data collected during the desktop review, we have determined that there are no aquatic resources or potential aquatic resources in the approximate 10-acre review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, or delineation of the ebb and flow of the tides. There are no features that exhibit lateral limits of jurisdiction (e.g. OHWM) or wetland characteristics. Therefore, we have determined that the review area consists entirely of dry land.