

**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): 11/30/2020

ORM Number: SWG-2017-00719

Associated JDs: SWG-2017-00719 (Gin City abutting site)

Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris & Liberty

Center Coordinates of Review Area: Latitude see each field Longitude Decimal Degrees.

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)²

§ 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): ³			
(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.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² 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.

³ 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)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Field 22 (~ 60 acres: 30.030384 & -95.063699)	N/A.	acre(s)	(b)(6) Prior converted cropland.	Based on information provide and historic aerial imagery the field has wetlands that were manipulated for agricultural purposes prior to 23 December 1985. Per site visit and contemporary aerial imagery shows this field was used a couple years ago for crop production.
Field 2 (~ 72 acres: 30.034432 & -95.046795)	N/A.	acre(s)	(b)(6) Prior converted cropland.	Based on information provide and historic aerial imagery the field has wetlands that were manipulated for agricultural purposes prior to 23 December 1985. Per site visit and contemporary aerial imagery shows this field is currently in use for agricultural purposes; specifically crop production,
Field 34 (~ 34 acres: 30.010940 & - 95.079042)	N/A.	acre(s)	(b)(6) Prior converted cropland.	Based on information provide and historic aerial imagery the field has wetlands that were manipulated for agricultural purposes prior to 23 December 1985. Per site visit and contemporary aerial imagery shows this field is currently in use for agricultural purposes; specifically crop production,
Field C (~ 44 acres: 30.005682 & -95.078096)	N/A.	acre(s)	(b)(6) Prior converted cropland.	Based on information provide and historic aerial imagery the field has wetlands that were manipulated for agricultural purposes prior to 23 December 1985. Per site visit, owner information, and contemporary aerial imagery this field is still being used for storage of irrigation waters used in agriculture production,

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: SWCA
This information is and is not sufficient for purposes of this AJD.
Rationale: delineation was not verified but wetlands were verified present
- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☐ Photographs: Select. Title(s) and/or date(s).
- ☒ Corps site visit(s) conducted on: 13 Feb 2020
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWG-2017-00719
- ☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☒ USDA NRCS Soil Survey: Harris & Liberty County Soil Surveys

⁴ 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.

⁵ 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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- ☒ USFWS NWI maps: Huffman NWI Map
- ☒ USGS topographic maps: Huffman USGS map

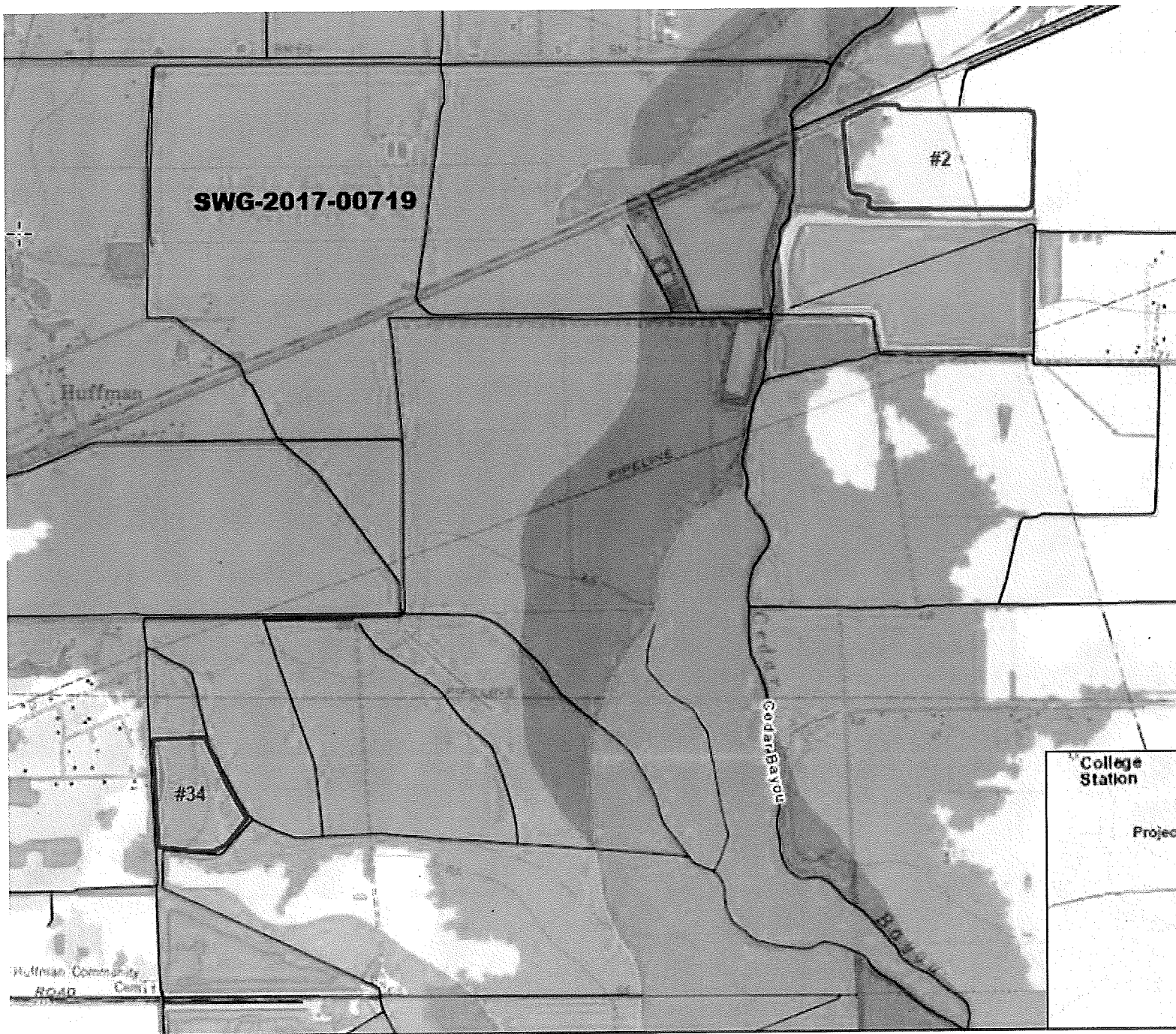
Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A
USDA Sources	(USDA and FSA cropping history maps)
NOAA Sources	N/A.
USACE Sources	ORM for historical review
State/Local/Tribal Sources	N/A.
Other Sources	N/A

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: All four of the subject fields have wetlands present. All were verified as in use for "agriculture product or in support of making agriculture production" possible prior to 23 December 1985. All of these fields have been in use or in support of agriculture purposes within the last 5 years (thus not abandoned). All are active in agriculture use except field 22 which was last use a couple years ago in crop production. No additional work is being done to address the geo-graphic jurisdictional nature of these fields since they are non-jurisdictional waters under regulation identified at 33 CFR 328 (b) (vi) PCC.

The adjacent area (SWG-2017-00179) that abuts this fields had been previous verified (AJD) for a mitigation bank. These four fields were reviewed at time and were subqently removed from the prior request due to extenuation circumstances & need for a timely response (e.g. possible UA and needed historic consistent cropping history); but after the NWPR requested a new AJD be done.



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STANTS

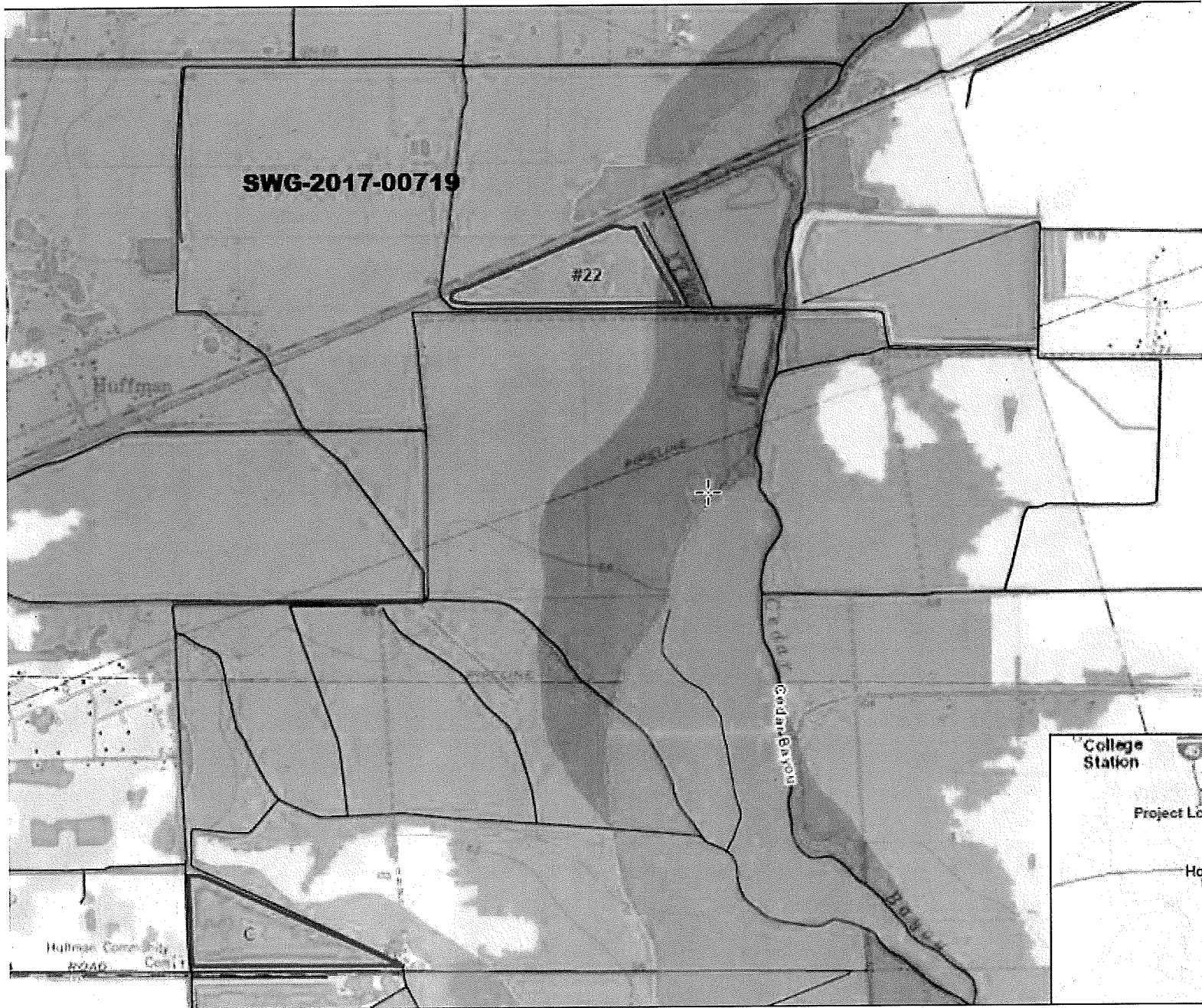
BAYOU BEND MITIGATION BANK
PARCELS #2 AND #34
VICINITY MAP
HARRIS AND LIBERTY COUNTIES, TEXAS

FIGURE 1

- | | |
|-----------------|--------------------------------|
| Parcel Boundary | 100-Year Floodplain (Floodway) |
| NHD Feature | 100-Year Floodplain |
| NWI Feature | 500-Year Floodplain |



Background
 Scale
 Oriented to
 Approved
 SWA Plan
 Data Provided



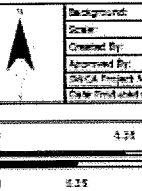
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BAYOU BEND MITIGATION BANK
PARCELS #22 AND #C
VICINITY MAP
HARRIS COUNTY, TEXAS

FIGURE 1

- | | |
|------------------|--------------------------------|
| Project Boundary | 100-Year Floodplain (Floodway) |
| NHD Feature | 100-Year Floodplain |
| NWI Feature | 500-Year Floodplain |



Background:
Scale:
Created By:
Approved By:
SWCA Project M:
Date Produced: