



**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): 8/30/2021

ORM Number: SWG-2018-00811

Associated JDs: N/A.

Review Area Location¹: State/Territory: Texas City: La Porte County/Parish/Borough: Harris

Center Coordinates of Review Area: Latitude 29.626884 Longitude -95.029519

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
Wetland Mosaic 1	11.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Mosaic 1 is a depressional wetland that neither abuts a paragraph (a)(1-3) water, nor is located in a landscape position that would be flooded/inundated by a paragraph (a)(1-3) water during a “typical year.” This wetland is separated from a paragraph (a)(1-3) water by more than a single natural or man-made barrier. Therefore, this wetland meets the 33 CFR 328.3(b)(1) non-adjacent wetland exclusion.
Wetland Mosaic 2	8.48	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Mosaic 2 is a depressional wetland that neither abuts a paragraph (a)(1-3) water, nor is located in a landscape position that would be flooded/inundated by a paragraph (a)(1-3) water during a “typical year.” This wetland is separated from a paragraph (a)(1-3) water by more than a single natural or man-made barrier. Therefore, this wetland meets the 33 CFR 328.3(b)(1) non-adjacent wetland exclusion.
Wetland Mosaic 3	5.66	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Mosaic 3 is a depressional wetland that neither abuts a paragraph (a)(1-3) water, nor is located in a landscape position that would be flooded/inundated by a paragraph (a)(1-3) water during a “typical year.” This wetland is separated from a paragraph (a)(1-3) water by more than a single natural or man-made barrier. Therefore, this wetland meets the 33 CFR 328.3(b)(1) non-adjacent wetland exclusion.
Wetland Mosaic 4	1.88	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Mosaic 4 is a depressional wetland that neither abuts a paragraph (a)(1-3) water, nor is located in a landscape position that would be flooded/inundated by a paragraph (a)(1-3) water during a “typical year.” This wetland is separated from a paragraph (a)(1-3) water by more than a single natural or man-made barrier. Therefore, this wetland meets the 33 CFR 328.3(b)(1) non-adjacent wetland exclusion.

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland Mosaic 5	11.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland Mosaic 5 is a depressional wetland that neither abuts a paragraph (a)(1-3) water, nor is located in a landscape position that would be flooded/inundated by a paragraph (a)(1-3) water during a “typical year.” This wetland is separated from a paragraph (a)(1-3) water by more than a single natural or man-made barrier. Therefore, this wetland meets the 33 CFR 328.3(b)(1) non-adjacent wetland exclusion.
Unnamed Taylor Bayou Tributary	516.64	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	The unnamed Taylor Bayou tributary was historically an ephemeral surface water channel that flowed or pooled only in direct response to precipitation. Since the channel has been improved and upstream stormwater detention basin constructions the channel subsequently receives more regular outflow. Therefore, this feature meets the 33 CFR 328.3(b)(1) exclusion as a water that does not meet a (b)(2) through (b)(12) exclusion, and does not meet the paragraph (a)(1-4) water.
Swale 1	438.20	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Swale 1 is a shallow surface water channel that lacks a reliable bed, bank, and ordinary high-water mark. This feature flows or pools only in direct response to precipitation. Therefore, this feature meets the 33 CFR 328.3(b)(3) ephemeral feature exclusion.
Swale 2	178.49	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Swale 2 is a shallow surface water channel that lacks a reliable bed, bank, and ordinary high-water mark. This feature flows or pools only in direct response to precipitation. Therefore, this feature meets the 33 CFR 328.3(b)(3) ephemeral feature exclusion.
East Tributary	288.54	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	East Tributary is a surface water channel that flows or pools only in direct response to precipitation. Therefore, this feature meets the 33 CFR 328.3(b)(3) ephemeral feature exclusion.
West Tributary 1	716.00	linear feet	(b)(1) Water or water feature that is not	West Tributary is a surface water channel that flows or pools only in direct response to precipitation. Therefore, this feature meets



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	the 33 CFR 328.3(3)(1) ephemeral feature exclusion.
West Tributary 2	517.54	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	East Tributary is a surface water channel that flows or pools only in direct response to precipitation. Therefore, this feature meets the 33 CFR 328.3(3)(1) ephemeral feature exclusion.

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: [Wetland delineation report submitted by Phase Engineering, Inc.](#)

This information [Select.](#) sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

☒ Data sheets prepared by the Corps: [6/28/2019 site visit](#)

☒ Photographs: [Aerial and Other: 2020 National Agriculture Imagery Program \(NAIP\) 0.6-meter Color Infrared \(CIR\); 2009 and 2015 Texas Orthoimagery Program \(TOP\), 0.5-meter CIR; Google Earth Aerial Images, 1952 – 2020; 6/28/2019 Site Visit Photos](#)

☒ Corps site visit(s) conducted on: [6/28/2019](#)

☒ Previous Jurisdictional Determinations (AJDs or PJDs): [21774 \(2/14/2000\); and 21774\(01\) \(12/1/2005\).](#)

☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

☒ USDA NRCS Soil Survey: [Web Soil Survey, National Cooperative Soil Survey \(NCSS\), Harris County, Texas.](#)

☒ USFWS NWI maps: [FWS NWI Web Map Services \(WMS\)](#)

(<https://www.fws.gov/wetlands/arcgis/services/Wetlands/MapServer/WMServer?request=GetCapabilities&service=WMS>).

☒ USGS topographic maps: [La Porte, Texas – 1916, 1920, 1944, 1955, 1967, 1982, 1995, 2013, 2016, and 2019; League City, Texas – 2019; and Seabrook, Texas – 1916, 1920, 1932.](#)

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	N/A.
Other NOAA data (specify)	NOAA tide gauge station 8770613, Morgans Point, Barbours Cut, TX/
USACE Sources	N/A.
LiDAR data/maps	Texas Water Development Board (TWDB), Strategic Mapping Program (StratMap) Light Detection and Ranging (LiDAR) Elevation Data: 2018 Upper



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Data Source (select)	Name and/or date and other relevant information
	Texas Coast 0.5-Meter Bare Earth Digital Elevation Model (DEM), North American Vertical Datum (NAVD) 1988 (meters).
FEMA/FIRM maps	Flood Insurance Rate Map (FIRM), Harris County, Texas and Incorporated Areas, Panel Numbers 48201C0945M and 48201C1085M (1/6/2017). Flood Zone(s): AE, 1% annual flood risk (100-year floodplain). Base Flood Elevation(s): 13-14 feet, NAVD88. Flood Insurance Study (FIS) 48201CV004C (5/2/2019).
Other information (specify)	N/A.

B. Typical year assessment(s): None of the subject site aquatic features are in a contiguous landscape position that would be anticipated to be inundated by overbank flooding by the nearest water of the U.S., Taylor Bayou, in a typical year. The determination regarding potential inundation due to flooding by the nearest waterway is based largely upon site specific information and NOAA tide gauge data.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.