



**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): 5/20/2021
 ORM Number: SWG-2019-00087
 Associated JDs: N/A.
 Review Area Location¹: State/Territory: Texas City: Panorama Village
 County/Parish/Borough: Montgomery
 Center Coordinates of Review Area: Latitude 30.388373 Longitude -95.492110

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)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
N/A.	N/A	N/A.	N/A.	N/A.
Man-made Ditch 1	2,594	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 1 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.
Man-made ditch 2	1,056	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 2 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.
Man-made Ditch 3	1,530	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 3 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.
Man-made Ditch 4	628	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 4 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.

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 Size	Exclusion ⁵	Rationale for Exclusion Determination
Man-made Ditch 5	251	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 5 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.
Man-made Ditch 6	2,766	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 6 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.
Man-made Ditch 7	315	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 7 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.
Man-made Ditch 8	560	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 8 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.
Man-made Ditch 9	1480	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the	Man-Made Ditch 9 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			conditions of (c)(1).	
Man-made Ditch 10	855	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-Made Ditch 10 is a residential drainage ditch excavated from uplands. Based on the aerial photos and topo maps, the ditch was not constructed in a tributary, does not re-route a tributary and was not constructed in an adjacent wetland.

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: [Title\(s\) and date\(s\)](#)
This information [Select](#). sufficient for purposes of this AJD.

Rationale: [N/A](#).

- Data sheets prepared by the Corps: [3 May 2019 by Brad Dawe](#)
- Photographs: [Aerial and Other: Google Earth 2006-2018 and site visit photos](#)
- Corps site visit(s) conducted on: [3 May 2019](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey, Montgomery County](#)
- USFWS NWI maps: [USFWS NWI Map, Montgomery County](#)
- USGS topographic maps: [Earth Point Topo Map; Willis, Tex. Quadrangle 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	N/A.
NOAA Sources	N/A
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s):

C. Additional comments to support AJD: [The lift station site on Indian Wells road is located in uplands. The site visit data point 1 did not contain the three wetland indicators \(Hydphytic Plants, Hydric Soil, Wetland Hydrology\) and is therefore not a wetland. The Golf Course that will be used for the storage of material removed from the ditches is entirely upland.](#)



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