



**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): 8/17/2021
 ORM Number: SWG-2020-00248 (HCFCD Project ID U501-06-00-E001)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris
 Center Coordinates of Review Area: Latitude 29.807807° Longitude -95.729578°

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
Ditch 1	2,664.89	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 1) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 2	614.82	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 2) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 3	183.40	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 3) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 4	442.05	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 4) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 5	680.56	linear feet	(b)(5) Ditch that is not an (a)(1) or	The review area contains an upland cut, man-made drainage ditch (Ditch 5) not constructed in

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
		(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 6	248.05	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).
Ditch 7	289.04	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).
Ditch 8	330.77	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).
Ditch 9	497.07	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).



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 10	72.98	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 10) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 11	817.02	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 11) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 12	203.77	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 12) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 13	223.49	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 13) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 14	240.04	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	The review area contains an upland cut, man-made drainage ditch (Ditch 14) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.



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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).		
Ditch 15	233.79	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 15) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 16	219.48	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 16) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 17	198.27	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 17) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
Ditch 18	1,134.51	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).	The review area contains an upland cut, man-made drainage ditch (Ditch 18) not constructed in a (c)(1) or (a)(4). This ditch does not extend the ordinary high watermark of South Mayde Creek. This ditch is not a water of the US.
PUB A	21.14	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional	The review area contains an upland cut, man-made quarry pond (PUB A) not constructed in a (c)(1) or (a)(4). This quarry pond is not a water of the US.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	
Wet B	0.74	acre(s)) (b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. Wet B is physically separated from the nearest (a)(2) water, South Mayde Creek. 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.

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: [Request for AJD, dated 4/9/2020; revised 8/13/2021.](#)

This information is sufficient for purposes of this AJD.

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

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial:](#) 1938, 1944, 1953, 1964, 1968, 1973, 1978, 1983, 1989, 1995, 2006, 2009, 2012, 2016.

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

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

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)

USFWS NWI maps: USFWS NWI for HUC12040104, Accessed November 2019

USGS topographic maps: 7.5-minute Satsuma, Texas Quadrangle.



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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	1-foot contour map, 2018; (Topo) 1920, 2019
USDA Sources	USDA NRCS Soil Survey Geographic Database (SSURGO)
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	48201C0206M and 48201C0615M, Effective 11/15/2019

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

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)