



**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): 12/21/2020
 ORM Number: SWG-2020-00384
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris
 Center Coordinates of Review Area: Latitude 29.954193 Longitude -95.618125

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
Upland Drainage Ditch K163-00-00	4420	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 feature is a constructed or excavated channel used to convey water. The ditch (HCFCD No. K163-00-00) does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. This ditch does not extend the ordinary high watermark of Cypress Creek. This ditch is not a water of the US.
Upland Drainage Ditch K163-01-00	916	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 feature is a constructed or excavated channel used to convey water. The ditch (HCFCD No. K163-01-00) does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a tributary. This ditch is not a water of the US
Pond	3.96	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	This feature is an artificial pond that was constructed or excavated wholly in uplands and functions to store water. This feature does not contribute flow to jurisdictional waters in a typical year.
Ditch 1	192	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 feature is a constructed or excavated channel used to convey water. The ditch does not meet the definition of an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. The ditch does not relocate a tributary nor is it constructed in a

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
			tributary. This ditch is not a water of the US.

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-Timberlake Estates Drainage Improvements Project, May 18, 2020](#)

This information is sufficient for purposes of this AJD.

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

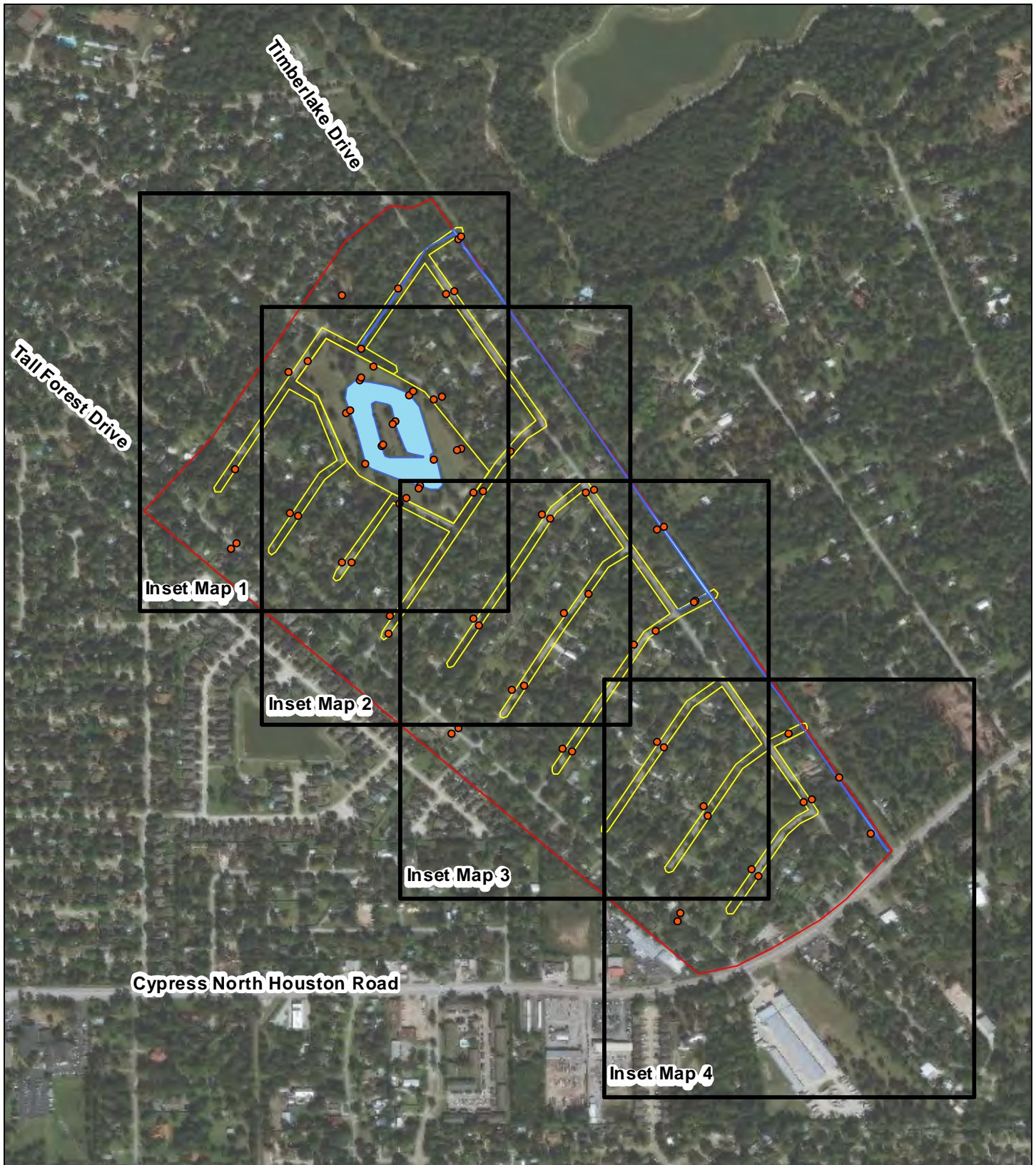
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: ESRI World Imagery \(2017\), Site photos- 05-01-2020](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [ESRI World Imagery \(2017\), NRCS SSURGO \(2019\)](#)
- USFWS NWI maps: [Satsuma, TX Quad, US Topo Maps \(2017\), USFWS \(2020\)](#)
- USGS topographic maps: [Satsuma, TX 7.5 min Quad, US Topo Maps \(2017\),](#)

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	Satsuma, TX Quad, US Topo Maps (2017), FEMA (2020)

B. Typical year assessment(s): [Not required for upland excluded resources](#)

C. Additional comments to support AJD: [Base map in 5 pgs.](#)



Legend

-  Project Area
-  Aquatic Feature
-  Project Area Street
-  Sample Point



0 425 850 1,700
Feet

1 inch = 833 feet

FIGURE 7
AQUATIC FEATURES KEY MAP
TIMBERLAKE ESTATES
CYPRESS, HARRIS COUNTY, TX



Prepared By:
Cypress Environmental Consulting LLC
May 6, 2020



Legend

- Project Area
- Project Area Street
- Aquatic Feature
- Sample Point



0 150 300 600
 Feet

1 inch = 300 feet

FIGURE 7
AQUATIC FEATURES INSET MAP 1

TIMBERLAKE ESTATES
 CYPRESS, HARRIS COUNTY, TX



Prepared By:
 Cypress Environmental Consulting LLC
 May 6, 2020



Legend

- Project Area
- Project Area Street
- Aquatic Feature
- Sample Point



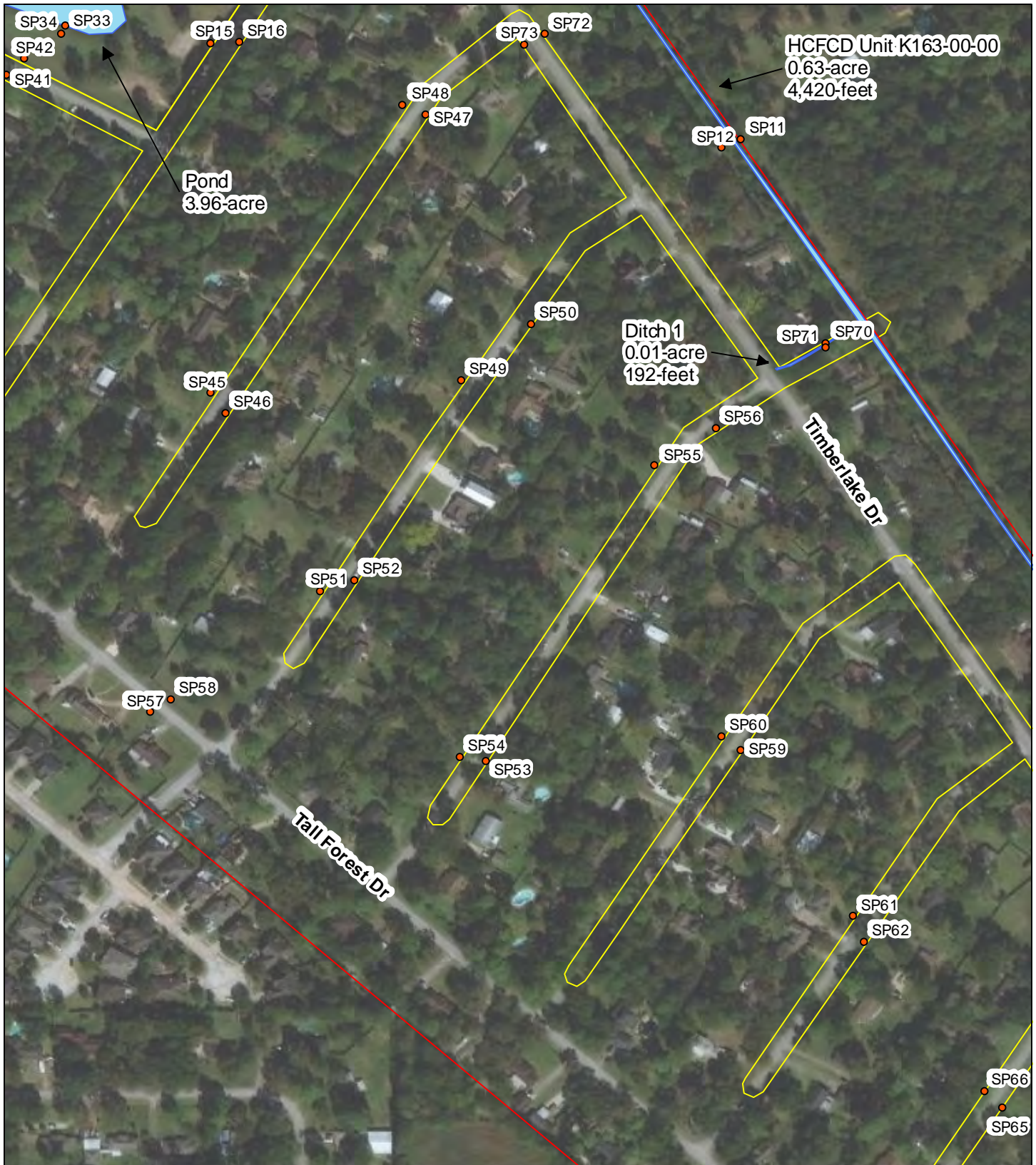
0 150 300 600
 Feet

1 inch = 300 feet

FIGURE 7
AQUATIC FEATURES INSET MAP 2
 TIMBERLAKE ESTATES
 CYPRESS, HARRIS COUNTY, TX



Prepared By:
 Cypress Environmental Consulting LLC
 May 6, 2020



Legend

- Project Area
- Project Area Street
- Aquatic Feature
- Sample Point



0 150 300 600
 Feet

1 inch = 300 feet

FIGURE 7
AQUATIC FEATURES INSET MAP 3
 TIMBERLAKE ESTATES
 CYPRESS, HARRIS COUNTY, TX



Prepared By:
 Cypress Environmental Consulting LLC
 May 6, 2020



Legend

- Project Area
- Aquatic Feature
- Project Area Street
- Sample Point



0 150 300 600
Feet

1 inch = 300 feet

FIGURE 7
AQUATIC FEATURE INSET MAP 4
TIMBERLAKE ESTATES
CYPRESS, HARRIS COUNTY, TX



Prepared By:
Cypress Environmental Consulting LLC
May 6, 2020