



**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): 10/15/2020
 ORM Number: SWG-2020-00390 (East Kennings Road Expansion Project)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Houston County/Parish/Borough: Harris
 Center Coordinates of Review Area: Latitude 29.890692 Longitude -95.005717

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
North Ditch A	11,864 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 not constructed in a (c)(1) or (a)(4). This ditch does not extend into the ordinary high watermark of Cedar Bayou. This roadside ditch is not a water of the US.
South Ditch B	12,531 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 not constructed in a (c)(1) or (a)(4). This ditch does not extend into the ordinary high watermark of Cedar Bayou. This roadside 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: [East Kennings Road Drainage Improvement Project Harris County, Texas April 21, 2020 Terracon Project No. 92207097](#)
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: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Google Earth 1943, 1972, 1988, 1996, 2006, 2010, 2019. Site photos: April 15, 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: [NRCS web soil survey](#)
- USFWS NWI maps: [Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, 10-1-2019 USFWS NWI Features](#)
- USGS topographic maps: [© OpenStreetMap--Crosby, 2019 Highlands, 2019 Mont Belvieu, 2019 Sheeks, Texas 7.5 Minute USGS Quadrangles](#)

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.

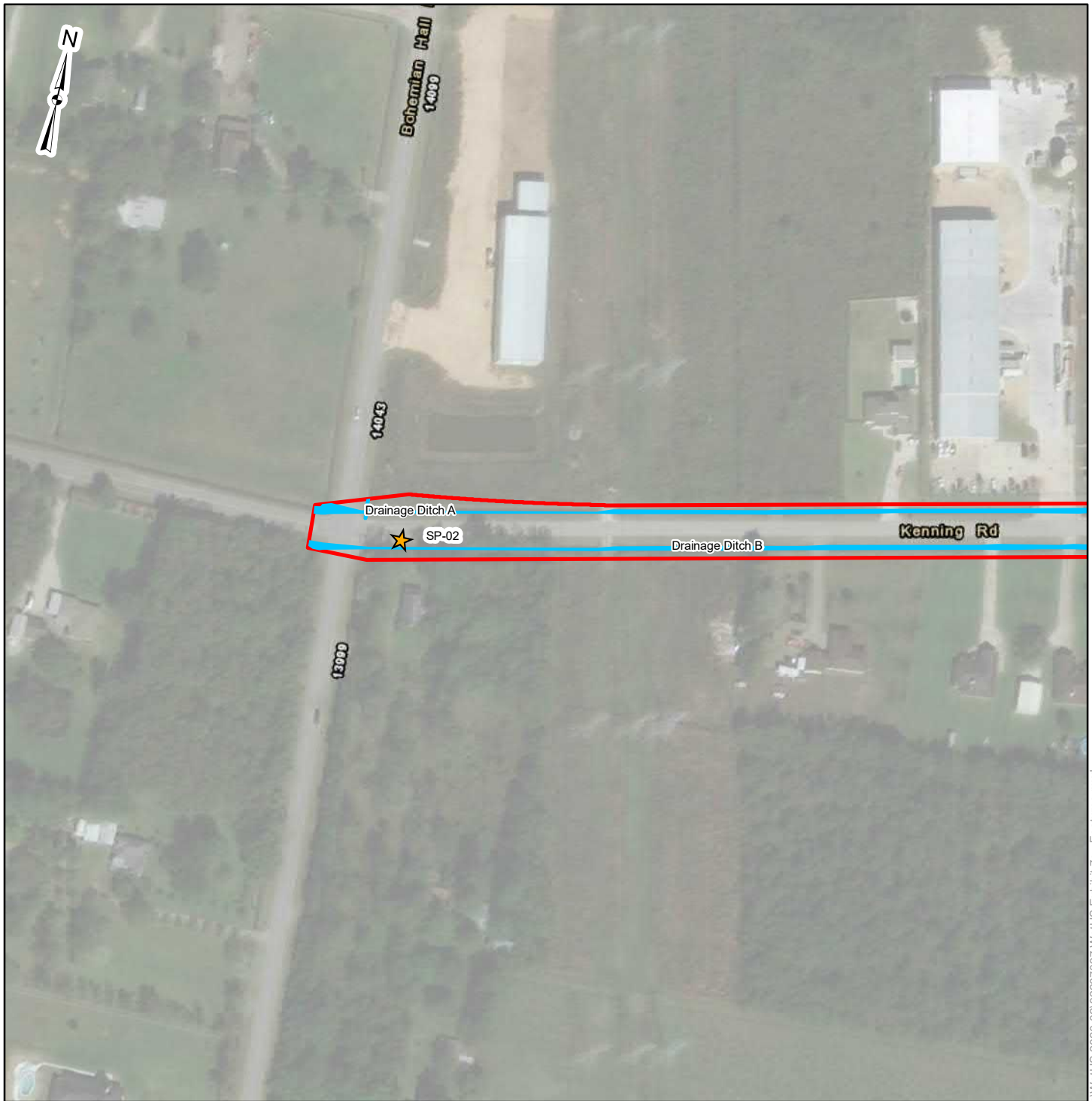


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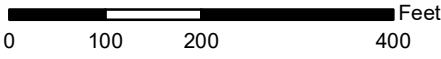
Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	League clay (LeaA), Aris loam (ArlA)
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	Site photos April 15, 2020

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** The drainage ditches was observed to be man-made and are located on both the north and south side of Kennings Road. The ditches have a straight path and maintain a fairly consistent width. In the eastern portion of the project site the drainage on the north side of the road is diverted underneath the road and flows into the south side drainage. The slopes of the drainage ditches are fairly steep, and the banks vary from being covered with mowed and maintained grass to forested vegetation. No aquatic fauna were observed within the drainage ditches. At the southern end of the project site where Kennings Road ends, the drainage ditches were observed to lose their straight path and develop a slight meander. The features were also observed to extend beyond the eastern boundaries of the site and eventually drain into Cedar Bayou. The drainage ditches are elevated approximately 1-2 feet above the OHWM of Cedar Bayou.
- D. Base map in 9 pages.**



- Project Limits
- ★ Sample Point
- Drainage Ditch



DATA SOURCES:
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors

Project No.:	92207097
Date:	Oct 2020
Drawn By:	REW
Reviewed By:	KDS



11555 Clay Road, Suite 100 Houston, TX 77043
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Features Map

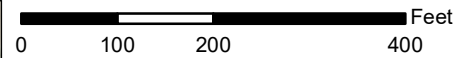
Waters of the U.S. Assessment
Kennings Road
From Bohemian Hall Road to Cedar Bayou
Crosby, Harris County, Texas

Exhibit

7.0



- Project Limits
- Drainage Ditch



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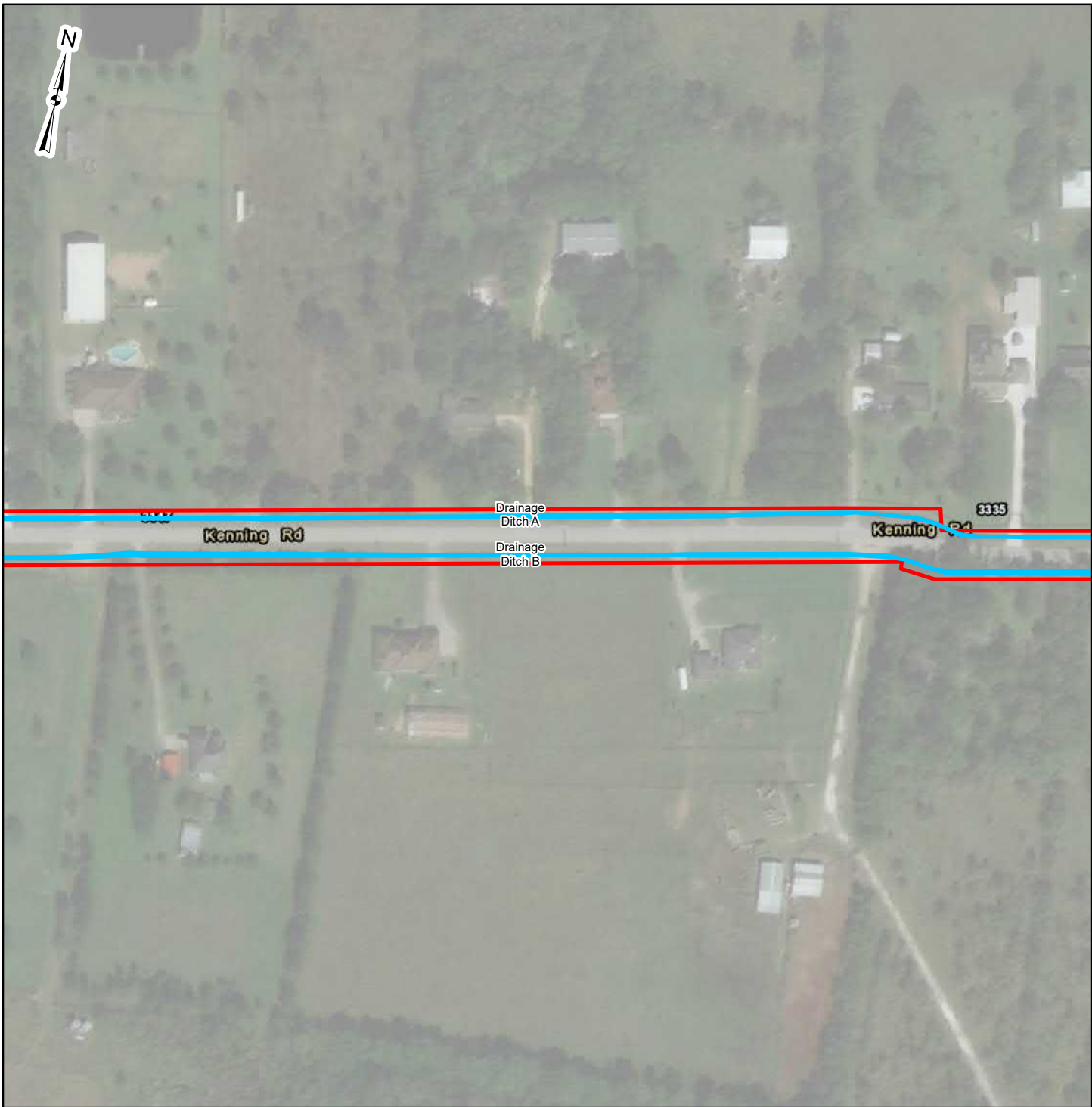
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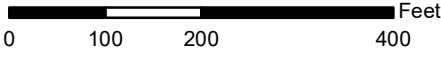
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Features Map
Waters of the U.S. Assessment Kennings Road From Bohemian Hall Road to Cedar Bayou Crosby, Harris County, Texas

Exhibit
7.1



- Project Limits
- Drainage Ditch



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Features Map

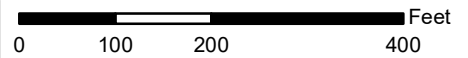
Waters of the U.S. Assessment
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From Bohemian Hall Road to Cedar Bayou
Crosby, Harris County, Texas

Exhibit

7.2



- Project Limits
- Drainage Ditch



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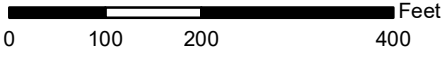
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Features Map
Waters of the U.S. Assessment Kennings Road From Bohemian Hall Road to Cedar Bayou Crosby, Harris County, Texas

Exhibit
7.3



- Project Limits
- Drainage Ditch



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Features Map

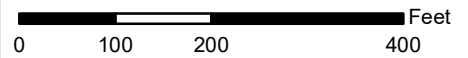
Waters of the U.S. Assessment
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From Bohemian Hall Road to Cedar Bayou
Crosby, Harris County, Texas

Exhibit

7.4



- Project Limits
- Drainage Ditch



DATA SOURCES:
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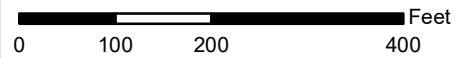
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Features Map
Waters of the U.S. Assessment Kennings Road From Bohemian Hall Road to Cedar Bayou Crosby, Harris County, Texas

Exhibit
7.5



- Project Limits
- Drainage Ditch



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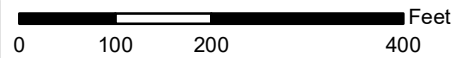
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Exhibit
7.6



- Project Limits
- ★ Sample Point
- Drainage Ditch



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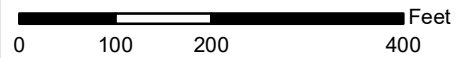
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Features Map
Waters of the U.S. Assessment Kennings Road From Bohemian Hall Road to Cedar Bayou Crosby, Harris County, Texas

Exhibit
7.7



- Project Limits
- Drainage Ditch



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Exhibit
7.8