



**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): 4/1/2021  
 ORM Number: SWG-2020-00448  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Texas City: Houston County/Parish/Borough: Harris  
 Center Coordinates of Review Area: Latitude 29.582498° Longitude -95.011392°

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.  
<sup>2</sup> 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.  
<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Saltwater Ditch (C118-02-00) (upland Drainage Ditch)	18156	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 (C118-02-00) not constructed in a (c)(1) or (a)(4). This portion ditch does not extend the ordinary high watermark of Sims Bayou. Based on a review of aerial and topographic photos and maps, this feature has been a ditch since 1920's. This ditch is not a water of the US. This ditch is 15 feet above the OHWM of Sims Bayou at its confluence.
Salinsky Ditch (C120-02-00) (upland Drainage Ditch)	1253	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 (C120-02-00) not constructed in a (c)(1) or (a)(4). Based on a review of aerial and topographic photos and maps, this feature has been a ditch since 1920's. This ditch is not a water of the US. This ditch is 15 feet above the OHWM of Sims Bayou at its confluence.
Wet A	0.42	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is not adjacent to Sims Bayou.
Wet B	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is not adjacent to Sims Bayou.

**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: [Terracon Consultants, Inc., Wetland Delineation Reports, dated 20 May 2020 and 21 Aug 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

Photographs: [Aerial and Other: See Below; Wetland Delineation Report, dated 20 May 2020](#)

Corps site visit(s) conducted on: [8 Apr 2020 and 17 Aug 2020 – both conducted by Terracon](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

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

USDA NRCS Soil Survey: [See Below - Web Soil Survey map; 2019](#)

USFWS NWI maps: [Park Place, Texas; 1:24,000](#)

USGS topographic maps: [See Below; Park Place, Texas; 1:24,000](#)

<sup>4</sup> 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.

<sup>5</sup> 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	Topo: 1915, 1922, 1955, 1967, 1982, 1995, and 2019
USDA Sources	Lake Charles-Urban land complex (Lu) (non-hydric soil 95% of area); Bernard-Edna complex (Be) (non-hydric soil 5% of area)
NOAA Sources	N/A.
USACE Sources	ORM overlay: USFWS NWI map
State/Local/Tribal Sources	Historic Aerial maps on Google Earth: 1943, 1952, 1977, 198, 1995, 2016, 2010, and 2019
FEMA/FIRM maps	2019 Floodplain

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

**C. Additional comments to support AJD:** [N/A](#)