



**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): 7/20/2021
 ORM Number: SWG-2020-00755
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TX City: La Porte County/Parish/Borough: Harris
 Center Coordinates of Review Area: Latitude 29.682974 Longitude -95.054978

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.	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.	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.	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.	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.	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
F101-06-00 East	145.28	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	F101-06-00 East is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This ditch is part of a stormwater system and does not meet the conditions of paragraph (a)(2), thus it is excluded under (b)(10).
F101-06-00 West	1,487.76	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	F101-06-00 West is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This ditch is part of a stormwater system and does not meet the conditions of paragraph (a)(2), thus it is excluded under (b)(10).
Ditch 1	11.12	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 tributary.

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, October 2020](#)

This information [is and is not](#) sufficient for purposes of this AJD.

Rationale: [updated documents and maps recvd 05/21/21](#)

Data sheets prepared by the Corps: [N/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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- Photographs: [Aerial and Other: Aerials: 1938, 1944, 1953, 1966, 1973, 1979, 1982, 1989, 1995, 2004, 2009, 2012, 2016. Site visit photos taken May 27, 2020.](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [*provide detailed discussion in Section III.B.*](#)
- USDA NRCS Soil Survey: [2018 NRCS Soil Survey Data](#)
- USFWS NWI maps: [2014 NWI](#)
- USGS topographic maps: [See below.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	La Porte, TX. USGS Topographic Maps: 1916, 1920, 1944, 1955, 1967, 1982, 1995, 2013. USGS National Hydrography Dataset (NHD) (2020 Aerial Photograph with 2017 NHD)
USDA Sources	2018 NRCS Soil Survey Data (2020 Aerial Photograph with 2018 NRCS Soil Survey Data.
NOAA Sources	Monthly climate normals for Houston Deer Park, TX US
USACE Sources	N/A.
State/Local/Tribal Sources	See below.
Other Sources	FEMA 10-year Floodplain Map (2020 Aerial Photograph with 10-year FEMA Floodplain Data) HCFCD Light Detection and Ranging (LiDAR) data (2020 Aerial Photograph with 2012 HCFCD LiDAR Elevation Data) 2015 Aerial Infrared Photograph with Subject Property National Geographic Society Map with Relevant Reach

B. Typical year assessment(s): [These excluded features would not require APT](#)

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