



**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): 3/25/2021

ORM Number: SWG-2020-00860

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 29.9425° Longitude -95.1739°

**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.                               | 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. |

<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                                                                                                                                                                                                                                                                                                      |
| G103-53-00<br>(upland<br>Drainage Ditch)         | 947            | linear<br>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 (HCFCD No. G103-53-00) not constructed in a (c)(1) or (a)(4). This 947- linear foot portion of the ditch does not extend the ordinary high watermark of Lake Houston and is above the 10-year floodplain of Lake Houston. The OHWM of Lake Houston is 42.4 feet above BFE. |

**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, dated 11 December 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; Request for AJD, dated 11 Dec 2020; rev 25 Mar 2021](#)

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

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

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

☐ USDA NRCS Soil Survey: [N/A](#)

☒ USFWS NWI maps: [Harmaston, Texas; 1:24,000](#)

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

**Other data sources used to aid in this determination:**

| Data Source (select)       | Name and/or date and other relevant information        |
|----------------------------|--------------------------------------------------------|
| USGS Sources               | Topo: 1920 and 2019; 2018 1-foot contours              |
| USDA Sources               | Texla silt loam (non-hydric soil 100%)                 |
| NOAA Sources               | N/A.                                                   |
| USACE Sources              | N/A.                                                   |
| State/Local/Tribal Sources | Historic Aerial maps: 1930, 1944, 1964, 1997, and 2020 |
| FEMA/FIRM maps             | 2019 Floodplain – 10 year                              |

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

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

<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.