



**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): 6/2/2020

ORM Number: SWG-2020-00861

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: El Lago County/Parish/Borough: Harris County

Center Coordinates of Review Area: Latitude 29.572178 Longitude -95.042480

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
WB 4 Clear Lake	0.08	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	Clear Lake is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide. Clear Lake is tidally influenced as it connects to Galveston Bay, a tidally influenced water.
WB 1 Taylor Lake	0.06	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	Taylor Lake is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide. Taylor Lake is tidally influenced as it connects to Galveston Bay through a direct connection with Clear Lake, a tidally influenced water.
WB 2 Taylor Lake	0.05	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	Taylor Lake is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide. Taylor Lake is tidally influenced as it connects to Galveston Bay through a direct connection with Clear Lake, a tidally influenced water.
WB 3 Taylor Lake	0.03	acre(s)	RHA Tidal water is subject to the ebb and flow of the tide	Taylor Lake is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide. Taylor Lake is tidally influenced as it connects to Galveston Bay through a direct connection with Clear Lake, a tidally influenced water.

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.



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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
WB 4 Clear Lake	0.08	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Clear Lake is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide. Clear Lake is tidally influenced as it connects to Galveston Bay, a tidally influenced water. Aquatic feature is subject to jurisdiction under Section 404 of the Clean Water Act and Section 10 of River and Harbors Act.
WB 2 Taylor Lake	0.05	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Taylor Lake is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide. Taylor Lake is tidally influenced as it connects to Galveston Bay through a direct connection with Clear Lake, a tidally influenced water. Aquatic feature is subject to jurisdiction under Section 404 of the Clean Water Act and Section 10 of River and Harbors Act.
WB 3 Taylor Lake	0.03	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Taylor Lake is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide. Taylor Lake is tidally influenced as it connects to Galveston Bay through a direct connection with Clear Lake, a tidally influenced water. Aquatic feature is subject to jurisdiction under Section 404 of the Clean Water Act and Section 10 of River and Harbors Act.
WB 1 Taylor Lake	0.06	acre(s)	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Taylor Lake is listed on the Galveston District's List of Navigable Waters and is subject to the daily ebb and flow of the tide. Taylor Lake is tidally influenced as it connects to Galveston Bay through a direct connection with Clear Lake, a tidally influenced water. Aquatic feature is subject to jurisdiction under Section 404 of the Clean Water Act and Section 10 of River and Harbors Act.
(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

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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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wet A	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wet A abuts (i.e., touches) at least one point or side of an (a)(1), (2), or (3) water, Taylor Lake. This emergent wetland, located above and below MHTL of Taylor Lake, meets criteria (a)(4) as defined in 33 CFR 328.3.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	929.60	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.
Ditch 2	113.13	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.
Drainage swale	0.06	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Appears to be a historical swale that never became a tributary-by definition. This feature is a shallow ephemeral swale that is only subject to water flow in direct response to precipitation. This feature does not meet the definition of an (a)(1) or (a)(2) water and is not located within an (a)(4) water. This feature does not relocate a tributary nor is it within 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.

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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- ☒ Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report, December 2020 and Revised Figures April 23, 2021](#)
This information is sufficient for purposes of this AJD.
Rationale: [Wetland delineation conducted according to the 1987 USACE Wetland Delineation Manual and the 2010 Supplement for the Atlantic and Gulf Coastal Plain.](#)
- ☐ Data sheets prepared by the Corps: [N/A](#)
- ☒ Photographs: [Aerial and Other: Aerials: 1939, 1944, 1953, 1957, 1969, 1978, 1989, 1995, 2004, 2008, 2012, 2018. Site photos taken October 20 and 21, 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: [2020 NRCS Soil Survey Data](#)
- ☒ USFWS NWI maps: [2014 NWI](#)
- ☒ USGS topographic maps: [See table below.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	League City TX 7.5' quad: 1915, 1920, 1925, 1932, 1943, 1955, 1969, 1982, 1995, 2008, 2010, 2013, 2016, 2019 2020 Aerial Photograph with 2017 National Hydrography Dataset 2015 Infrared Aerial Photograph with Subject Property
USDA Sources	2020 Aerial Photograph with 2020 NRCS Soil Survey Data
NOAA Sources	Monthly climate normals for Houston National Weather Service Office station USC00414333, TX, US
USACE Sources	Antecedent Precipitation Tool (APT)
LiDAR data/maps	2020 Aerial Photograph with 2012 HCFCD LiDAR Data
FEMA/FIRM maps	2020 Aerial Photograph with 2017 FEMA Floodplain Data (panel number 48201C1085M, effective 1/06/2017)

B. Typical year assessment(s): [The APT is not needed as no typical year assessment rationale was used.](#)

C. Additional comments to support AJD: [Based on USGS topographic maps, aerial photographs, USFWS NWI data, FEMA Floodplain data, and the October 20 and 21, 2020 site visits, the Subject Property includes two ditches, four as TNW/CWA, one drainage swale, and one scrub-shrub wetland.](#)