



**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): 3/8/2021  
 ORM Number: SWG-2021-00194  
 Associated JDs: Q134-00-00-P001; SWG 2020-00147  
 Review Area Location<sup>1</sup>: State/Territory: Texas City: Huffman County/Parish/Borough: Harris County  
 Center Coordinates of Review Area: Latitude 30.021663 Longitude -95.080230

**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
EW-1	22.96	acre(s)	(b)(1) Non-adjacent wetland.	Feature EW-1 is likely an anthropogenic result of extended localized ponding within a depression and from the historical agricultural production within the study area. EW-1 is physically separated from the nearest (a)(2) water, Cedar Bayou, by 1.41 miles, and has no direct or indirect hydrologic connection to the (a)(2).
EW-2	100.00	acre(s)	(b)(1) Non-adjacent wetland.	Feature EW-2 is likely an anthropogenic result of extended localized ponding within a depression and from the historical agricultural production within the study area. EW-2 is physically separated from the nearest (a)(2) water, Cedar Bayou, by 1.41 miles, and has no direct or indirect hydrologic connection to the (a)(2).
EDR-1	0.15	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) EDR-1 is an ephemeral channel.
EDR-2	<0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) EDR-2 is an ephemeral channel.
EDR-3	0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) EDR-3 is an ephemeral channel.
EDR-4	<0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) EDR-4 is an ephemeral channel.
EDR-5	<0.01	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) EDR-5 is an ephemeral channel.
EDR-6	0.28	acre(s)	(b)(3) Ephemeral feature, including an ephemeral	Based on the consultant's site visit and reference resource maps (USGS topo, aerials, etc.) EDR-6 is an ephemeral channel.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	
RD-1	<0.01	acre(s)	(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).	Feature RD-1 was not observed to extend the OHWM of a WOTUS and appears to be constructed in and draining only uplands.
RD-2	0.01	acre(s)	(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).	Feature RD-2 was not observed to extend the OHWM of a WOTUS and appears to be constructed in and draining only uplands.
OW-1	0.08	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Feature OW-1 was observed to be separated from any water, created as a man-made residential pond, and does not appear to convey surface flow to a jurisdictional water of the U.S.
N/A.	N/A.	N/A.	N/A.	N/A.

**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: [Waters of the United States Delineation Report, January 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps:



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- Photographs: [Aerial and Other: TNRIS Aerial Imagery, 1996 and 2019. Google Earth Imagery, 1944, 1978, 1989, 2002, and 2014. Site photographs, December 7 and 8, 2020 and January 26, 2021.](#)
- Corps site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool: *[provide detailed discussion in Section III.B.](#)*
- USDA NRCS Soil Survey: [Web Soil Survey for Harris County, December 2020.](#)
- USFWS NWI maps: [Wetland Mapper, December 2020.](#)
- USGS topographic maps: [USGS TopoView 1916, 1920, 1960, and 2019 7.5-Minute Huffman, Texas quadrangle maps.](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	N/A.

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

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