



**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): 8/19/2021

ORM Number: SWG-2021-00201

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 29.91142°N Longitude 95.67288°W

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.

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.

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.

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
U106-02-01	2,877	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.	This aquatic feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature is considered non-jurisdictional based on historical aerial photography, USGS topographic data, and elevation data. This feature does not extend into the OHWM of receiving water.
U106-09-00	10,084	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.	This aquatic feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature is considered non-jurisdictional based on historical aerial photography, USGS topographic data, and elevation data. This feature does not extend into the OHWM of receiving water.
U106-10-00	10,754	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.	This aquatic feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature is considered non-jurisdictional based on historical aerial photography, USGS topographic data, and elevation data. This feature does not extend into the OHWM of receiving water.
U108-00-00	3,215	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.	This aquatic feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature is considered non-jurisdictional based on historical aerial photography, USGS topographic data, and elevation data. This feature does not extend into the OHWM of receiving water.
U116-00-00	3,953	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water	This aquatic feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature is considered non-jurisdictional based on historical aerial photography, USGS topographic data, and

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			to convey, treat, infiltrate, or store stormwater runoff.	elevation data. This feature does not extend into the OHWM of receiving water.
U120-06-00	7,323	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.	This aquatic feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature is considered non-jurisdictional based on historical aerial photography, USGS topographic data, and elevation data. This feature does not extend into the OHWM of receiving water.
U120-07-00	1,278	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.	This aquatic feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature is considered non-jurisdictional based on historical aerial photography, USGS topographic data, and elevation data. This feature does not extend into the OHWM of receiving water.
U130-00-00	5,151	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.	This aquatic feature is a stormwater control feature that was constructed or excavated wholly in uplands and functions to collect, retain, and regulate stormwater flow. This feature is considered non-jurisdictional based on historical aerial photography, USGS topographic data, and elevation data. This feature does not extend into the OHWM of receiving water.

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: [HCFCD, AJD request dated 05/31/2021, Addicks Watershed Repair Package 1 HCFCD Project ID Z100-00-00-X308](#)

This information **is and is not** sufficient for purposes of this AJD.

Rationale: [revisions to maps were required, 08/18/2021](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Aerial: StarMap: 1964, 1972, 1981, 1984, 1989, 1995, 1997, 1999, 2020](#)
- ☐ Corps site visit(s) conducted on: [Date\(s\)](#).
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- ☐ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☐ USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- ☐ USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).



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☒ USGS topographic maps: [USGS Cypress, Tx. 1920](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	Elevation data - 2018 HCFCD 1-ft contour LiDAR

B. Typical year assessment(s): [Not required for this exclusion](#)

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