



**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): [7/23/2021](#)  
 ORM Number: [SWG-2021-00519](#)  
 Associated JDs: [N/A](#)  
 Review Area Location<sup>1</sup>: State/Territory: [Texas](#) City: [Baytown](#) County/Parish/Borough: [Harris](#)  
 Center Coordinates of Review Area: Latitude [29.72965](#) Longitude [-94.972187](#)

**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: [20 August 2020 site visit confirmed the site does not exhibit the three required wetland criteria.](#)
- 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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
Culvert 01a	0.511	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Culvert 01a is an underground or buried portion of a man-made channel network (Harris County Flood Control District Channel O101-01-00). Therefore, Culvert 01a meets the 33 CFR 328.3(b)(1) culvert exclusion.
Culvert_01b	0.031	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Culvert 01b is an underground or buried portion of a man-made channel network (Harris County Flood Control District Channel O101-01-00). Therefore, Culvert 01b meets the 33 CFR 328.3(b)(1) culvert exclusion.
Culvert_01c	0.316	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Culvert 01c is an underground or buried portion of a man-made channel network (Harris County Flood Control District Channel O101-01-00). Therefore, Culvert 01c meets the 33 CFR 328.3(b)(1) culvert exclusion.
Culvert_01d	0.140	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Culvert 01d is an underground or buried portion of a man-made channel network(Harris County Flood Control District Channel O101-01-00). Therefore, Culvert 01d meets the 33 CFR 328.3(b)(1) culvert exclusion.
Ditch_01a	0.195	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).	Ditch 01a is a constructed or excavated ditch channel used to convey water (Harris County Flood Control District Channel O101-01-00). When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Ditch 01a meets the 33 CFR 328.3(b)(5) ditch exclusion.
Ditch_01b	0.101	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of	Ditch 01b is a constructed or excavated ditch channel used to convey water (Harris County Flood Control District Channel O101-01-00). When originally constructed, the ditch neither

<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
		a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Ditch 01b meets the 33 CFR 328.3(b)(5) ditch exclusion.
Ditch_01c	0.066	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).	Ditch 01c is a constructed or excavated ditch channel used to convey water (Harris County Flood Control District Channel O101-01-00). When originally constructed, the ditch neither relocated a tributary, nor was constructed in a tributary, nor was constructed in an adjacent wetland. Therefore, Ditch 01c meets the 33 CFR 328.3(b)(5) ditch exclusion.

**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: [JD request letter, dated 13 May 2021.](#)

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

Rationale: [Submittal did not include site boundary identification. Subsequent request for ESRI shapefiles and/or Google Earth kmz files were received 23 July 2021.](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: 2020 National Agriculture Imagery Program \(NAIP\) 0.6-meter Color Infrared; Google Earth Aerial imagery – 1943 to 2019.](#)

Corps site visit(s) conducted on: [N/A](#)

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\(s\).](#)

USGS topographic maps: [7.5-Minute Topographic Quadrangle Maps – Morgan Point, Texas \(1916, 1943, 1982\).](#)

**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>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">U.S. Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), Flood Insurance Rate Map (FIRM): Harris</a>



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Data Source (select)	Name and/or date and other relevant information
	County, Texas and Incorporated Areas, Panel Number 48201C0955M (1/6/2017). Flood Zone: X, Areas determined to be outside the 0.2% annual chance floodplain). Base Flood Elevation: N/A. Texas Water Development Board (TWDB), Strategic Mapping Program (StratMap): 2018 Upper Texas Coast Light Detection and Ranging (LiDAR), 0.5-Meter Bare Earth Digital Elevation Model (DEM), North American Vertical Datum 1988 (meters).

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

**C. Additional comments to support AJD:** N/A.