



DEPARTMENT OF THE ARMY
U. S. ARMY CORPS OF ENGINEERS, GALVESTON DISTRICT
2000 FORT POINT ROAD
GALVESTON, TEXAS 77550

February 16, 2024

Compliance Branch

SUBJECT: **SWG-2021-00583**; [REDACTED]

[REDACTED] New Caney, Montgomery
County, Texas

[REDACTED]

Dear [REDACTED]

This letter is in reference to the May 18, 2021 request for an Approved Jurisdictional Determination (AJD), for an approximate 82.81-acre tract received from [REDACTED]

[REDACTED] he parcel was later reduced to 59.4-acres as part of the parcel was sold. The [REDACTED]

[REDACTED] New Caney, Montgomery County, Texas (map enclosed).

The Corps of Engineers has the regulatory responsibility over two primary federal laws, Section 10 of the Rivers and Harbors Act (Section 10) which regulates work and/or structures in/or affecting navigable waters of the United States (U.S.) and Section 404 of the Clean Water Act (Section 404) which regulates the discharge of dredged and/or fill material into waters of the U.S., including navigable waters. If activities involved trigger either of these aforementioned federal regulations, a Department of the Army (DA) permit is required prior those activities occurring. Based on our October 30, 2023 desk review we have determined the approximate 59.4-acre tract contains ten (10) non-adjacent wetlands (Wetland D, E, F, G, H, I, J, K, L, M) totaling approximately 5.51-acres. We have determined that the ten (10) wetlands are non-adjacent with no known nexus to interstate or foreign commerce and are not waters of the United States. Therefore, the discharge of dredged and/or fill material or any work and/or the placement of structures in these wetlands (Wetland D, E, F, G, H, I, J, K, L, M) are not subject to Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act and does not require a Department of the Army permit.

Areas of Federal Interests (federal projects, and/or work areas) may be located within this proposed project area. Any activities in these federal interest areas would also be subject to federal regulations under the authority of Section 14 of the Rivers and Harbors Act (aka Section 408). Section 408 makes it unlawful for anyone to alter in any manner, in whole or in part, any work (ship channel, flood control channels, seawalls, bulkhead, jetty, piers, etc.) built by the United States unless it is authorized by the Corps of Engineers (i.e., Navigation and Operations Division).

This jurisdictional determination included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This letter contains an approved jurisdictional determination for your subject site. The AJD is valid for five years from the date of this letter unless new information warrants a revision prior to the expiration date. For the purposes of this AJD, we have relied on Pre-2015 Regulatory Regime implemented consistent with Sackett v. EPA in evaluating jurisdiction. If you object to the AJD portion determination, you may request an administrative appeal under USACE regulations at 33 CFR Part 331. You will find an enclosed Notification of Appeals Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Southwest Division Office at the following address:



In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP; noting the letter date is considered day 1. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This approved jurisdictional determination is valid for 5 years from the date of this letter unless new information warrants a revision prior to the expiration date. If you have any questions concerning this jurisdictional determination, please reference file number **SWG-2021-00583** and contact [REDACTED] at the letterhead address, via email at

[REDACTED] or by telephone at [REDACTED] To assist us in improving our service to you, please complete the survey found at <https://regulatory.ops.usace.army.mil/customer-service-survey/> and/or if you would prefer a hard copy of the survey form, please let us know, and one will be mailed to you.

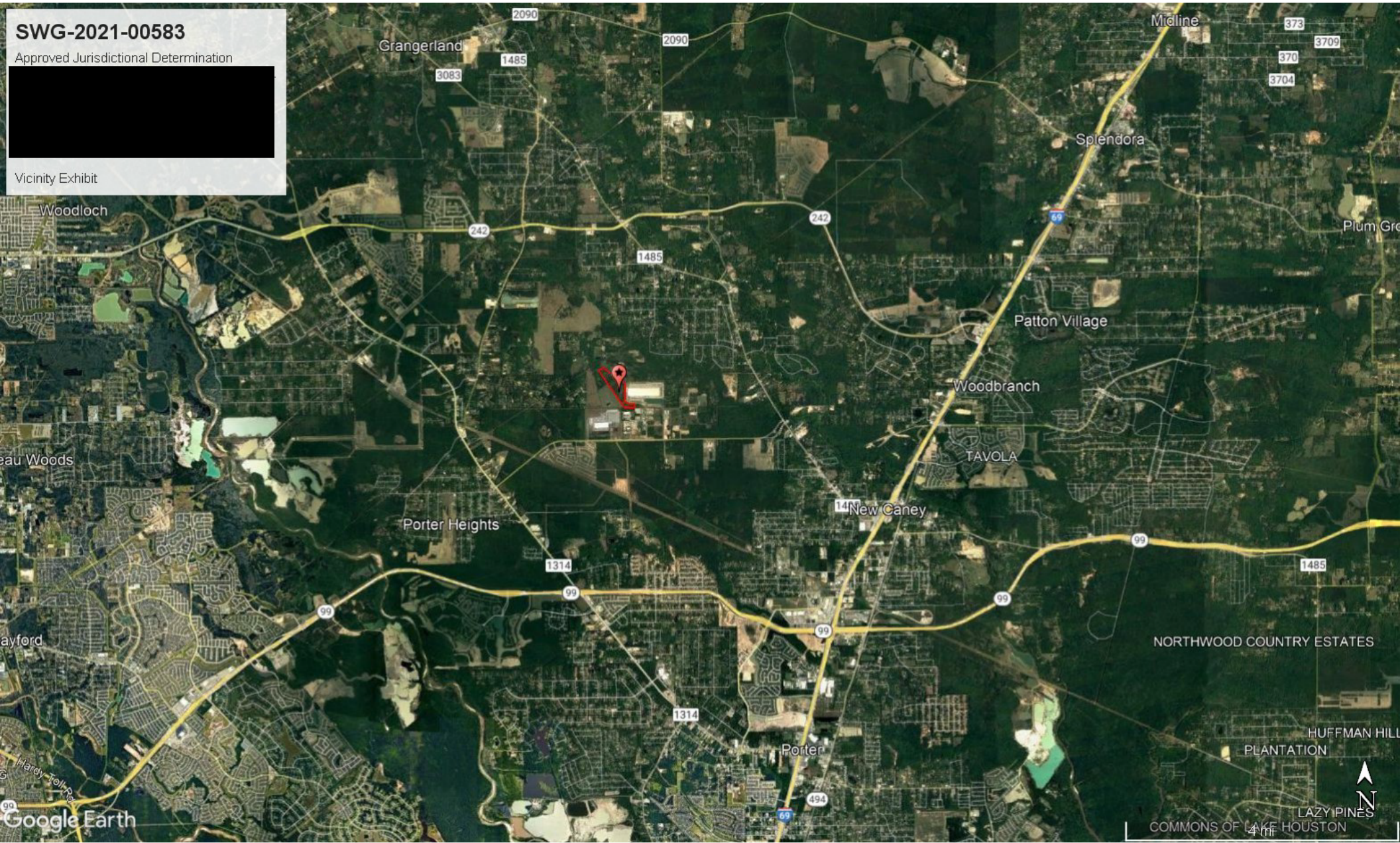


SWG-2021-00583

Approved Jurisdictional Determination



Vicinity Exhibit



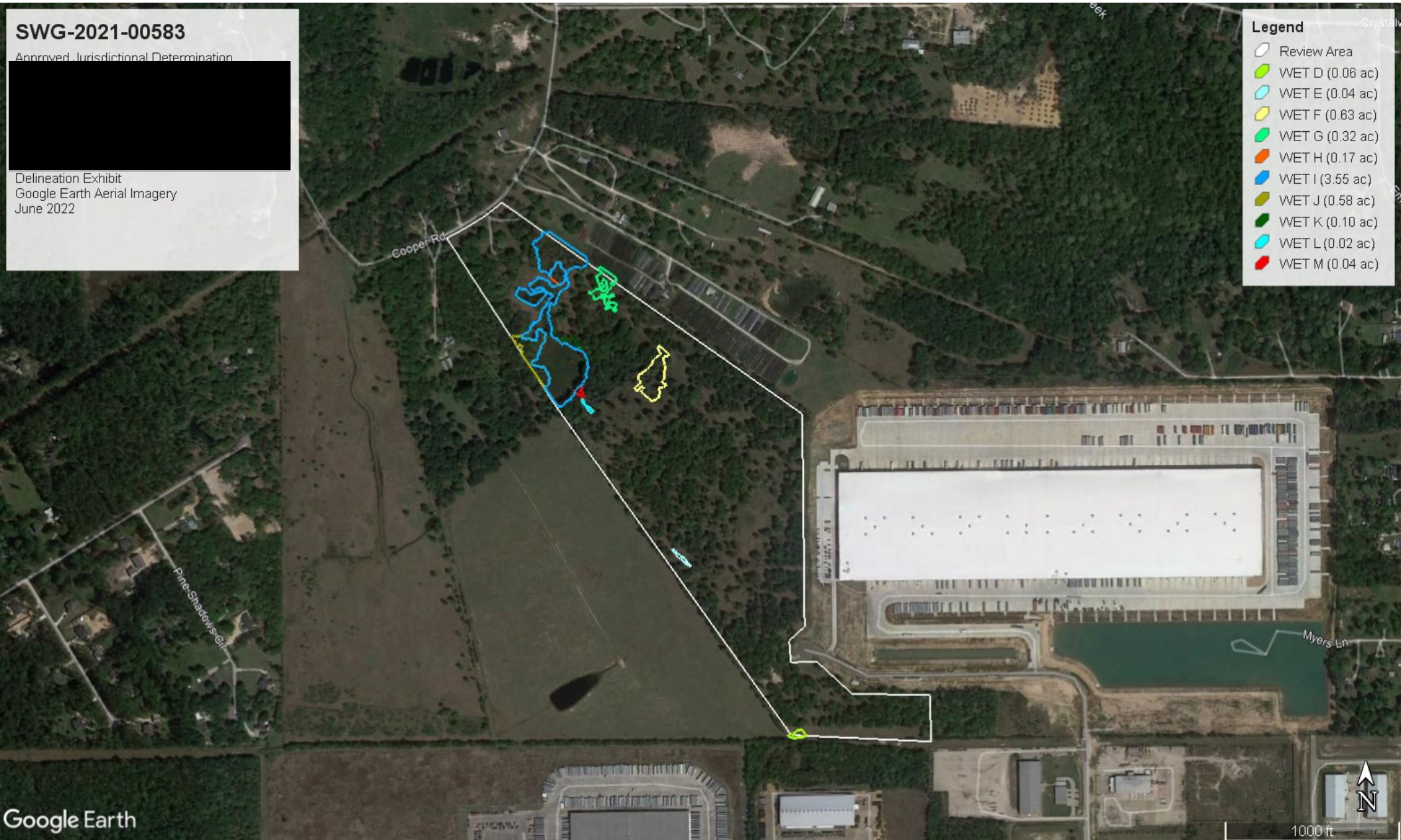
SWG-2021-00583

Approved Jurisdictional Determination

Delineation Exhibit
Google Earth Aerial Imagery
June 2022

Legend

- Review Area
- WET D (0.06 ac)
- WET E (0.04 ac)
- WET F (0.63 ac)
- WET G (0.32 ac)
- WET H (0.17 ac)
- WET I (3.55 ac)
- WET J (0.58 ac)
- WET K (0.10 ac)
- WET L (0.02 ac)
- WET M (0.04 ac)



Google Earth