



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

October 5, 2023

Compliance Branch

SUBJECT: **SWG-2022-00674**; [REDACTED], Approved Jurisdictional Determination, 5.8-Acre Tract, 14513 Splenwood Drive, Splendora, Montgomery County, Texas

[REDACTED]

Dear [REDACTED]:

This letter is in response to your letter, dated October 20, 2022, requesting an approved jurisdictional determination for the proposed filling of Hayden Pond. The proposed project is located at 14513 Splenwood Drive, Splendora, 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 a review of federal regulations and a desk review, we concur that there is one artificial pond (Hayden Pond) totaling 1.8 acres within the 5.8-acre project area. This artificial pond is man-made and constructed wholly within uplands for the purpose of stock-watering and is determined to be non-jurisdictional and is not subject to Section 404 or Section 10. Therefore, the proposed filling of Hayden Pond 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).

The delineation and/or 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 delineation and/or jurisdictional 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 constitutes an AJD 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:

Mr. Jamie Hyslop
Administrative Appeals Review Officer (CESWD-PD-O)
Southwest Division (CESWD-PR-O)
U.S. Army Corps of Engineers
1100 Commerce Street, Room 831
Dallas, Texas 75242-1317
Telephone: 469-216-8834
Email: Jamie.r.Hyslop@usace.army.mil

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.

If you have any questions concerning this matter, please reference file number **SWG-2022-00674** and contact [REDACTED] at the letterhead address 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.

Sincerely,

[REDACTED]

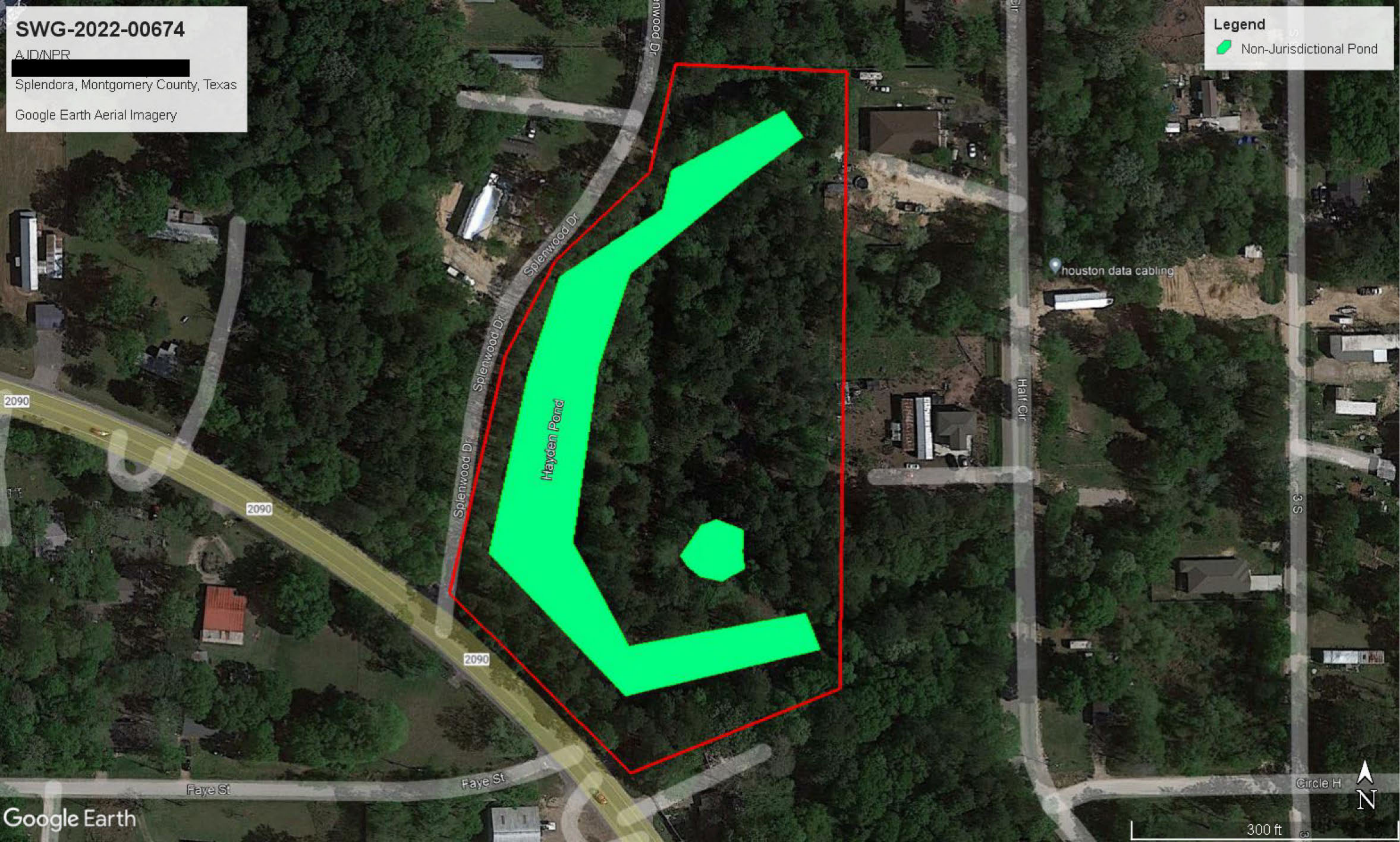
[REDACTED], Compliance Branch

Enclosure

SWG-2022-00674

AID/NPR
Splendora, Montgomery County, Texas
Google Earth Aerial Imagery

Legend
Non-Jurisdictional Pond



Hayden Pond

houston data cabling

2090

2090

2090

Faye St

Faye St

Half Cir

35

Circle H

Google Earth

300 ft



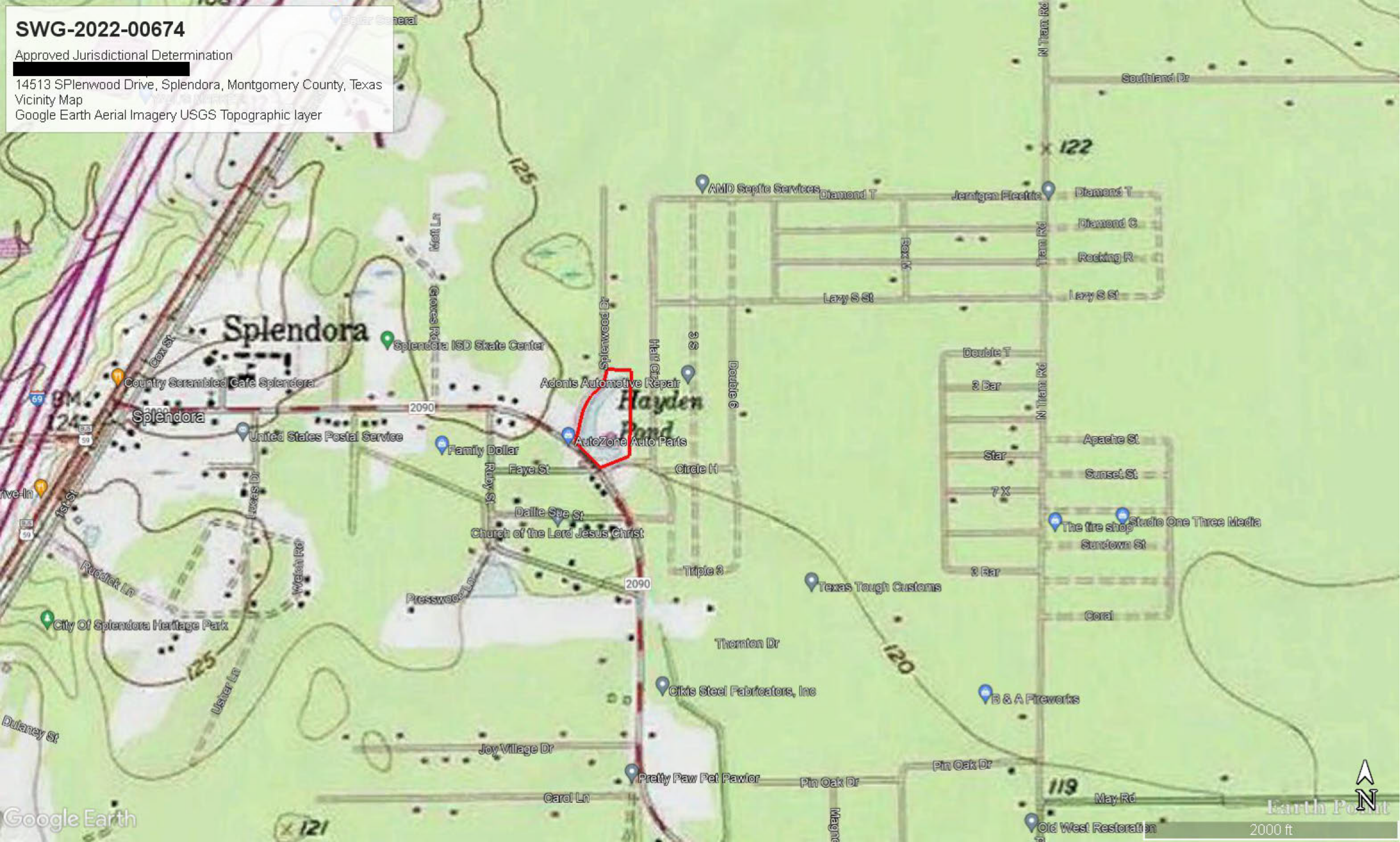
SWG-2022-00674

Approved Jurisdictional Determination

14513 Splenwood Drive, Splendora, Montgomery County, Texas

Vicinity Map

Google Earth Aerial Imagery USGS Topographic layer



Splendora

Hayden Pond

AutoZone Auto Parts

Church of the Lord Jesus Christ

Family Dollar

Adonis Automotive Repair

Splendora ISD Skate Center

United States Postal Service

Country Scrambled Cafe Splendora

City of Splendora Heritage Park

Texas Tough Customs

Clk's Steel Fabricators, Inc

Pretty Paw Pet Pawlor

B & A Fireworks

The fire shop

Studio One Three Media

Sundown St

Coral

8 Bar

Star

3 Bar

Double T

Rocking R

Diamond C

Diamond T

Jenigen Electric

Diamond T

AMID Septic Services

Old West Restoration

119

May Rd

Pin Oak Dr

Pin Oak Dr

Card Ln

Joy Village Dr

Thornton Dr

Triple S

Circle H

Dalie Sue St

Faye St

Rudy St

Presswood Ln

Welch Rd

Lucas Dr

Usher Ln

Ruddick Ln

1st St

Cox St

Groves Rd

Moff Ln

Splenwood Dr

Half Ct

SS

Double E

Lazy S St

Box W

Lazy S St

Tram Rd

X 122

Southland Dr

N Tram Rd

125

120

X 121

