



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

January 22, 2024

Compliance Branch

SUBJECT: **SWG-2023-00206**; [REDACTED]
Determination, Approximate 13.56-acre Tract, Houston, Harris County, Texas

[REDACTED]

Dear [REDACTED]:

This letter is in reference to the March 30, 2023 request for an Approved Jurisdictional Determination, for an approximate 13.56-acre tract received from [REDACTED], on behalf of [REDACTED]. The site is located directly southeast of the intersection of Hufsmith-Kohrville Road and Cossey Road ([REDACTED]) in Houston, Harris 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 desk review and our November 7, 2023 site visit we have determined the approximate 13.56-acre tract contains three (3) non-adjacent wetlands (Wetland 1, Wetland 2, and Wetland 3) totaling approximately 1.59-acres. We have determined that the three (3) 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 1, Wetland 2, and Wetland 3) 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 presence of aquatic resources and/or the jurisdictional status of aquatic resources for the purpose 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-2023-00783** 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 <http://per2.nwp.usace.army.mil/survey.html> 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,

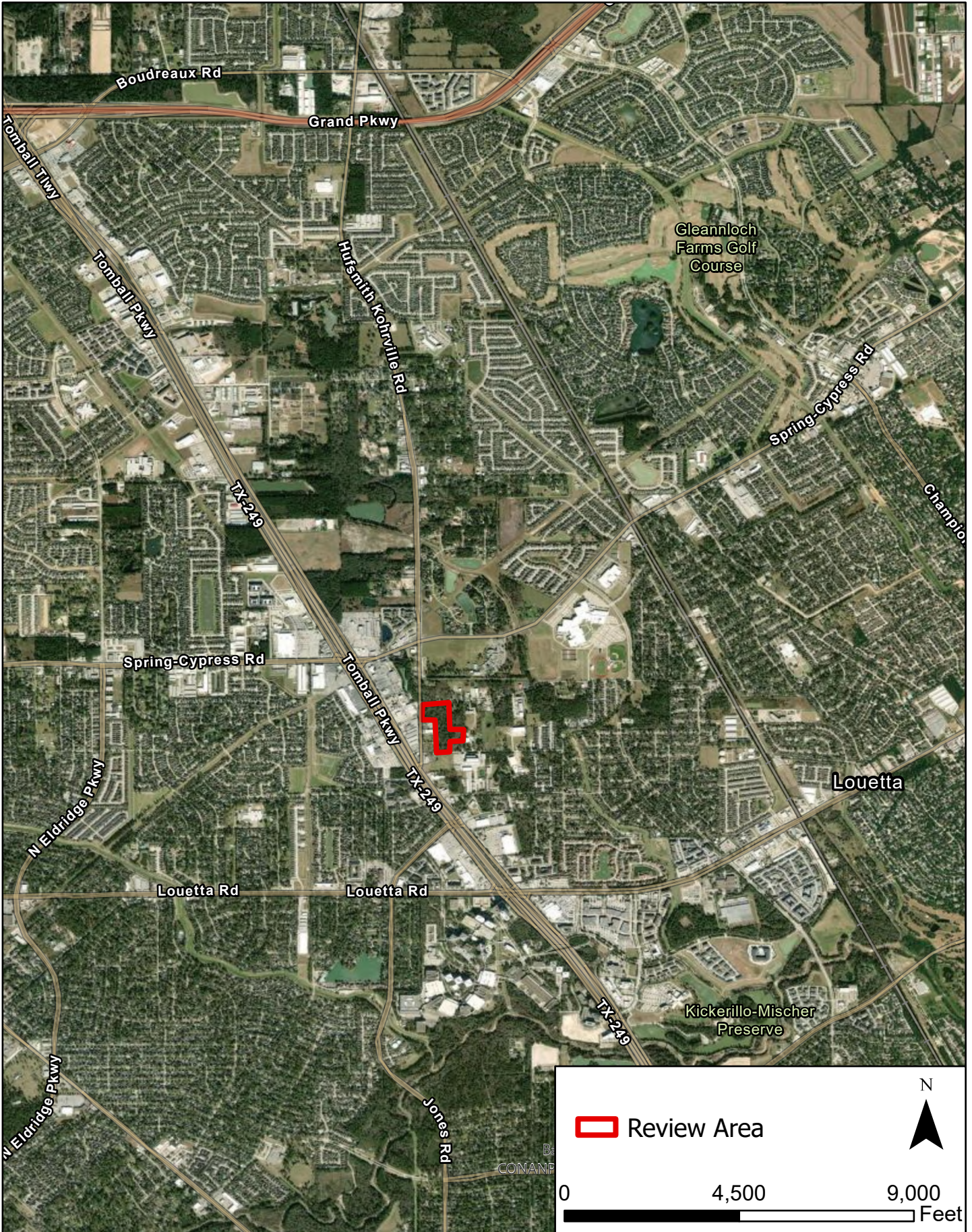


Acting Chief
Compliance Branch

SWG-2023-00206 Vicinity Map

Approximate 13.56-acre Site

([REDACTED])



 Review Area

N



0

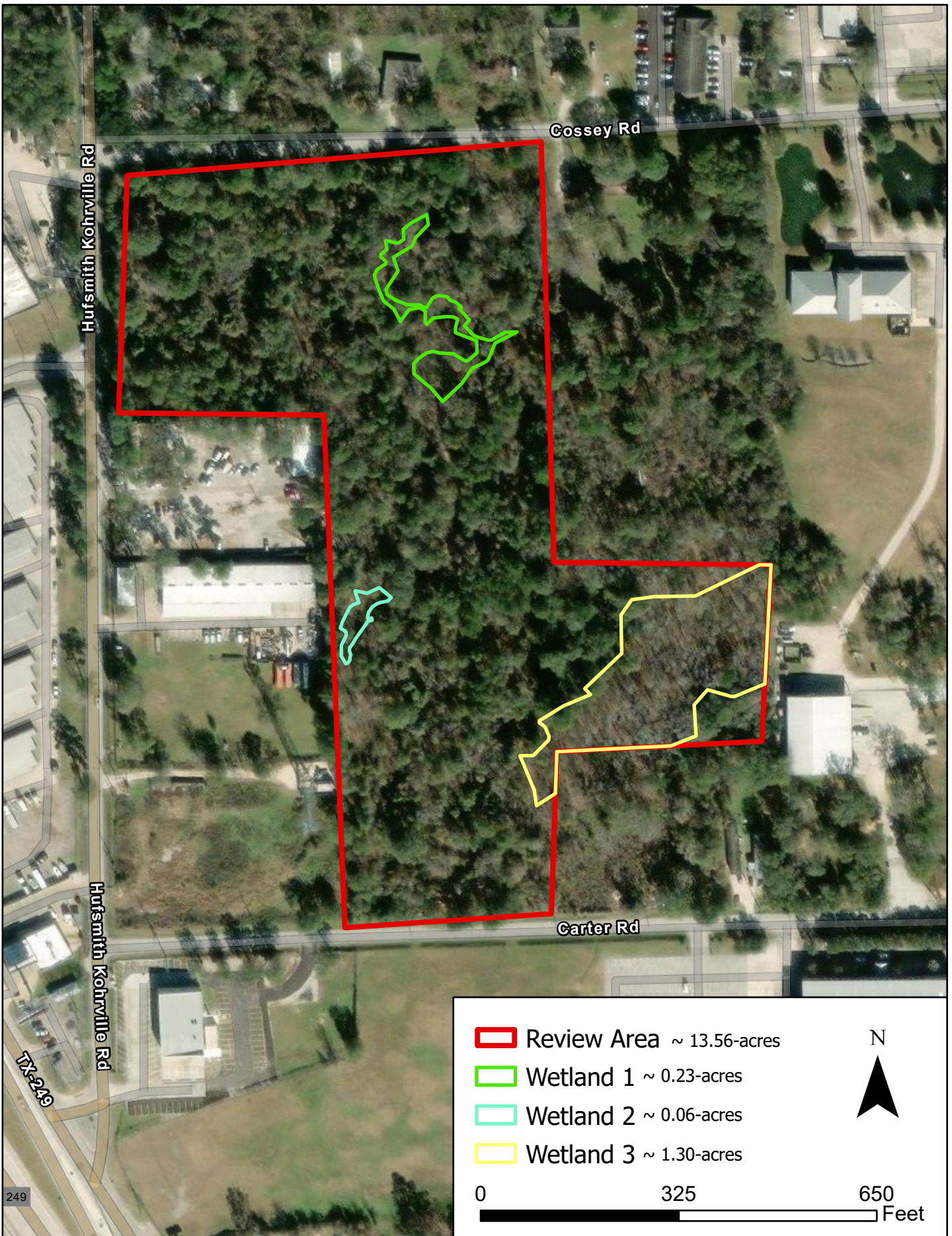
4,500

9,000

Feet

Scale 1: 40,000

SWG-2023-00206 Review Area



Scale 1: 2,500