



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

February 13, 2024

Compliance Branch

**SUBJECT: SWG-2023-00263;** City of Bellaire, No Permit Required, Approximate 9 miles of water pipeline, Bellaire, Harris County, Texas



Dear Mr. Nichols:

This letter is in response to your request on behalf of the City of Bellaire on May 3, 2023 requesting a No Permit Required letter. The project is approximately 9 miles of water pipeline located in Bellaire, Harris County, Texas (map enclosed).

Based on a desk review of available documentation and federal regulations, we have determined that the activity involves the water pipeline to be installed adjacent to the existing water pipeline using a trenchless technique and the existing pipeline will be drained and capped, then abandoned in place. You stated that the trenchless technology only requires access and excavation in a few access locations and the existing pipeline is underneath existing paved roads, sidewalks, residential front lawns, and driveways. Therefore, the activities will not result in the discharge of dredged and/or fill material into a water of the United States. The proposed project is not subject to Section 10 of the Rivers and Harbor Act of 1899 (Section 10) or Section 404 of the Clean Water Act (Section 404).

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 approved jurisdictional determination (AJD) for this subject site and is valid for 5 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 this AJD, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a 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 Southwestern 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.

If you have any questions concerning this matter, please reference file number **SWG-2023-00263** 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,

A rectangular area of the document is completely blacked out, redacting the signature and name of the official.