



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

October 2, 2023

Compliance Branch

SUBJECT: **SWG-2023-00439**; [REDACTED], No Permit Required,
Approximate 0.38-mile Section of Mosley Road, Houston, Harris County, Texas

[REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

This letter is in response to the letter submitted by [REDACTED] [REDACTED] dated August 1, 2023, on behalf of [REDACTED], requesting a Dry Land Approved Jurisdictional Determination and a No Permit Required letter. The project site is approximately 0.38-mile and is located on Mosely Road between Interstate Highway 45 and Scranton Street, Houston, Harris County, Texas (map enclosed).

Based on a desk review of available documentation and federal regulations, we have determined that the project site does not contain waters of the United States. Therefore, the proposed replacement of the asphalt surface from Interstate Highway 45 (I-45) to Airport Boulevard and construction of concrete curb and gutter drainage from Airport Boulevard to Scranton Street are not subject to Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act; therefore, do 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 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:

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

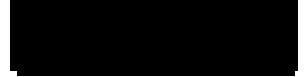
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete; that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP; noting the letter date is considered day 1. It 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-2023-00439** 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]

Aquatic resources were not observed within or abutting the Project Area



Mosley Road Final Design Phase II
Houston, Harris County, Texas

LAN Project No. 120-12106-013

LEGEND



-  Project Area (3.33 ac)
-  Upland Data Points

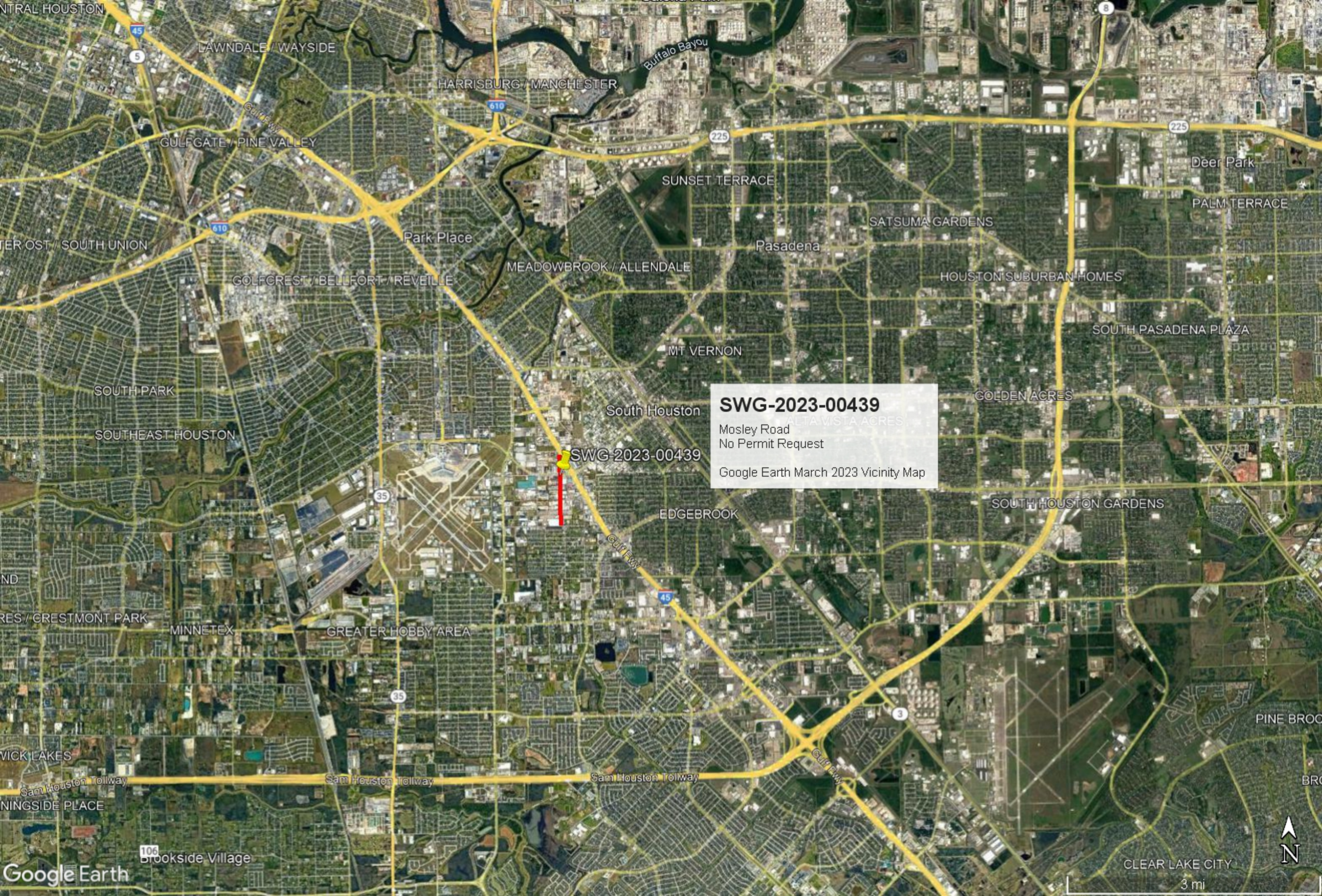


Exhibit 3

Delineation Data Map



NOTES
 - Centroid Coordinates: 29.649330, -95.253698
 - NearMap Aerial Date: 10/19/2022



SWG-2023-00439
Mosley Road
No Permit Request
Google Earth March 2023 Vicinity Map

SWG-2023-00439