



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

January 9, 2024

Compliance Branch

SUBJECT: **SWG-2023-00783**; [REDACTED], Approved Jurisdictional Determination,  
Approximate 30.58-Acre Site, Orange County, Texas

[REDACTED]  
[REDACTED]  
[REDACTED]

Dear [REDACTED]:

This letter is in response to your June 20, 2023, request for an Approved Jurisdictional Determination for three review sites, specifically the approximate 30.58-acre property [REDACTED] near Beaumont, Orange County, Texas (map enclosed).

Based on our November 9, 2023, desk review and November 16, 2023, site visit, we determined that the property contains waters of the United States, specifically a wetland adjacent to Bairds Bayou. Bairds Bayou is a Traditional Navigable Water subject to Section 10 of the Rivers and Harbors Act of 1899 (Section 10) and Section 404 of the Clean Water Act (Section 404). The wetland identified on the property is abutting, has a continuous surface connection to Bairds Bayou and, therefore, is adjacent. Therefore, this wetland is a water of the United States (WOUS) subject to Section 404. Any discharge of dredged and/or fill material into this wetland requires a Department of the Army (DA) permit. The aquatic resource acreage and boundaries were estimated as a delineation was not done for the property. We recommend that you hire a consultant to delineate the wetland on the property should you decide to discharge dredged and/or fill material into the wetland. In addition, any work or structures in Bairds Bayou requires a DA permit. Please see the website (<http://www.swg.usace.army.mil/Business-With-Us/Regulatory/Environmental-Consultants/>) for a list of consultants. Be aware that a wetland delineation is not official until approved by the United States Corps of Engineers.

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 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:

[REDACTED 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].

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.

[Redacted Signature]

Sincerely,

[Redacted Name]

[Redacted Title], Compliance Branch





**Legend**

 Review Area

**SWG-2023-00783 Vicinity Map**  
**Approximate 30.58-acre Site**

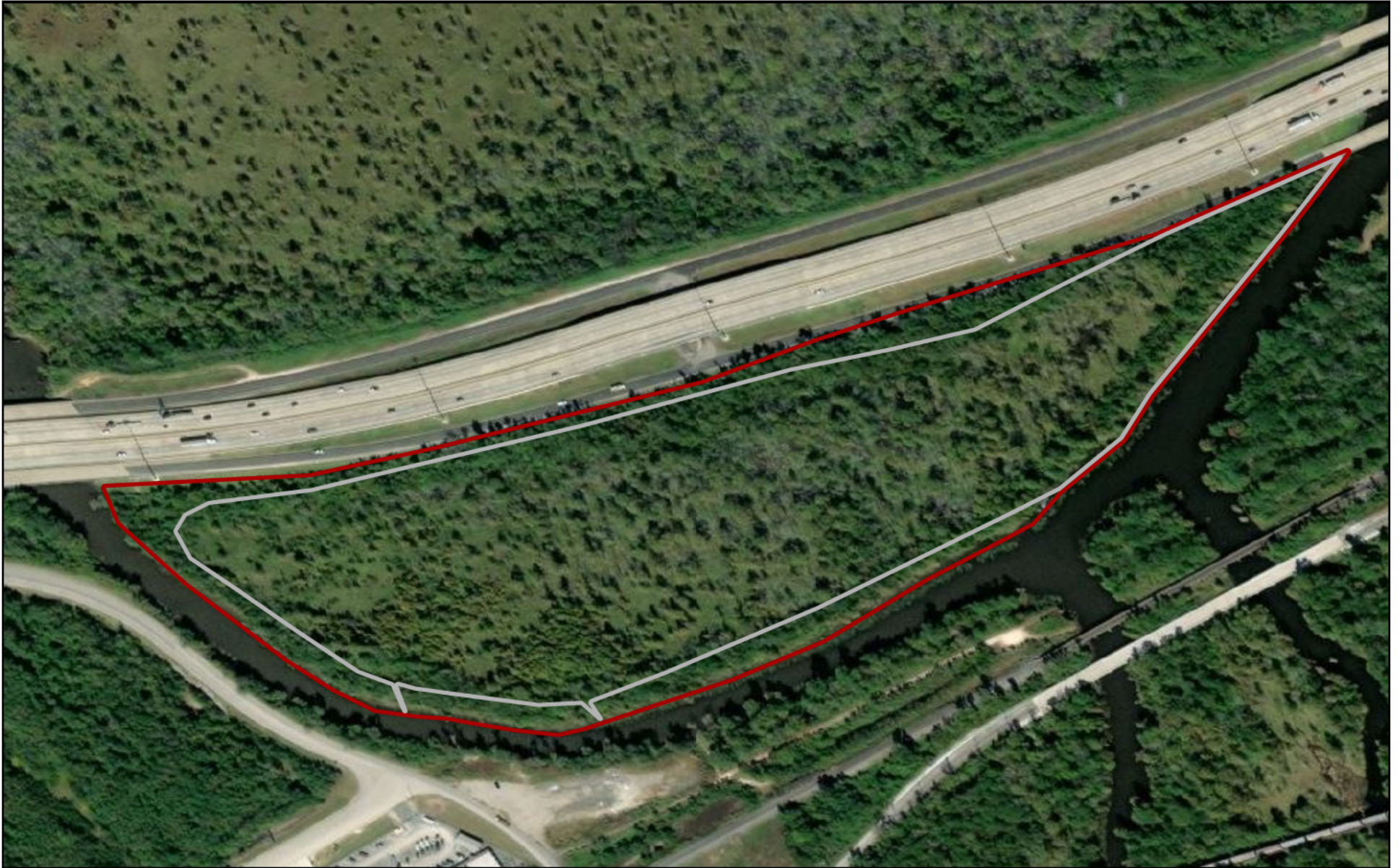
Prepared  
14 December 2023

Coordinate System  
GCS North American 1983





0 2,500 5,000  
Feet  
Scale 1: 40,000





**Legend**

-  Review Area ~ 30.58 acres
-  Wetland 1 ~ 25.89 acres

**SWG-2023-00783 Delineation Map**

Prepared  
14 December 2023

Coordinate System  
GCS North American 1983

