



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

10 February 2026

North Branch

SUBJECT: SWG-2025-00697: Harris County Flood Control District; Approved Jurisdictional Determination, Approximate 13.58-Acre Tract, Crosby, Harris County, Texas

Jonathan Holley
HCFCD
13105 Northwest Freeway, Suite 600
Houston, Texas 77092

Dear Mr. Holley:

This is in reference to your request, dated December 9, 2025, submitted for Harris County Flood Control District, for an Approved Jurisdictional Determination for an approximate 13.58-acre tract. The review area is located approximately .0.4 miles of Farm to Market (FM) 1942, segments of Milo Drive, Sandman Avenue, and Jean Lafitte Drive; located in, Crosby, Harris County Texas (map enclosed). Specifically, the project site is located at Latitude 29.880670°, Longitude -95.05937°.

The Corps of Engineers has the regulatory responsibility over two primarily 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 adjacent wetlands. If activities involved trigger either of these aforementioned federal regulations, a Department of the Army (DA) permit is required prior to those activities occurring.

Based on our desk review conducted on January 28, 2026, we have determined that the site contains one (1) Jaeger Gully (non-RPW) approximately 0.06-acres, one (1) Wet 1 wetland (non-adjacent) 0.005-acres, one (1) San Jacinto River Authority Canal (SJRA Canal) (preamble water irrigation industrial canal , one (1) ST 1 stream (non-RPW Ephemeral) 0.06-acres two (2) SW1 and SW2 swales (non-RPW Ephemeral) 0.011-acres total Twenty Four (24) upland drainage ditches (D1-24) totaling approximately 5562.35-linear feet, and one (1) detention basin pond (non-RPW) approximately 0.50-acres. However, as described in the enclosed Memorandum for Record, these aquatic resources do not meet the definition of adjacent/ relatively permanent waters as defined in the pre-2015 regime post Sackett guidance, and as such, are not a water of the U.S. subject to Section 404, nor are they subject to Section 10. Therefore, a DA permit is not required for

the discharge of dredged and/or fill material or work and/or structures within these aquatic resources in review area.

This letter does not obviate the need to obtain Federal, state or local authorization(s) required by law, nor does it grant property rights and/or exclusive privileges, nor authorize any injury to property or rights of others. It is recommended that you visit <https://www.swg.usace.army.mil/Missions/Operations-Division/Land-Use/> and coordinate with the appropriate offices.

The 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 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 U.S. Department of Agriculture (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 AJD for the subject site. For the purposes of this AJD, we have relied on the pre-2015 regime post-Sackett and the 12 March 2025 Memorandum to the Field Between the U.S. Department of Army, U.S. Army Corps of Engineers (USACE), and the U.S. Environmental Protection Agency Concerning the Proper Implementation of "Continuous Surface Connection" Under the Definition of "Waters of the United States" Under the Clean Water Act to determine 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:

Administrative Appeals Review Officer
Southwestern Division U.S. Army Corps of Engineers (CESWD-PD-O)
1100 Commerce Street, Suite 831
Dallas, Texas 75242-1317
Contact email: swdregulatoryappeals@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.

The AJD 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 questions concerning this matter, please reference file number **SWG-2025-00697** and contact Shawn Hillen at the letterhead address, by e-mail at Shawn.P.Hillen@usace.army.mil or by telephone at 409-766-3985.

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.

FOR THE DISTRICT COMMANDER:



Shawn Hillen
Regulatory Specialist

cc w/Encl.
Kara Nuckles; Sent via Email to: kara.nuckles@hcfcd.hctx.net



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

CESWG - RDN

10 February 2026

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime
Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322
(2023),¹ SWG-2025-00697²

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.³ AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.⁴ For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),⁵ the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as

¹ While the Supreme Court’s decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

³ 33 CFR 331.2.

⁴ Regulatory Guidance Letter 05-02.

⁵ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable Texas due to litigation.

1. SUMMARY OF CONCLUSIONS.

- Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Name	Type	Size (acres)	Location Latitude Longitude		Jurisdictional Status
Jaeger Gully	Stream	0.06	29.880670	-95.063170	non-RPW, non-jurisdictional
WET -1 PEM Wetland	Wetland	.0005	29.880650	-95063022	Non-adjacent to non-RPW, non-jurisdictional
San Jacinto River Authority (SJRA) Canal	Canal	0.10	29.879950	-95.059397	industrial irrigation canal, non-jurisdictional
ST 1 stream	Stream	0.06	29.880440	-95.062340	non-RPW, non-jurisdictional
SW 1 swale	Swale	.01	29.880661	-95.061878	non-RPW, non-jurisdictional
SW 2 swale	Swale	0.01	29.880702	-95.061658	non-RPW, non-jurisdictional
DB 1 Detention basin Pond	Pond	0.50	29.883390	-95.055981	non-RPW, non-jurisdictional

Name	Size (Linear feet)	Location		Jurisdictional Status
Ditches				
D 1	135.52	29.880228	-95.061065	non-RPW, non-jurisdictional
D 2	11.09	29.880046	-95.060923	non-RPW, non-jurisdictional
D 3	14.01	29.880046	-95.059961	non-RPW, non-jurisdictional
D 4	13.11	29.880050	-95.060058	non-RPW, non-jurisdictional
D 5	318.08	29.879824	-95.060058	non-RPW, non-jurisdictional
D 6	989.24	29.879845	-95.057664	non-RPW, non-jurisdictional
D 7	11.18	29.879835	-95.056277	non-RPW, non-jurisdictional
D 8	10.95	29.879833	-95.056277	non-RPW, non-jurisdictional
D 9	6.61	29.880087	-95.056145	non-RPW, non-jurisdictional
D 10	982.35	29.880072	-95.057649	non-RPW, non-jurisdictional
D 11	6.84	29.880087	-95.056285	non-RPW, non-jurisdictional
D 12	995.00	29.881437	-95.058627	non-RPW, non-jurisdictional
D 13	74.32	29.880290	-95.058745	non-RPW, non-jurisdictional

Name	Size (Linear feet)	Location		Jurisdictional Status
Ditches				
D 14	10.34	29.880862	-95.058602	non-RPW, non-jurisdictional
D 15	9.23	29.880977	-95.058615	non-RPW, non-jurisdictional
D 16	10.27	29.881804	-95.058616	non-RPW, non-jurisdictional
D 17	8.42	29.881917	-95.058615	non-RPW, non-jurisdictional
D 18	508.24	29.882832	-95.057082	non-RPW, non-jurisdictional
D 19	1123.01	29.882726	-95.056876	non-RPW, non-jurisdictional
D 20	4.50	29.882720	-95.056325	non-RPW, non-jurisdictional
D 21	2.96	29.882720	-95.056175	non-RPW, non-jurisdictional
D 22	196.25	29.882743	-95.054918	non-RPW, non-jurisdictional
D 23	37.22	29.883580	-95.056245	non-RPW, non-jurisdictional
D 24	83.61	29.880852	-95.062310	non-RPW, non-jurisdictional

2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
- e. 12 March 2025 Memorandum to the Field Between the U.S. Department of Army, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency Concerning the Proper Implementation of "Continuous Surface Connection" Under the Definition of "Waters of the United States" Under the Clean Water Act.
3. AREA. Approximate 13.58-acre property located approximately .0.4 miles of Farm to Market (FM) 1942, segments of Milo Drive, Sandman Avenue, and Jean Lafitte Drive; located in Crosby, Harris County. Specifically, the project site is located at Latitude 29.880670°, Longitude -95.05937°.
4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. NA

5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. N/A.
6. SECTION 10 JURISDICTIONAL WATERS⁶: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁷ N/A
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.
 - a. TNWs (a)(1): N/A
 - b. Interstate Waters (a)(2): N/A
 - c. Other Waters (a)(3): N/A
 - d. Impoundments (a)(4): N/A
 - e. Tributaries (a)(5): N/A
 - f. The territorial seas (a)(6): N/A

⁶ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁷ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

g. Adjacent wetlands (a)(7): N/A

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).⁸ Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water.

SJRA Canal (010 acre) (95.82-linear feet) This feature was constructed 1937 in uplands. This Canal is an excavated channel used to convey water for drinking water and industrial use. The Canal does not connect to a TNW, RPW, or other jurisdictional aquatic feature. SJRA is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

Ponds, Detention Basin DB 1 (0.50-acre):

DB 1 is not an impoundment of a water of the United States. DB 1 is contained wholly within and does not extend beyond the project area boundary. DB 1 does not have a continuous surface connection to a relatively permanent water. The 1986 preamble to 33 CFR 320-330 regulations states that for clarification it should be noted that we generally do not consider the following waters to be “waters of the United States... (C) Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating or diking dry land to retain water for primarily aesthetic reasons”. Therefore, DB 1 is not a water of the United States and is not subject to Section 404 of the Clean Water Act.

- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance.

Ditches, D 1-24 (5562.35 Linear Feet):

There are 24 upland cut ditches on the tract totaling approximately 5562.35 linear feet. The drainage ditches were constructed in uplands and used to drain uplands. The drainage ditches only flow in response to precipitation events and do not have relatively permanent flow as evident in Google Earth aerial images.

⁸ 51 FR 41217, November 13, 1986.

The ditches do not have a defined bed or bank and/or ordinary high-water mark. Therefore, Ditches (D 1-24) are not a water of the United States subject to Section 404 of the Clean Water Act. Any discharge of dredged and/or fill material into Ditches (D 1-24) does not require a Department of the Army permit.

- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system N/A
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. N/A
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in "SWANCC," would have been jurisdictional based solely on the "Migratory Bird Rule." Include the size of the aquatic resource or feature, and how it was determined to be an "isolated water" in accordance with SWANCC. N/A
- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court's decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

Ephemeral, Stream Jaeger Gully (0.06 acres): The Gully only flows in response to precipitation events and does not have relatively permanent flow year-round as evident in Google Earth aerial images. The Gully has been man altered (straighten) does not have continuous surface flow is an ephemeral, non-RPW. Only part of the Jaeger Gully is in the review area, but aerial photos show the flow path outside is not holding water either. Jaeger gully does not connect to an RPW.

Ephemeral, Stream ST 1 (0.06 acres): The Stream ST 1 only flows in response to precipitation events and does not have relatively permanent flow year-round as evident in Google Earth aerial images. The Stream ST 1 has been man altered (straighten) does not have continuous surface flow is an ephemeral, non-

RPW. Only part of the Stream ST 1 is in the review area, but aerial photos show the flow path outside is not holding water either. Stream ST 1 does not connect to an RPW.

SWALE, SW 1 and SW 2 (0.011 acre): Swales that collect rainwater and are completely enclosed by elevated uplands does not have any known continuous surface connection to any RPW, TNW, or impoundments of either. The swales are shallow with no observed bed, bank and are vegetated. These features do not meet the definition of RPW or any other WOTUS and are non-jurisdictional.

Wetlands, WET 1 (0.005 acres total): non-adjacent wetland does not connect to a RPW.

Based on data sources listed in #9, our 27 January 2026 desk review, we have determined this wetland reside in small depressional areas within the review area, that collects rainwater and is completely enclosed by elevated uplands. Based on our review, the wetland does not have any known continuous surface connection to any RPW, TNW, or impoundments of either. Jeager Gully, Stream ST 1, SW 1 and SW 2 swales that collects rainwater and is completely enclosed by elevated uplands does not have any known continuous surface connection to any RPW, TNW, or impoundments of either. Therefore, in accordance with the pre-2015 regime post-Sackett and the 12 March 2025 Memorandum to the Field Between the U.S. Department of Army, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency Concerning the Proper Implementation of "Continuous Surface Connection" Under the Definition of "Waters of the United States" Under the Clean Water Act, Wet 1 does not meet the definition of adjacent as defined in the pre-2015 regime post Sackett guidance and are not waters of the United States subject to Section 404 of the Clean Water Act. Any discharge of dredged and/or fill material into Wet 1 does not require a Department of the Army permit.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
 - a. Delineation, maps, data sheets prepared by Hollaway.
 - b. Desk Review 29 January 2026
 - c. Aerial Photos: Google Earth Aerial Imagery Hollaway Report

CESWG-RDN

SUBJECT: Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), SWG-2025-00697

- d. United States Department of Interior (DOI), Fish and Wildlife Service (FWS), National Wetland Inventory (NWI); Accessed 29 January 2026
- e. United States Geological Survey (USGS) Topographic (Topo) map Hollaway Report
- f. USACE Texas Regulatory Viewer 3 DEP Digital Elevation Model (DEM)
Accessed 29 January 2026

10. OTHER SUPPORTING INFORMATION. N/A

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

PREPARED BY:



Date: 10 February 2026

Shawn Hillen
Regulatory Specialist

REVIEWED/APPROVED BY:



Date: 10 February 2026

Andria Davis
Leader, North Evaluation Unit
Regulatory Division, Galveston District

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Harris County Flood Control District	File Number: SWG-2025-00697	Date: 2/10/2026
Attached is:	See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at

<http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact: Shawn Hillen, Regulatory Specialist Regulatory Division, Compliance Branch (CESWG-RD-N) U.S. Army Corps of Engineers, Galveston District 2000 Fort Point Road Galveston, Texas 77550 Telephone: 409-766-3985; Fax: 409-766-3826 Email: Shawn.P.Hillen@usace.army.mil	If you only have questions regarding the appeal process you may also contact: Administrative Appeals Review Officer Southwestern Division (CESWD-PD-O) U.S. Army Corps of Engineers 1100 Commerce Street, Suite 831 Dallas, Texas 75242-1317 Email: swdregulatoryappeals@usace.army.mil
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RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.	Date:	Telephone number:
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