U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 4/30/2021
ORM Number: SWF-2014-00120
Associated JDs: SWF-2014-00120
Review Area Location[1]: State/Territory: Texas City: San Antonio County/Parish/Borough: Bexar
Center Coordinates of Review Area: Latitude 29.526615° Longitude -98.334841°

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☐ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3]				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
SWF-2014-00120-1 (West Salitrillo Creek)	?	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	All available information reviewed for this determination, including a USACE site visit, indicates that the portion of West Salitrillo Creek within the project boundary is an (a)(2) intermittent tributary. West Salitrillo Creek has a confluence with Salitrillo Creek to Martinez Creek to Cibola Creek to San Antonio River to Guadalupe River. The drainage area for the subject stream portion approximately is 1100 acres (ac). Land use within the watershed over the past 50 years has changed from agricultural use to urban (i.e., residential and

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				commercial properties). Impervious surfaces within the watershed likely increase the flow duration within the subject stream. During the USACE site visit on 2021-01-20 flowing water was not observed; however, pooling water was observed. Aerial imagery indicates evidence of flow on the following dates: 2015-01-19, 2017-01-06, 2018-11-30, 2019-01-11 (Google Earth). See section IIIB for typical year assessment to support our determination. Evidence indicates that the stream flows more than in direct response to precipitation in a typical year. The Corps has determined that the stream meets the criteria of a (a)(2) intermittent tributary.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: Jurisdictional Determination for CB-9 Cimarron Subdivision, prepared by Pape-Dawson Engineers, Inc., October 2011, was referenced for the AJD; available within electronic project file, SWF-2014-00120

This information is sufficient for purposes of this AJD.

Rationale: N/A

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: Imagery from Google Earth, HistoricAerials.com, and Digital Globe – all available years; photographs taken during the USACE site visit, 2021-01-20, available within electronic project file

☒ Corps site visit(s) conducted on: 2021-01-20

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWF-2014-00120

[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

- ☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.
- ☐ USDA NRCS Soil Survey: N/A
- ☒ USFWS NWI maps: ESRI managed imagery, SWF Regulatory Viewer, 2021-03-15
- ☒ USGS topographic maps: ESRI managed imagery, SWF Regulatory Viewer, 2021-03-15

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset, SWF Regulatory Viewer, 2021-03-15
USDA Sources	N/A.
NOAA Sources	Climate Data Online (https://www.ncdc.noaa.gov/cdo-web/): Daily Climatological Observations
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Location and topographic maps provided by the applicant

B. Typical year assessment(s): Typical year assessment was made by using APT for aerial imagery to provide evidence of flow for the subject stream on the following dates: 2015-01-19, 2017-01-06, 2018-11-30, 2019-01-11. Station data from Converse 1.6 NW (0.26 mi), Live Oak 0.8 SSW (1.36 mi), Windcrest 1.7 E (1.06 mi), and Windcrest 0.3 NNE (2.54 mi) were assessed for each date.

APT for 2015-01-19 indicated wetter than normal conditions with incipient wetness during the wet season. The prior 30-day precipitation total recorded at Converse 1.6 NW was 1.57 in. occurring in approximately 0.5 inch (in.) intervals at days 8/9, 16/17, and 21/22 prior to the image date.

APT for 2017-01-06 indicated normal conditions with incipient drought during the wet season. The prior 30-day precipitation total recorded at Converse 1.6 NW was 0.28 in. over 7 days interspersed within the 30-day period. The average daily amount was 0.04 in.

APT for 2018-11-30 indicated wetter than normal conditions with moderate wetness during the wet season. The precipitation total for November recorded at Converse 1.6 NW was 1.82 in., with only 0.05 total in. recorded in 17 days prior to the image date. A precipitation amount of 1.77 in. occurred in the first 13 days of November.

APT for 2019-01-11 indicated normal conditions with severe wetness during the wet season. The prior 30-day precipitation total recorded at Converse 1.6 NW was 1.62 in. with 0.87 and 0.27 in. recorded 8 and 9 days prior to the image date. Note the discoloration of the water (reference Google Earth aerial image for 2019-01-11), likely because of turbuidity, persisting for more than a week after the recorded precipitation event. A precipitation amount of 0.48 in. was recorded in the first 20 days, 0.35 and 0.10 in. recorded 15 and 16 days prior to the image date.

APT for 2021-01-20 indicated normal conditions with severe drought during the wet season; however, pooled water was visible throughout the stream within the project boundary.

It is the Corps' determination through an assessment of all available information that flow of West Salitrillo Creek within the project boundary does occur more than in direct response to precipitation in a typical year

and is at present classified as having intermittent flow.

C. Additional comments to support AJD: Enclosures: Project Boundary and Waters of the US Map (Figure 1) and APT Data Forms (2015-01-19, 2017-01-06, 2018-11-30, 2019-01-11, 2021-01-20).