



**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): 2/25/2021

ORM Number: SWF-2017-00253

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Texas City: Frisco County/Parish/Borough: Denton

Center Coordinates of Review Area: Latitude 33.216655 Longitude -96.884168

**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: There are no water features in the evaluation area/parcel that meet the definition of waters of the US.
- ☐ 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)<sup>2</sup>**

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

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
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	
Stream 1	1337	linear feet	N/A.	Previously permitted and impacted as a jurisdictional tributary.
Stream 1a	172	linear feet	N/A.	Previously permitted and impacted as a jurisdictional tributary.
Drainage Channel 2	314	linear feet	N/A.	Previously permitted and impacted as a jurisdictional tributary.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.



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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
Pond 1	0.298	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	On-channel impoundment of Stream 1, an (a)(2) water.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.338	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts (i.e. touches one point or side of an (a)(2) water) Stream 1.
Wetland 2	0.958	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts (i.e. touches one point or side of an (a)(2) water) Stream 1.
Wetland 3	0.021	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts (i.e. touches one point or side of an (a)(2) water) Stream 1.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Drainage Channel 3	505	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Determined to be ephemeral by USACE on 28 July 2017 site visit. No indicators such as OBL/FACW vegetation, hydric soils, macro-invertebrates, algae accumulation in the channel observed.
Upland Pond 1	0.027	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Artificially created pond in an upland.

**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: [See the file for 'AJD Review Letter-SWF-2017-00253'.](#)

<sup>4</sup> 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.

<sup>5</sup> 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.



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This information is sufficient for purposes of this AJD.

Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).

- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☒ Photographs: Aerial: Google Earth 2019-09-07, 2017-01-27, 2016-04-27.
- ☐ Corps site visit(s) conducted on: Date(s).
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): PJD for the review area dated May16, 2019
- ☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- ☐ USDA NRCS Soil Survey: Title(s) and/or date(s).
- ☐ USFWS NWI maps: Title(s) and/or date(s).
- ☐ USGS topographic maps: Title(s) and/or date(s).

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** USACE ran three APT reports to determine 'typical year' normal conditions and applied the observations to (a)(2) tributaries, (a)(3) ponds, and (a)(4) wetlands. The three reports produced align with the Google Earth dates identified in Section III(A). The APT reports the following:

1. 2019-09-07: The APT concludes the date on aerial image and the three 30-day periods prior were 'normal conditions' and indicative of a normal year. The aerial image has visible surface water in Pond 1 and sections of Stream 1. Additionally, its shows Wetland 1, Wetland 2, and Wetland 3 are directly abutting Stream 1.
2. 2017-01-27: The APT concludes the date on aerial image and the three 30-day periods prior were 'normal conditions' and indicative of a normal year. The aerial image has visible surface water in Pond 1 and sections of Stream 1. Additionally, its shows Wetland 1, Wetland 2, and Wetland 3 are directly abutting Stream 1.
3. 2016-04-27: The APT concludes the date on aerial image and the three 30-day periods prior were 'normal conditions' and indicative of a normal year. The aerial image has visible surface water in Pond 1 and sections of Stream 1. Additionally, its shows Wetland 1, Wetland 2, and Wetland 3 are directly abutting Stream 1.

**C. Additional comments to support AJD:** Work has commenced on the project site, however, no work has commenced in Drainage Channel 3 or Upland Pond 1 which are excluded waters under the NWPR.





**Figure 1.**  
**General Location Map**

SW US 380 & FM 423 Tract  
City of Frisco  
Denton County, Texas


1 in = 1,000 feet

0 1,000

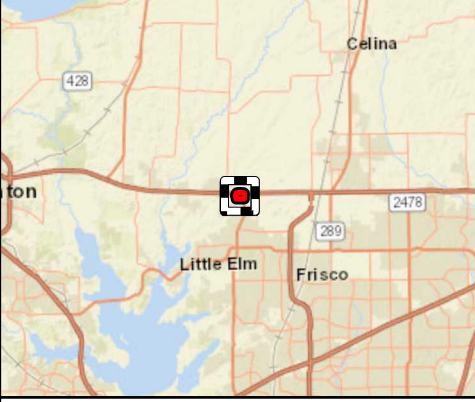
Feet

File Ref. 04.292.011  
Date: 12/8/2020

N  
W E  
S



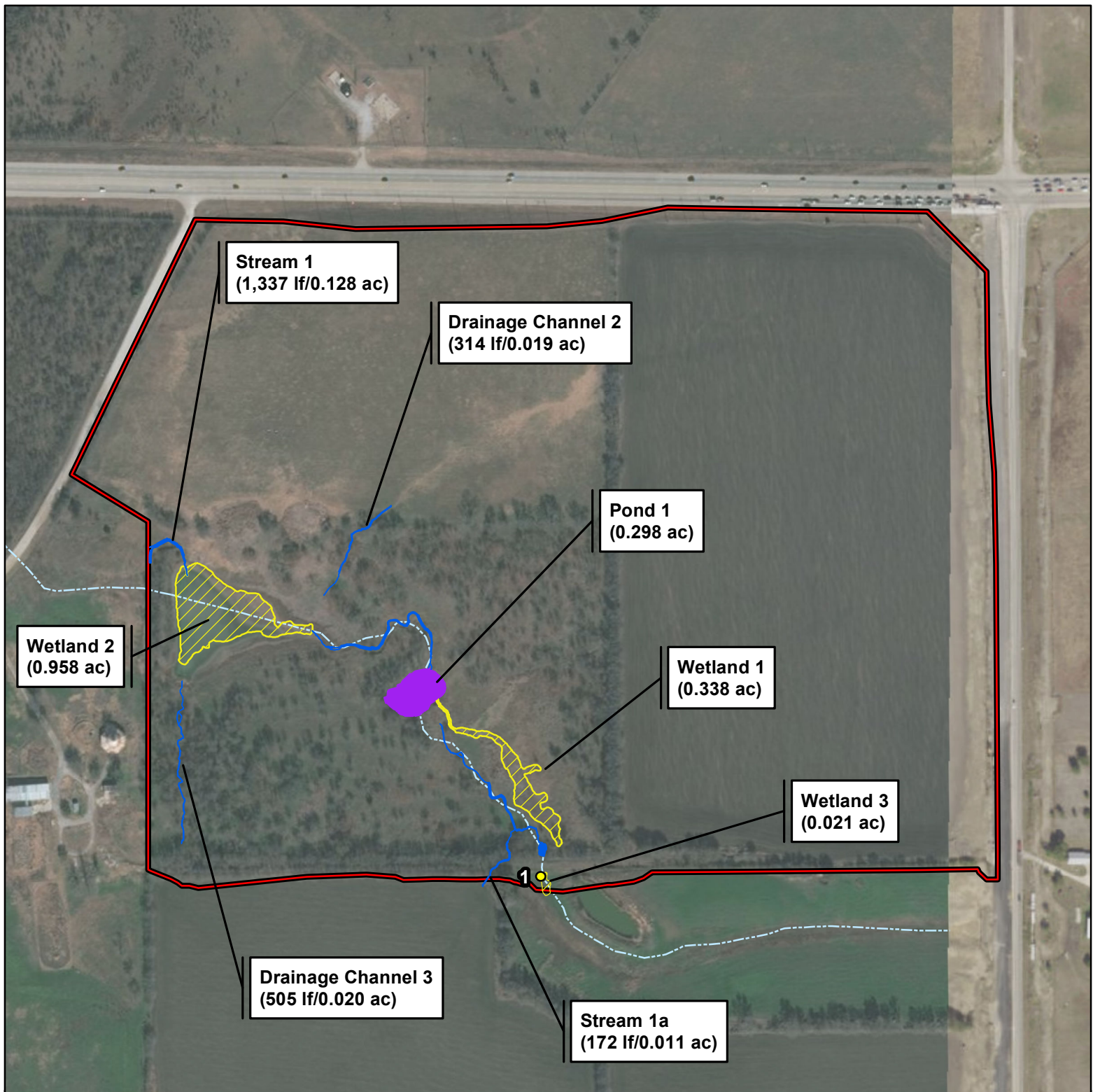
Project Area



**Area of Detail**

Scale: 1 inch equals 10 miles





**Figure 2.**  
**24 May 2018 AJD**  
**Waters of United States**

SW US 380 & FM 423 Tract  
City of Frisco  
Denton County, Texas

1 in = 350 feet  
0 175 350  
Feet



File Ref. 04.282.001  
Date: 3/7/2018

**Legend**

- Project Area
- NHD Flowline (For Reference)
- IES Wetland Dataform Location

**Waters of the United States**

- Ephemeral Stream
- On-Channel Pond
- Wetland





**Figure 3.**  
**Aquatic Features Identified**  
**within the Survey Area**

SW US 380 & FM 423 Tract  
City of Frisco  
Denton County, Texas

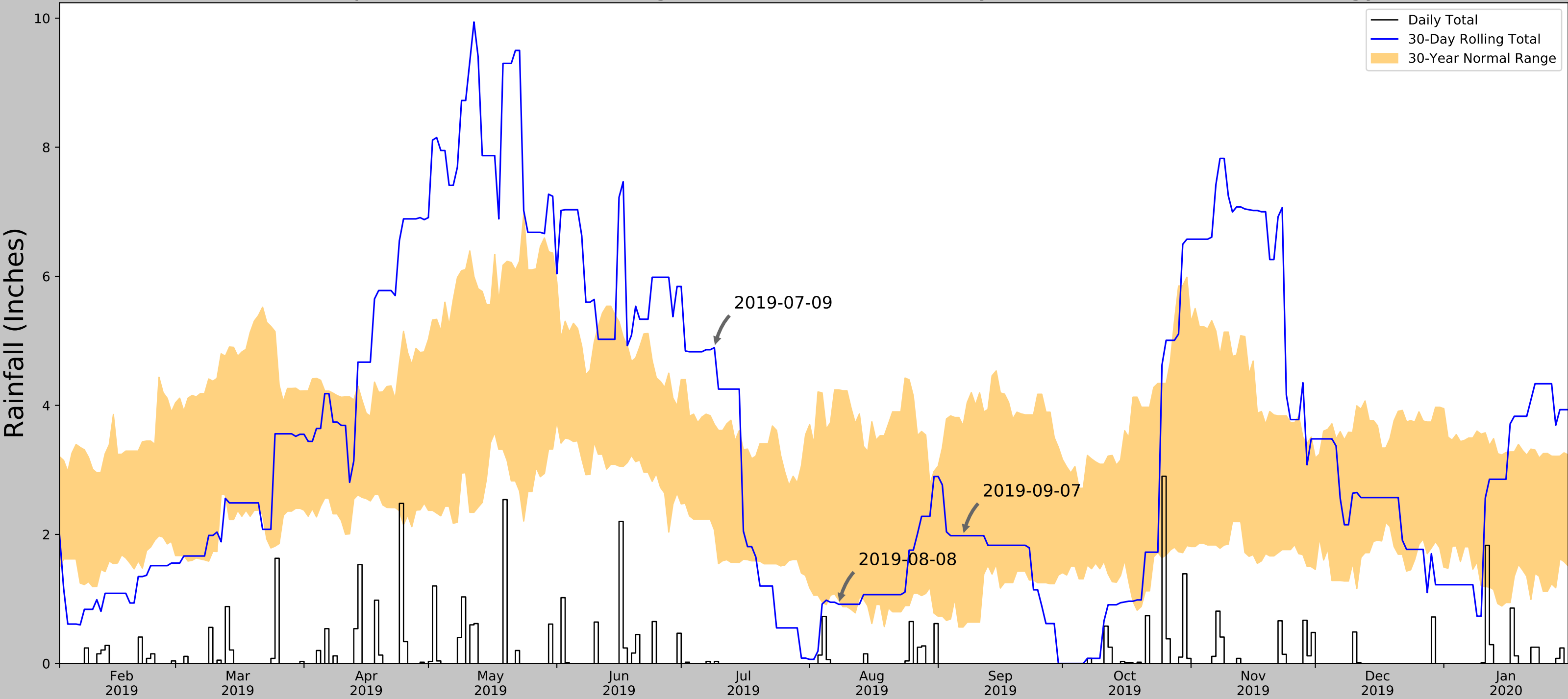
1 in = 350 feet  
0 350  
Feet



File Ref. 04.292.011  
Date: 12/8/2020

- Project Area
- Aquatic Features That Meet a Definition of a Water of the United States**
- Tributary (a)(2)
  - Impoundment (a)(3)
  - Adjacent Wetland (a)(4)
- Excluded Aquatic Features**
- Ephemeral Feature (b)(3)
  - Artificial Pond (b)(8)

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	33.2166, -96.8841
Observation Date	2019-09-07
Elevation (ft)	571.09
Drought Index (PDSI)	Moderate wetness
WebWIMP H <sub>2</sub> O Balance	Dry Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2019-09-07	0.56378	3.685827	1.980315	Normal	2	3	6
2019-08-08	0.982677	4.240551	0.917323	Dry	1	2	2
2019-07-09	2.068504	3.704331	4.893701	Wet	3	1	3
Result							Normal Conditions - 11


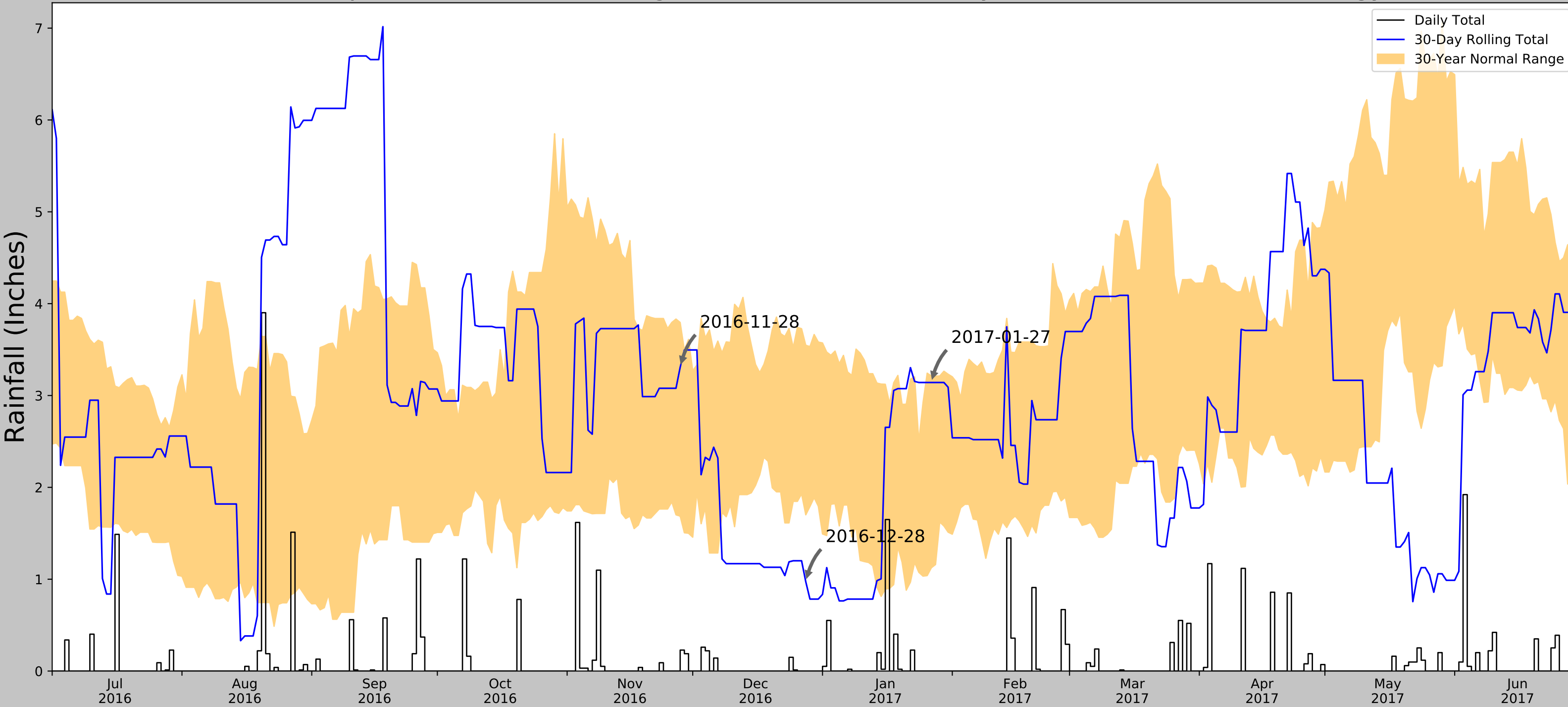


Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
FRISCO	33.1925, -96.7931	747.047	5.518	175.957	3.454	11353	90

Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	33.2166, -96.8841
Observation Date	2017-01-27
Elevation (ft)	571.09
Drought Index (PDSI)	Moderate wetness
WebWIMP H <sub>2</sub> O Balance	Wet Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2017-01-27	1.124409	3.212599	3.141732	Normal	2	3	6
2016-12-28	1.700787	3.546851	0.972441	Dry	1	2	2
2016-11-28	1.686614	3.795669	3.307087	Normal	2	1	2
Result							Normal Conditions - 10




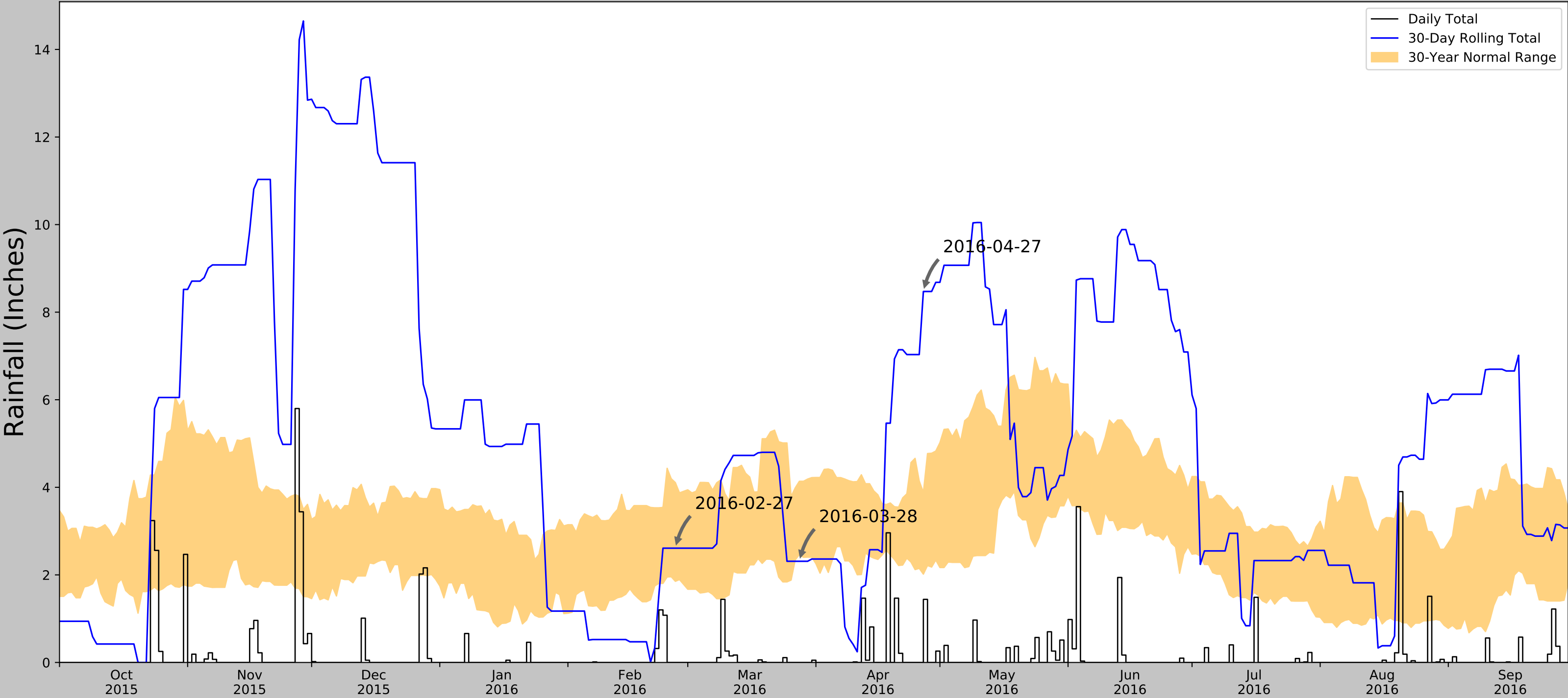
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Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
FRISCO	33.1925, -96.7931	747.047	5.518	175.957	3.454	11353	90



Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	33.2166, -96.8841
Observation Date	2016-04-27
Elevation (ft)	571.09
Drought Index (PDSI)	Extreme wetness
WebWIMP H <sub>2</sub> O Balance	Wet Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2016-04-27	2.016142	3.884252	8.472441	Wet	3	3	9
2016-03-28	2.464567	4.138583	2.311024	Dry	1	2	2
2016-02-27	1.852756	4.108268	2.610236	Normal	2	1	2
Result							Normal Conditions - 13




Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
FRISCO	33.1925, -96.7931	747.047	5.518	175.957	3.454	11352	90



9/2019

100th Street

423

33.2166, -96.8841

Google Earth

Imagery Date: 9/7/2019 lat 33.215454° lon -96.884743° elev 0 ft eye alt 2006 ft



1/2017

33.2166, -96.8841

N  
423

33.2166, -96.8841

Google Earth

Imagery Date: 1/27/2017 lat 33.217117° lon -96.888301° elev 0 ft eye alt 2006 ft

1965





4/2016

33.2166, -96.8841

Google Earth

1985

Imagery Date: 4/27/2016 lat 33.215454° lon -96.884743° elev 0 ft eye alt 2006 ft