



**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): 8/24/2021
 ORM Number: SWF-2018-00306
 Associated JDs: SWF-2018-00306
 Review Area Location¹: State/Territory: Texas City: Campbell County/Parish/Borough: Hunt
 Center Coordinates of Review Area: Latitude 33.18357 Longitude -95.88165

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.

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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 19	1,603	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Stream 22	464	linear feet	(a)(2) Intermittent tributary contributes

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.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
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 6	0.28	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Impoundment of a jurisdictional intermittent stream.
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
Stream 15	59	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream with no indicators of intermittent flow.
Stream 16	31	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream with no indicators of intermittent flow.
Stream 18	494	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream with no indicators of intermittent flow.
Stream 20	63	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream with no indicators of intermittent flow.

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.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 21	446	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream with no indicators of intermittent flow.
Pond 4	1.87	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).	Artificial pond excavated in upland and is not an impoundment of a jurisdictional water that meets (c)(6).
Pond 5	1.13	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).	Artificial pond excavated in upland and is not an impoundment of a jurisdictional water that meets (c)(6).
Wetland K	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is an enclosed depression with no hydrologic connectivity to WOTUS in a typical year.
Wetland L	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is an enclosed depression with no hydrologic connectivity to WOTUS in a typical year.
Wetland M	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is an enclosed depression with no hydrologic connectivity to WOTUS in a typical year.

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: [Delineation of Waters of the U.S. and Jurisdictional Determination dated June 19, 2020](#) and [Response to Additional Information Request dated July 14, 2020](#).



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This information is sufficient for purposes of this AJD.

Rationale: N/A

- Data sheets prepared by the Corps: N/A
- Photographs: Aerial: 1996 USGS, 2004 NAIP, 2008 NAIP, 2009 NAIP, 2010 NAIP, 2011 Microsoft, 2012 NAIP, 2014 NAIP, 2015 NAIP.
- Corps site visit(s) conducted on: October 14, 2020
- Previous Jurisdictional Determinations (AJDs or PJDs): SWF-2018-00306 March 19, 2019
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Hunt County, Texas (1981)
- USFWS NWI maps: Commerce South and Cumby, Texas, 1988 sheets.
- USGS topographic maps: Commerce South and Cumby, Texas, 1964 sheets.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	USGS NHD Data (HUC 1114)
Other USDA data (specify)	Web Soil Survey, Accessed 2020
NOAA Sources	N/A.
USACE Sources	N/A.
Other state/local data (specify)	N/A.
FEMA/FIRM maps	FEMA Flood Insurance Rate Map: Panel No. 48231C0300G, 01-06-2012 & 48223C0175E, 03-17-2011

B. Typical year assessment(s): According to the Antecedent Precipitation Tool, the project area was experiencing “normal” conditions during the June 2020 delineation visit, and during the USACE site visit on October 14, 2020.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.