



**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): 5/5/2021  
 ORM Number: SWF-2018-00458  
 Associated JDs: SWF-2018-00458 prior to Navigable Waters Protection Rule  
 Review Area Location<sup>1</sup>: State/Territory: Texas City: N/A County/Parish/Borough: Runnels County  
 Center Coordinates of Review Area: Latitude 31.890434° Longitude -100.206623°

**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 or describe rationale.
- 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>**

§ 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
N/A.	N/A.	N/A.	N/A.

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.

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.

<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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**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
Waterway 1	6,272	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibited an OHWM and a dry stream bed. No flowing water or pooling was observed within the channel during the site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate vicinity.
Waterway 2	413	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibited an OHWM and a dry stream bed. No flowing water or pooling was observed within the channel during the site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate vicinity.
Waterway 3	8,656	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This feature is a dry wash with no bed, bank, or OHWM.
Waterway 14	411	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This ephemeral stream lacks an OHWM within the channel.
Waterway 15	376	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This ephemeral stream lacks an OHWM within the channel.
IMP001	0.21	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).	This man-made waterbody is fed by an ephemeral stream.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
IMP002	0.54	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).	This man-made waterbody is fed by an ephemeral stream.
UCP003	0.14	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).	This man-made waterbody is a dugout excavated in upland.
UCP004	0.57	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).	This man-made waterbody is a dugout excavated in upland.
IMP005	0.19	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	This man-made waterbody captures overland flow from areas of topographic relief.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		impoundment of a jurisdictional water that meets (c)(6).	
IMP006	0.48	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. This man-made waterbody captures overland flow from areas of topographic relief.

**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: [Aquatic Resources Delineation Report for the Norton Solar Project, Runnels County, Texas](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Photographs in aquatic resources delineation report](#).

Corps site visit(s) conducted on: [Date\(s\)](#).

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM: SWF-2018-00458 Date: 08/19/2019](#)

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: [Hog Mountain, TX 311100-H2 and Maverick, TX 31100-G2](#)

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

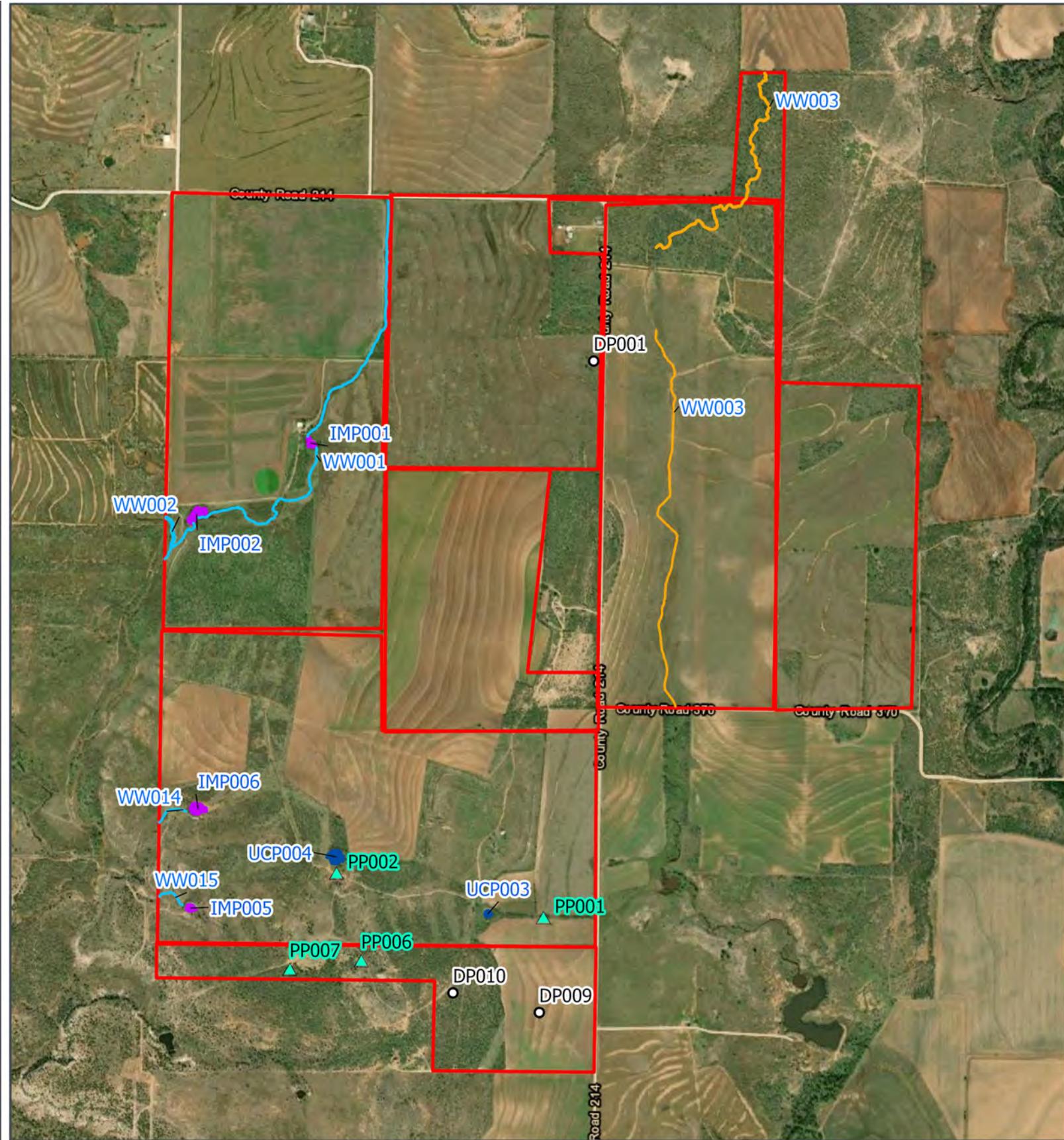
Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">U.S. Geological Survey (USGS) 7.5-minute quadrangle maps, U.S. Geological Survey (USGS). 2017. National Hydrography Dataset (NHD) Shapefile Data. Available at: https://www.usgs.gov/core-science-systems/ngp/national-hydrography/national-hydrography-dataset?qt-science_support_page_related_con=0#qt-science_support_page_related_con. Accessed November 2020.</a>
<a href="#">USDA Sources</a>	<a href="#">U.S. Department of Agriculture Natural Resources Conservation Service (NRCS): PLANTS Database (NRCS 2019a) and Web Soil Survey (NRCS 2019b)</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">The National Wetland Plant List: 2016 Wetland Ratings; Regional Guidance Letter 05-05; Corps of Engineers Wetlands Delineation Manual (1987 Manual); and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region (Version 2.0).</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>



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**B. Typical year assessment(s):** [N/A](#)

**C. Additional comments to support AJD:**



**NORTON SOLAR PROJECT**  
**Aquatic Delineation**  
**Overview Map**

-  Photo Points
-  Data Point
-  Dry Wash
-  Ephemeral Stream
-  Impoundment
-  Upland Constructed Pond
-  Project Area

Runnels County, TX  
 USGS 7.5' Quadrangle:  
 Hog Mountain, TX, 31100-H2  
 Maverick, TX, 31100-G2  
 NAD 1983 UTM Zone 14N  
 100.2028°W 31.8868°N

Base Map: ESRI ArcGIS Online,  
 accessed April 2021

Updated: 4/29/2021  
 Project No. 64021  
 File: 64021 Aquatic Delineation Map

