



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): 02-MAR-2021

ORM Number: SWF-2018-00478

Associated JDs: Previous Rapanos PJD, Project Number, SWF-2018-00478.

Review Area Location<sup>1</sup>:

State/Territory: Texas City: Fort Worth County/Parish/Borough: Denton County

Center Coordinates of Review Area: Latitude: 32.998, Longitude: -97.339

**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)<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 independent 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.

<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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**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
SWF-2018-00478 Stream 1 NWPR	811 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	No flowing or pooling water was observed during the September 28, 2020 site visit completed by Peloton Land Solutions, LLC (Peloton). The ephemeral channel flows briefly during and immediately following a period of rainfall and does not contribute surface water flow downstream.
SWF-2018-00478 Stream 1a NWPR	59 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	No flowing or pooling water was observed during the September 28, 2020 site visit completed by Peloton. The ephemeral channel flows briefly during and immediately following a period of rainfall and does not contribute surface water flow downstream.
SWF-2018-00478 Stream 1b NWPR	65 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	No flowing or pooling water was observed during the September 28, 2020 site visit completed by Peloton. The ephemeral channel flows briefly during and immediately following a period of rainfall and does not contribute surface water flow downstream.
SWF-2018-00478 Wetland 1 NWPR	0.022 acres	(b)(1) Non-adjacent wetland	The wetland is not flooded by, and it does not abut or contribute any flows to an (a)(1), (a)(2), or (a)(3) water. The wetland only holds water from backflow from the ephemeral streams on site during and directly after a precipitation event.
SWF-2018-00478 Wetland 2 NWPR	0.029 acres	(b)(1) Non-adjacent wetland	The wetland is not flooded by, and it does not abut or contribute any flows to an (a)(1), (a)(2), or (a)(3) water. The wetland only holds water from backflow from the ephemeral streams on site during and directly after a precipitation event.
SWF-2018-00478 Wetland 3 NWPR	0.031 acres	(b)(1) Non-adjacent wetland	The wetland is not flooded by, and it does not abut or contribute any flows to an (a)(1), (a)(2), or (a)(3) water. The wetland only holds water from backflow from the ephemeral streams on site during and directly after a precipitation event.
SWF-2018-00478 Wetland 4 NWPR	0.103 acres	(b)(1) Non-adjacent wetland	The wetland is not flooded by, and it does not abut or contribute any flows to an (a)(1), (a)(2), or (a)(3) water. The wetland only holds water from backflow from the ephemeral streams on site during and directly after a precipitation event.
SWF-2018-00478 Wetland 5 NWPR	0.003 acres	(b)(1) Non-adjacent wetland	The wetland is not flooded by, and it does not abut or contribute any flows to an (a)(1), (a)(2), or (a)(3) water. The wetland only holds water from backflow from the ephemeral streams on site during and directly after a precipitation event.
SWF-2018-00478 Wetland 6 NWPR	0.012 acres	(b)(1) Non-adjacent wetland	The wetland is not flooded by, and it does not abut or contribute any flows to an (a)(1), (a)(2), or (a)(3) water. The wetland only holds water from backflow from the ephemeral streams on site during and directly after a precipitation event.
SWF-2018-00478 Wetland 7 NWPR	0.006 acres	(b)(1) Non-adjacent wetland	The wetland is not flooded by, and it does not abut or contribute any flows to an (a)(1), (a)(2), or (a)(3) water. The wetland only holds water from backflow from the ephemeral streams on site during and directly after a precipitation event.

**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.

X Information submitted by, or on behalf of, the applicant/consultant: *Westport 22 (Swf-2018-00478) – NWRP Review, December 3, 2020*. This information *is* sufficient for purposes of this AJD.

Rationale: *N/A*



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- Data sheets prepared by the Corps: *N/A*
- Photographs: *Aerial Photographs: Google Earth Imagery, Various Years. Site Photographs provided by Peloton, Attachment B, dated September 28, 2020.*
- Corps Site visit(s) conducted on: *N/A.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *SWF-2018-00478, Rapanos PJD*
- Antecedent Precipitation Tool: *N/A*
- USDA NRCS Soil Survey: *N/A*
- USFWS NWI maps: *N/A*
- USGS topographic maps: *Westport 22 (SWF-2018-00478) USGS Topographic Exhibit, Sheet No. 4*

**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	<i>FEMA Exhibit – Sheet No. 5, dated 9/16/2020</i>

- B. Typical year assessment(s):** *N/A*
- C. Additional comments to support AJD:** *Enclosures listed above are attached.*