



**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): [3/15/2021](#)
 ORM Number: [SWF-2020-00309](#)
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [Texas](#) City: [Clifton](#) County/Parish/Borough: [Bosque](#)
 Center Coordinates of Review Area: Latitude [31.831036](#) Longitude [-97.530409](#)

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
SWF-2020-00309-1 (IS1)	1078 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Project information provided by the consultant and supporting data indicate that IS1 is an intermittent stream segment of Childress Creek. Childress Creek eventually becomes a perennial stream that has a confluence with the Brazos River, an (a)(1) navigable water. The consultant’s delineation report states that flowing water was observed at the time of field investigations. Additionally, aerial imagery indicates evidence of flow on the following dates: 2011-05-02, 2016-11-18 (Google Earth), 2018-05-15, 2019-01-04,

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
				2020-12-19 (Digital Globe). The drainage area of the watershed is approximately 2000 acres. 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.
SWF-2020-00309-2 (IS2)	1352	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Same rationale as SWF-2020-00309-1 (IS1)
SWF-2020-00309-3 (IS3)	532	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Same rationale as SWF-2020-00309-1 (IS1)
SWF-2020-00309-4 (IS4)	1086	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Same rationale as SWF-2020-00309-1 (IS1)
SWF-2020-00309-5 (IS5)	1067	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Project information provided by the consultant, a USACE site visit, and supporting data indicate that IS5 is an intermittent stream segment of an unnamed tributary to Childress Creek. As previously described, Childress Creek is an (a)(2) intermittent and perennial stream that has a confluence with the Brazos River. During USACE site visits on 2020-12-02 and 2021-01-08 flowing and pooling water was observed. The drainage area of the watershed is approximately 450 acres. 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.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
SWF-2020-00309-6 (IS6)	1054	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Same rationale as SWF-2020-00309-5 (IS5)
SWF-2020-00309-7 (IS7)	1046	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Same rationale as SWF-2020-00309-5 (IS5)
SWF-2020-00309-8 (IS8)	435	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Same rationale as SWF-2020-00309-1 (IS1)

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
SWF-2020-00309-9 (OW1)	0.380	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.	Project information provided by the consultant and supporting data indicate that OW1 is an artificially constructed, open water pond. The consultant's delineation determined and USACE confirmed that OW1 does not meet wetland criteria. Aerial imagery and topographic mapping (oldest assessed map from 1956) indicate that OW1 is an excavated pit pond that intersects the OHWM of Childress Creek, an (a)(2) intermittent stream that is a tributary to the Brazos River, an (a)(1) water. The Corps has determined that OW1 is an (a)(3) pond constructed from a jurisdictional (a)(2) intermittent tributary that contributes surface water flow directly to an (a)(1) water in a typical year.
SWF-2020-00309-10 (OW2)	0.082	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or	Project information provided by the consultant and supporting data indicate that OW2 is an artificially constructed, open water pond. The consultant's delineation determined and USACE confirmed that OW2 does not meet wetland criteria. Aerial imagery and topographic mapping indicate that OW2 was



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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
		indirectly to an (a)(1) water in a typical year.	excavated as a pit pond that intersected the OHWM of Childress Creek. However, after 1981, the segment of Childress Creek with OW2 was partially diverted with a human-constructed channel. The human-constructed channel has become an emergent wetland (EW5) that presently abuts OW2. EW5 abuts Childress Creek (IS2 and IS1), which is a tributary to the Brazos River, an (a)(1) water. The Corps has determined that OW2 is an (a)(3) pond that contributes surface water flow directly to an (a)(1) water in a typical year.
SWF-2020-00309-11 (OW3)	2.38	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.
		(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.	Project information provided by the consultant and supporting data indicate that OW3 is an artificially constructed, open water pond. The consultant's delineation determined and USACE confirmed that OW3 does not meet wetland criteria. Aerial imagery and topographic mapping indicate that OW4 (constructed after 1981) is an excavated pit pond that intersects the OHWM of Childress Creek. However, after 1981, the segment of Childress Creek with OW3 was partially diverted with a human-constructed channel (D1). Although the flow of water partially is diverted by D1, OW3 is a (a)(3) water because it contributes surface water flow directly to an (a)(1) water in a typical year by abutting IS8 to the north and EW7 to the south. EW7 abuts IS2. IS8 and IS2 are intermittent stream segments of Childress Creek. Childress Creek is a tributary to the Brazos River, an (a)(1) water.
SWF-2020-00309-12 (OW4)	0.082	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.
		(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.	Project information provided by the consultant, USACE site visit, and supporting data indicate that OW4 is an is an artificially constructed, open water pond. The consultant's delineation determined and USACE confirmed that OW4 does not meet wetland criteria. Aerial imagery and topographic mapping indicate that OW4 (constructed after 1981) is an excavated pit pond that intersects the OHWM of an unnamed tributary to Childress Creek, an (a)(2) intermittent stream that is a tributary to Childress Creek. Childress Creek is a tributary to the Brazos River, an (a)(1) water. The Corps has determined that OW4 is an (a)(3) pond constructed from a jurisdictional (a)(2) intermittent tributary that contributes surface water flow directly to an (a)(1) water in a typical year.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
SWF-2020-00309-13 (SSW1), SWF-2020-00309-14 (EW1), SWF-2020-00309-15 (FW1), SWF-2020-00309-16 (EW2)	0.813, 0.298, 0.084, 1.216	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	<p>Project information provided by the consultant, USACE site visit, and supporting data indicate that this wetland complex is a combination of shrub/Scrub (SSW1), emergent (EW1, EW2), and forested (FW1) wetland types. NWI mapping identifies SSW1 as a shrub/scrub wetland (PSS1A) and EW1, EW2 as emergent wetland (PEM1A). The forested wetland has not been identified by NWI mapping.</p> <p>SSW1 is the easternmost portion of the wetland complex and, in a typical year, has a direct hydrologic surface connection to an unnamed tributary to Childress Creek, an (a)(2) intermittent water. The project boundary is County Road 3240, which also is the eastern limit of SSW1. In a typical year, water flows from SSW1 through a culvert (an artificial structure) in CR3340 to an unnamed tributary not within the project boundary. Because field work was not conducted offsite, aerial imagery was utilized to provide evidence of flow from SSW1 through the culvert to the offsite (a)(2) unnamed tributary to Childress Creek.</p> <p>Typical year assessment was made by using the APT for Digital Globe imagery dates, 2019-01-04 and 2020-12-19, each exhibiting normal conditions during the wet season. Precipitation amounts of, 0.58 and 2.60 inches, were recorded 4 and 8 days, respectively, prior to 2020-01-04. A combined 0.59 and 1.91 inches of precipitation was recorded in December and November, respectively, prior to 2020-12-19. Precipitation data was recorded at Whitney Dam, approximately 9 miles from the project site. It is the Corps' determination that the offsite, unnamed tributary does flow more than in direct response to precipitation in a typical year and is at present classified as having intermittent flow.</p> <p>EW1, EW2, and FW1 share a common border and are one contiguous wetland. Water flows from the wetland portion identified as EW1 through artificial structures (C1, 4 corrugated metal pipes) in a private road that connect hydrologically to SSW1 in a typical year.</p> <p>The Corps has determined based on project information provided by the consultant and the</p>



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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
				supporting data that SSW1, EW1, EW2, and FW1 meet (a)(4) criteria.
SWF-2020-00309-17 (EW4)	0.458	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The consultant's delineation determined and USACE confirmed that EW4 meets emergent wetland criteria. EW4 is within a relict stream channel of Childress Creek, an (a)(2), intermittent stream. LiDAR imagery indicates that EW4 is an adjacent wetland that abuts IS1 (i.e., Childress Creek). FEMA National Flood Hazard Layer indicates that EW4 is within Zone A floodplain. Additionally, LiDAR imagery and topographic mapping indicate, based on elevation, EW4 is inundated by Childress Creek in a typical year. Aerial imagery indicates evidence of inundation in a typical year on the following dates: 2011-05-02 (Google Earth), 2018-05-15, 2019-01-04, 2020-12-19 (Digital Globe). See section IIIB for typical year assessment to support our determination. The Corps has determined based on project information provided by the consultant and the supporting data that EW4 meets (a)(4) criteria.
SWF-2020-00309-18 (EW3)	0.078	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The consultant's delineation determined and USACE confirmed that EW3 meets emergent wetland criteria. LiDAR imagery indicates that EW3 is an adjacent wetland that abuts IS1 (i.e., Childress Creek). FEMA National Flood Hazard Layer indicates that EW3 is within Zone A floodplain. Additionally, LiDAR imagery and topographic mapping indicate, based on elevation, EW3 is inundated by Childress Creek in a typical year. Aerial imagery indicates evidence of inundation in a typical year on the following dates: 2011-05-02 (Google Earth), 2018-05-15, 2019-01-04, 2020-12-19 (Digital Globe). See section IIIB for typical year assessment to support our determination. The Corps has determined based on project information provided by the consultant and the supporting data that EW3 meets (a)(4) criteria.
SWF-2020-00309-19 (EW5)	0.091	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, EW5 abuts IS2 and IS1.
SWF-2020-00309-20 (EW6)	0.435	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, EW6 abuts IS2 and IS1.
SWF-2020-00309-21 (EW7)	0.832	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, EW7 abuts IS2 and OW3.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
SWF-2020-00309-22 (EW8)	0.317	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, EW8 abuts IS8 and IS3.
SWF-2020-00309-23 (EW9)	0.088	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, EW9 abuts IS3.
SWF-2020-00309-24 (EW10)	0.054	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, EW10 abuts IS3 and IS4.
SWF-2020-00309-25 (EW11)	0.165	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, EW11 abuts IS4.
SWF-2020-00309-26 (FW2)	0.076	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, FW2 is a forested wetland that abuts IS4.
SWF-2020-00309-27 (SSW2)	0.274	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-18 (EW3); however, SSW2 is a shrub/scrub wetland that abuts IS4.
SWF-2020-00309-28 (EW12)	0.024	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The consultant's delineation determined and USACE confirmed that EW12 meets emergent wetland criteria. LiDAR imagery indicates that EW12 is an adjacent wetland that abuts IS5 (i.e., unnamed tributary to Childress Creek). FEMA National Flood Hazard Layer indicates that EW12 is within Zone A floodplain. Additionally, LiDAR imagery and topographic mapping indicate, based on elevation, EW12 is inundated by the unnamed tributary to Childress Creek in a typical year. Aerial imagery indicates evidence of inundation in a typical year on the following dates: 2011-05-02 (Google Earth), 2018-05-15, 2019-01-04, 2020-12-19 (Digital Globe). See section IIIB for typical year assessment to support our determination. Thus, the Corps has determined based on project information provided by the consultant and the supporting data that EW12 meets (a)(4) criteria.
SWF-2020-00309-29 (EW13)	0.526	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-28 (EW12); however, EW13 abuts IS5 and IS6.
SWF-2020-00309-30 (FW3)	0.137	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-28 (EW12); however, FW3 is a forested wetland that encompasses OW4 and abuts IS6 and IS7.
SWF-2020-00309-31 (EW14)	0.204	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Same rationale as SWF-2020-00309-28 (EW12); however, EW14 abuts IS7.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
SWF-2020-00309-32 (D1)	1076	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Aerial imagery and topographic mapping indicate that the water feature (D1) is a ditch that was constructed within upland (dry land). Aerial imagery shows a linear, human-constricted channel, that was constructed after 1981. D1 is hydrologically connected to Childress Creek (IS8 to the north and EW7/IS2 to the south), an (a)(2) intermittent stream. However, D1 is not a jurisdictional water because the ditch diverts water only partially from Childress Creek as indicated by using LiDAR imagery. LiDAR imagery indicates that Childress Creek flows from IS8 into OW3 to EW7 to IS2. LiDAR imagery indicates that D1 likely is an overflow channel from OW3. The Corps has determined that the water feature meets (b)(5) exclusion criteria.
SWF-2020-00309-33 (C1)	40	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	USACE site visit and aerial imagery indicate that the water feature (C1) has been replaced by an artificial structure (4 corrugated metal pipes). Google Earth imagery indicates that the culverts were constructed between 2011 and 2014 within wetlands. Although the culverted area is not jurisdictional, they are a surface water connection between EW1 and SSW1 in a typical year. The Corps has determined that the culverted area meets (b)(1) exclusion criteria.
SWF-2020-00309-34 (E1)	488	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that E1 is an erosional feature that has formed or was constructed within a swale (VS1). Aerial imagery shows a linear channel either constructed or occurring naturally as overflow from P1 after 1995. Landscape use of the project area is row-crop agriculture/hayed/livestock-grazed pasture. NHD, NWI, and topographic mapping do not identify the water feature. Water from the erosional feature flows east into Childress Creek. The drainage area is less than 75 acres. The Corps has determined based on project information provided by the consultant and the supporting data that E1 meets (b)(3) exclusion criteria.

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
SWF-2020-00309-35 (VS1)	608	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS1 is a vegetated swale. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. The lack of stream characteristics indicate that the swale conveys flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. The swale flows into and out of P1 (constructed after 1995) and then forms into an erosional feature (E1) prior to its confluence with Childress Creek. Landscape use is same as previously described. NHD, NWI, and topographic mapping do not identify the water feature. The Corps has determined based on project information provided by the consultant and the supporting data that VS1 meets (b)(3) exclusion criteria.
SWF-2020-00309-36 (P1)	0.27	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).	The consultant's delineation determined and USACE confirmed that P1 is a pond that was constructed by excavating a vegetated swale (VS1), a (b)(3) excluded water feature. The Corps has determined based on project information provided by the consultant and the supporting data that P1 meets (b)(8) exclusion criteria. Reference rationale for VS1 for additional details to support the Corps' determination.
SWF-2020-00309-37 (E2)	332	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that E2 is an erosional feature that has formed within a swale (VS2). NHD, NWI, and topographic mapping do not identify the water feature. The drainage area is less than 70 acres. The Corps has determined based on project information provided by the consultant and the supporting data that E2 meets (b)(3) exclusion criteria. Reference rationale for VS2 for additional details to support the Corps' determination.
SWF-2020-00309-38 (VS2)	2791	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS2 is a vegetated swale. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. The lack of stream characteristics indicate that the swale conveys flows only in



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. P2 and P3 have been excavated from the swale. NHD, NWI, and topographic mapping do not identify the water feature. Water from the swale flows west into Childress Creek. The drainage area is less than 70 acres. The Corps has determined based on project information provided by the consultant and the supporting data that VS2 meets (b)(3) exclusion criteria.
SWF-2020-00309-39 (P2)	0.47	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).	The consultant's delineation determined and USACE confirmed that P2 is a pond that was constructed by excavating a vegetated swale (VS2). The Corps has determined based on project information provided by the consultant and the supporting data that P2 meets (b)(8) exclusion criteria. Reference rationale for VS2 for additional details to support the Corps' determination.
SWF-2020-00309-40 (P3)	0.48	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).	Same rationale as SWF-2020-00309-39 (P2).
SWF-2020-00309-41 (E3)	1022	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that E3 is an erosional feature that has formed within upland on the northeast side of a pond (P4) that was constructed after 1995. NHD, NWI, and topographic mapping do not identify the water feature. The drainage area is less than 50 acres. The Corps has determined based on project information provided by the consultant and the supporting data that E3 meets (b)(3) exclusion criteria. Reference



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				rationale for P4 for additional details to support the Corps' determination.
SWF-2020-00309-42 (P4)	0.29	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).	The consultant's delineation determined and USACE confirmed that P4 was excavated within upland after 1995. P4 is isolated, i.e., not hydrologically connected to a (a)(1)-(a)(4) water. Topography/LiDAR indicates that water flows from P4 into Childress Creek (likely as overland sheet flow within a shallow valley greater than 500 ft in width. Stream characteristics are not observable between (i.e., hydrologically connecting) P4 and Childress Creek. The drainage area for the pond is less than 50 acres. The Corps has determined based on project information provided by the consultant and the supporting data that P4 meets (b)(8) exclusion criteria.
SWF-2020-00309-43 (P5)	0.05	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).	Same rationale as SWF-2020-00309-42 (P4).
SWF-2020-00309-44 (E4)	443	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that E4 is an erosional feature that has formed on the border of an existing row-crop agriculture field and grazed livestock pasture after 2008. E4 is isolated, i.e., not hydrologically connected to a (a)(1)-(a)(4) water. The Corps has determined based on project information provided by the consultant and the supporting data that E4 meets (b)(3) exclusion criteria.
SWF-2020-00309-45 (ES1)	227	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation and USACE confirmed that ES1 is an ephemeral stream portion of an unnamed tributary to Childress Creek. ES1 connects hydrologically to IS7, an (a)(2) intermittent tributary to Childress Creek. During the USACE site visit on 2020-12-02, flowing and pooling water was not observed within the stream portion identified as ES1. NHD,



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				NWI, and topography mapping does identify the stream. The stream flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. The drainage area is approximately 150 acres. See section IIIB for typical year assessment for the date of USACE site visit on 2020-12-02. The Corps has determined based on project information provided by the consultant and the supporting data that ES1 meets (b)(3) exclusion criteria.
SWF-2020-00309-46 (VS3)	400	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS3 is a vegetated swale. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. The lack of stream characteristics indicate that the swale conveys flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. NHD, NWI, and topographic mapping do not identify the water feature. Water from the swale flows northeast into an unnamed tributary to Childress Creek. The drainage area is less than 50 acres. The Corps has determined based on project information provided by the consultant and the supporting data that VS3 meets (b)(3) exclusion criteria.
SWF-2020-00309-47 (VS4)	1214	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS4 is a vegetated swale. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. VS4 is isolated, i.e., not hydrologically connected to a (a)(1)-(a)(4) water. Topography/LiDAR indicates that water flows from VS4 into Childress Creek (as overland sheet flow within a shallow valley greater than 900 ft in width. Stream characteristics are not observable between VS4 and Childress Creek (i.e., hydrologically not connected). The drainage area for the pond is less than 50 acres. The Corps has determined based on project information provided by the consultant and the supporting data that VS4 meets (b)(3) exclusion criteria.
SWF-2020-00309-48 (ES2)	1846	linear feet	(b)(3) Ephemeral feature, including an ephemeral	The consultant's delineation and USACE confirmed that ES2 is an ephemeral stream portion of an unnamed tributary to Childress



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	Creek. ES2 connects hydrologically (i.e., abuts) to EW2, an (a)(4) wetland. During the USACE site visit on 2020-12-02, flowing and pooling water was not observed within the stream portion identified as ES2. NHD, NWI, and topography mapping does identify the stream. The stream flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. The drainage area is approximately 350 acres. See section IIIB for typical year assessment for the date of USACE site visit on 2020-12-02. The Corps has determined based on project information provided by the consultant and the supporting data that ES2 meets (b)(3) exclusion criteria.
SWF-2020-00309-49 (EW15)	0.12	acre(s)	(b)(1) Non-adjacent wetland.	The consultant's delineation determined and USACE confirmed that EW15 meets emergent wetland criteria. However, EW15 exists within ES2, a (b)(3) excluded ephemeral stream. The Corps has determined based on project information provided by the consultant and the supporting data that EW15 meets (b)(1) exclusion criteria. Reference rationale for ES2 for additional details to support the Corps' determination.
SWF-2020-00309-50 (VS5)	2275	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS5 is a vegetated swale. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. The lack of stream characteristics indicate that the swale conveys flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. NHD, NWI, and topographic mapping does identify the water feature. Water from the swale flows southeast into ES2, an unnamed stream to Childress Creek. During the USACE site visit on 2020-12-02, flowing and pooling water was not observed within VS5. The drainage area is less than 150 acres. The Corps has determined based on project information provided by the consultant and the supporting data that VS5 meets (b)(3) exclusion criteria.
SWF-2020-00309-51 (VS6)	1984	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Same rationale as SWF-2020-00309-50 (VS5).



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	
SWF-2020-00309-52 (VS7)	1693	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS7 is a vegetated swale within the uppermost reach of a stream system that has a confluence with the North Bosque River. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. The lack of stream characteristics indicate that the swale conveys flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. NHD, NWI, and topographic mapping do not identify the water feature. Water from the swale flows southwest into an unnamed stream that connects to the North Bosque River. The drainage area is less than 50 acres. The Corps has determined based on project information provided by the consultant and the supporting data that VS7 meets (b)(3) exclusion criteria.
SWF-2020-00309-53 (EW16)	0.064	acre(s)	(b)(1) Non-adjacent wetland.	The consultant's delineation determined and USACE confirmed that EW16 meets emergent wetland criteria. However, EW16 exists within VS7, a (b)(3) excluded water feature. The Corps has determined based on project information provided by the consultant and the supporting data that EW16 meets (b)(1) exclusion criteria. Reference rationale for VS7 for additional details to support the Corps' determination.
SWF-2020-00309-54 (ES3)	1142	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation and USACE confirmed that ES3 is an unnamed ephemeral stream portion of a stream system that has a confluence to the North Bosque River. ES3 flows southwest, out of the project boundary. During the USACE site visit on 2020-12-02, flowing and pooling water was not observed within ES3. NHD, NWI, and topographic mapping do not identify the stream. The stream flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. The drainage area is approximately 100 acres. See section IIIB for typical year assessment for the date of USACE site visit on 2020-12-02. The Corps has determined based on project information provided by the consultant and the supporting data that ES3 meets (b)(3) exclusion criteria.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWF-2020-00309-55 (VS8)	855	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS8 is a vegetated swale. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. The lack of stream characteristics indicate that the swale conveys flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. NHD, NWI, and topographic mapping does not identify the water feature. Water from the swale flows southwest into ES3, an unnamed stream within a stream system that has a confluence with the North Bosque River. During the USACE site visit on 2020-12-02, flowing and pooling water was not observed within VS8. The drainage area is less than 75 acres. The Corps has determined based on project information provided by the consultant and the supporting data that VS8 meets (b)(3) exclusion criteria.
SWF-2020-00309-56 (VS9)	830	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same rationale as SWF-2020-00309-55 (VS8).
SWF-2020-00309-57 (VS10)	246	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same rationale as SWF-2020-00309-55 (VS8).
SWF-2020-00309-58 (EW17)	0.156	acre(s)	(b)(1) Non-adjacent wetland.	The consultant's delineation determined and USACE confirmed that EW17 meets emergent wetland criteria. However, EW17 exists within VS8, a (b)(3) excluded water feature. The Corps has determined based on project information provided by the consultant and the supporting data that EW17 meets (b)(1) exclusion criteria. Reference rationale for VS8 for additional details to support the Corps' determination.
SWF-2020-00309-59 (EW18)	0.058	acre(s)	(b)(1) Non-adjacent wetland.	Same rationale as SWF-2020-00309-58 (EW17).
SWF-2020-00309-60 (VS11)	1835	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same rationale as SWF-2020-00309-50 (VS5); however, NHD, NWI, and topographic mapping does not identify the water feature and the drainage area is less than 100 acres



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWF-2020-00309-61 (VS12)	1830	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same rationale as SWF-2020-00309-60 (VS11).
SWF-2020-00309-62 (VS13)	1426	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS13 is a vegetated swale. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. The lack of stream characteristics indicate that the swale conveys flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. P6 has been excavated from the swale. NHD, NWI, and topographic mapping do not identify the water feature. Water from the swale flows northeast into an unnamed tributary to Childress Creek. The drainage area is less than 100 acres. The Corps has determined based on project information provided by the consultant and the supporting data that VS13 meets (b)(3) exclusion criteria.
SWF-2020-00309-63 (P6)	0.123	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).	The consultant's delineation determined and USACE confirmed that P6 is a pond that was constructed by excavating a vegetated swale (VS13). The Corps has determined based on project information provided by the consultant and the supporting data that P6 meets (b)(8) exclusion criteria. Reference rationale for VS13 for additional details to support the Corps' determination.
SWF-2020-00309-64 (EW19)	0.166	acre(s)	(b)(1) Non-adjacent wetland.	The consultant's delineation determined and USACE confirmed that EW19 meets emergent wetland criteria. However, EW19 exists within VS13, a (b)(3) excluded water feature. The Corps has determined based on project information provided by the consultant and the supporting data that EW19 meets (b)(1) exclusion criteria. Reference rationale for VS13 for additional details to support the Corps' determination.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWF-2020-00309-65 (VS14)	1363	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined and USACE confirmed that VS14 is a vegetated swale. The swale does not have an ordinary high-water mark; defined bed and bank are not observable. The lack of stream characteristics indicate that the swale conveys flows only in direct response to precipitation events and does not support sustained flows for any duration after precipitation events have ended. NHD, NWI, and topographic mapping do not identify the water feature. Water from the swale flows southeast and is within the uppermost reach of Womack Branch, a tributary to Childress Creek. The drainage area is less than 60 acres. The Corps has determined based on project information provided by the consultant and the supporting data that VS14 meets (b)(3) exclusion criteria.

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., including wetlands, reports for Hickerson Solar, prepared and submitted by Cox/McLain, 2020-11-27 and 2021-01-29 were referenced throughout the AJD; available within electronic project file, SWF-2020-00309](#)

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 submitted by the consultant \(2021-01-29\) and USACE \(2020-12-02 and 2021-01-08\), available within the electronic project file, SWF-2020-00309](#)

Corps site visit(s) conducted on: [2020-12-02 and 2021-01-08](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [Detailed discussion provided in Section III.B.](#)

USDA NRCS Soil Survey: [Information provided by the consultant \(2021-01-29\), available within the electronic project file, SWF-2020-00309](#)

USFWS NWI maps: [ESRI managed imagery, SWF Regulatory Viewer, 2021-03-11](#)

USGS topographic maps: [Clifton, Laguna Park, Pilot Knob 7.5-minute topographical Quadrangle; ESRI managed imagery, SWF Regulatory Viewer, 2021-03-11](#)

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, 2021-03-11
USDA Sources	N/A.
NOAA Sources	Climate Data Online (https://www.ncdc.noaa.gov/cdo-web/): Daily Climatological Observations



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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Location and topographic maps provided by the consultant

B. Typical year assessment(s): Typical year assessment was made by using APT for aerial imagery used to provide evidence of flow for IS1, IS2, IS3, and IS4 on the following dates: 2011-05-02, normal conditions during severe drought in the dry season, with 0.68 and 0.95 inches of precipitation recorded on the imagery date and 21 days prior; 2016-11-18, drier than normal conditions during the wet season, with 0.66 inches of precipitation recorded over a 30-day period prior to the date of the image; 2018-05-15, normal conditions during mild drought during the dry season, with 2.8 inches of precipitation recorded 9 days prior to the date of the image and trace amounts recorded over the 30-day period prior to the date the 2.8 inches was recorded; 2019-01-04 and 2020-12-19, normal conditions during the wet season. All precipitation data was recorded at Whitney Dam, approximately 9 miles from the project site.

Typical year assessment was made for IS5, IS6, and IS7 by using APT for the date of the Corps' site visits, 2020-12-02 and 2021-01-08, conditions were normal during the wet season. 1.02 inches of precipitation was recorded 3 days prior to the December site visit; a combined 1.69 inches of precipitation was recorded 8 and 9 days prior to the January site visit. Flow and pooling of water was observed during each site visit (reference enclosed mapped photo log).

It is the Corps' determination through an assessment of all available information that flow within IS1-IS7 does occur more than in direct response to precipitation in a typical year and is at present classified as having intermittent flow.

Typical year assessment was made for EW4 by using APT for aerial imagery used to provide evidence of inundation in a typical year on the following dates: 2011-05-02 (Google Earth), 2018-05-15, 2019-01-04, 2020-12-19 (Digital Globe). See above for detailed conditions of precipitation for each date.

C. Additional comments to support AJD: Enclosures: Project Area Map (Figure 1), Topographic Map (Figure 2), Project Area Soils Map (Figure 4), Water Resources Map (Figure 5), Waters of the US and Water Features Map (Figure 6), and APT Data Forms (2011-05-02, 2016-11-18, 2018-05-15, 2019-01-04, 2020-12-19, 2020-12-02, 2021-01-08).