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): 4/9/2021
ORM Number: SWF-2020-00391
Associated JDs: N/A
Review Area Location[1]: State/Territory: Texas City: Justin County/Parish/Borough: Denton
Center Coordinates of Review Area: Latitude 33.021686 Longitude -97.346833

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)[2]

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

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Tributary 1	3862	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A review of delineation information submitted by the consultant, other information available to USACE, and a site visit, revealed that Tributary 1 exhibits well-defined bed and bank, sediment sorting, changes in vegetation at the OHWM, OBL/FACW vegetation along the channel, pooled segments, macro-invertebrates, algae accumulation, and evidence of out-of-bank event(s) at

[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
				discrete points along its course. Tributary-1 discharges into Elizabeth Creek, and ultimately into the Trinity River which is a Section 10 TNW for much of its course. The Corps has determined that this aquatic feature meets the criteria of an (a)(2) intermittent tributary which flows indirectly into an (a)(1) water.

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.	N/A

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 2	0.08	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	A review of delineation information submitted by the consultant, other information available to USACE, and a site visit, revealed that Wetland 2, located within a 100-year floodplain, exhibits the criteria of an emergent wetland. Wetland 2 abuts Tributary 1, an (a)(2) intermittent tributary, and receives regular inundation from this jurisdictional feature. The Corps has determined that this aquatic feature meets the criteria of an (a)(4) wetland inundated by flooding.
Wetland 3	0.03	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A review of delineation information submitted by the consultant, other information available to USACE, and a site visit, revealed that Wetland 3, located within a 100-year floodplain, exhibits the criteria of an emergent wetland. Wetland 3 directly abuts Tributary 1, an (a)(2) intermittent tributary, and receives regular inundation from this jurisdictional feature. The Corps has determined that this aquatic feature meets the criteria of an (a)(4) wetland inundated by flooding.
Wetland 4	0.20	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A review of delineation information submitted by the consultant, other information available to USACE, and a site visit, revealed that Wetland 4, located within a 100-year floodplain, exhibits the criteria of a forested wetland. Wetland 4 directly abuts Tributary 1, an (a)(2) intermittent tributary, and receives regular inundation from this jurisdictional feature. The Corps has determined that this aquatic feature meets the criteria of an (a)(4) wetland inundated by flooding.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 5	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A review of delineation information submitted by the consultant, other information available to USACE, and a site visit, revealed that Wetland 5, located within a 100-year floodplain, exhibits the criteria of a forested wetland. Wetland 5 abuts Tributary 1, an (a)(2) intermittent tributary, and receives regular inundation from this jurisdictional feature. The Corps has determined that this aquatic feature meets the criteria of an (a)(4) wetland inundated by flooding.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wetland 1	1.71	acre(s)	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	Project information provided by the consultant, USACE site visit, and supporting data indicate that this feature is an emergent wetland abutting and extending upslope of Ephemeral Feature 1. Thus, the Corps has determined the feature meets the criteria of a(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.
Ephemeral Feature 1	858	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that this feature is ephemeral, lacking characteristics other than ephemeral flow, contrasting with seasonally intermittent Tributary 1 onsite, which Ephemeral Feature 1 hydrologically connects. This feature appears to have once received hydrologic input upslope where Wetland 1 is now located. Local anthropogenic changes appear to have greatly reduced this hydrology. The Corps has determined the

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				tributary meets the criteria of a (b)(3) excluded water feature.
Ephemeral Feature 2	71	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that Ephemeral Feature 2 lacks characteristics other than ephemeral flow, contrasting with seasonally intermittent Tributary 1 onsite. This feature hydrologically connects Wetland 2 with Tributary 1. The Corps has determined the tributary meets the criteria of a (b)(3) excluded water feature.
Ephemeral Feature 3	65	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that Ephemeral Feature 3 lacks characteristics other than ephemeral flow, contrasting with seasonally intermittent Tributary 1 onsite. This feature hydrologically connects to Wetland 5. The Corps has determined the tributary meets the criteria of a (b)(3) excluded water feature.
Ephemeral Feature 4	42	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that Ephemeral Feature 4 lacks characteristics other than ephemeral flow, contrasting with seasonally intermittent Tributary 1 onsite. This feature hydrologically connects to Ephemeral Feature 5. The Corps has determined the tributary meets the criteria of a (b)(3) excluded water feature.
Ephemeral Feature 5	157	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				Ephemeral Feature 5 lacks characteristics other than ephemeral flow, contrasting with seasonally intermittent Tributary 1 onsite. This feature hydrologically connects to a low-water crossing bisecting Tributary 1. The Corps has determined the tributary meets the criteria of a (b)(3) excluded water feature.
Ephemeral Feature 6	678	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that Ephemeral Feature 6 lacks characteristics other than ephemeral flow, contrasting with seasonally intermittent Tributary 1 onsite. This feature hydrologically connects to Tributary 1. The Corps has determined the tributary meets the criteria of a (b)(3) excluded water feature.

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: Reference documents within the electonic project file provided by Integrated Environmental Solutions, LLC on December 18, 2020.
This information is sufficient for purposes of this AJD.
Rationale: N/A

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: Google Earth Imagery, Digital Globe, HistoricAerials.com - numerous years. Photographs provided by Integrated Environmental Solutions, LLC.

☒ Corps site visit(s) conducted on: November 5, 2020

☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☐ USDA NRCS Soil Survey: N/A

☒ USFWS NWI maps: ESRI Managed Imagery (SWF Regulatory Viewer), 02-FEB-21 & 25-MAR-21

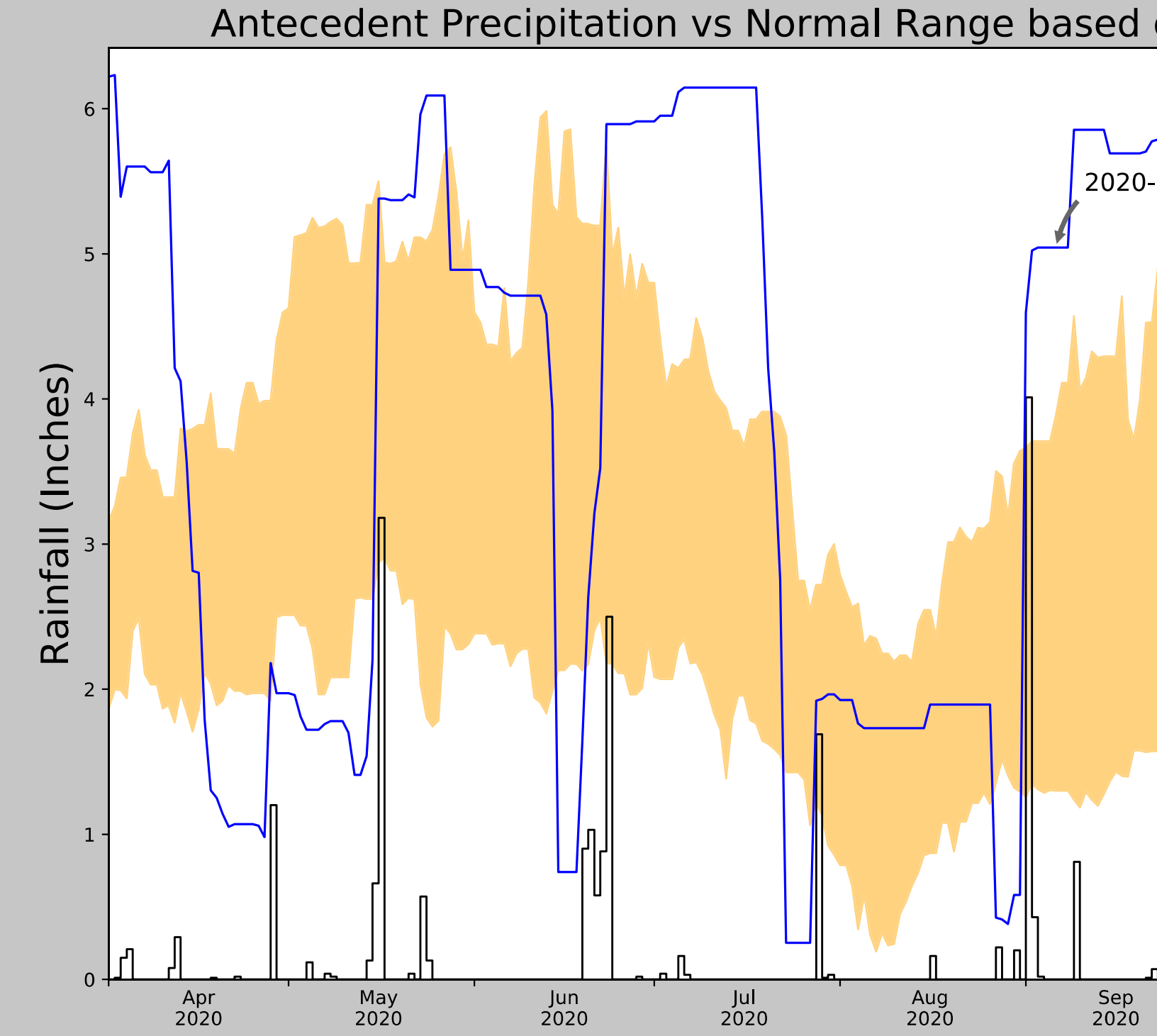
☒ USGS topographic maps: Justin 7.5' Quad 1960, 1961 ed.

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 1203)
USDA Sources	Web Soil Survey, Accessed 2020 and 2021.
NOAA Sources	N/A.
USACE Sources	ESRI Managed Imagery (SWF Regulatory Viewer), multiple layers, multiple dates
State/Local/Tribal Sources	N/A.
Other Sources (FEMA/FIRM)	FEMA Flood Insurance Rate Map: Panel No. 48121C0490G, 04-18-2011

B. Typical year assessment(s): According to the Antecedent Precipitation Tool, the project area was experiencing "drier than normal" conditions during the 05-NOV-2020 USACE site visit. These conditions appear to have persisted from approximately mid October 2020 to the beginning of December 2020. Data show a cluster of recorded precipitation events with lagging wetter-than-normal indicators present from April 2020 through much of July 2020. Beginning in August 2020 a more stochastic series of precipitation events emerged, leveling off to drier-than-normal conditions for which the site visit date was included. After December 2020 and into the first quarter of 2021, precipitation for the area remained generally within the “normal” range.

C. Additional comments to support AJD: N/A



Coordinates	33.021686, -97.346833
Observation Date	2020-11-05
Elevation (ft)	692.8
Drought Index (PDSI)	Mild wetness
WebWIMP H_2O Balance	Wet Season

30 Days Ending	30th %ile (in)	7
2020-11-05	1.883465	
2020-10-06	1.506693	
2020-09-06	1.3	
Result		

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	
FT WORTH ALLIANCE AP	
HASLET	
ROANOKE 4.0 WNW	
JUSTIN	
ROANOKE	
EAGLE MTN LAKE	

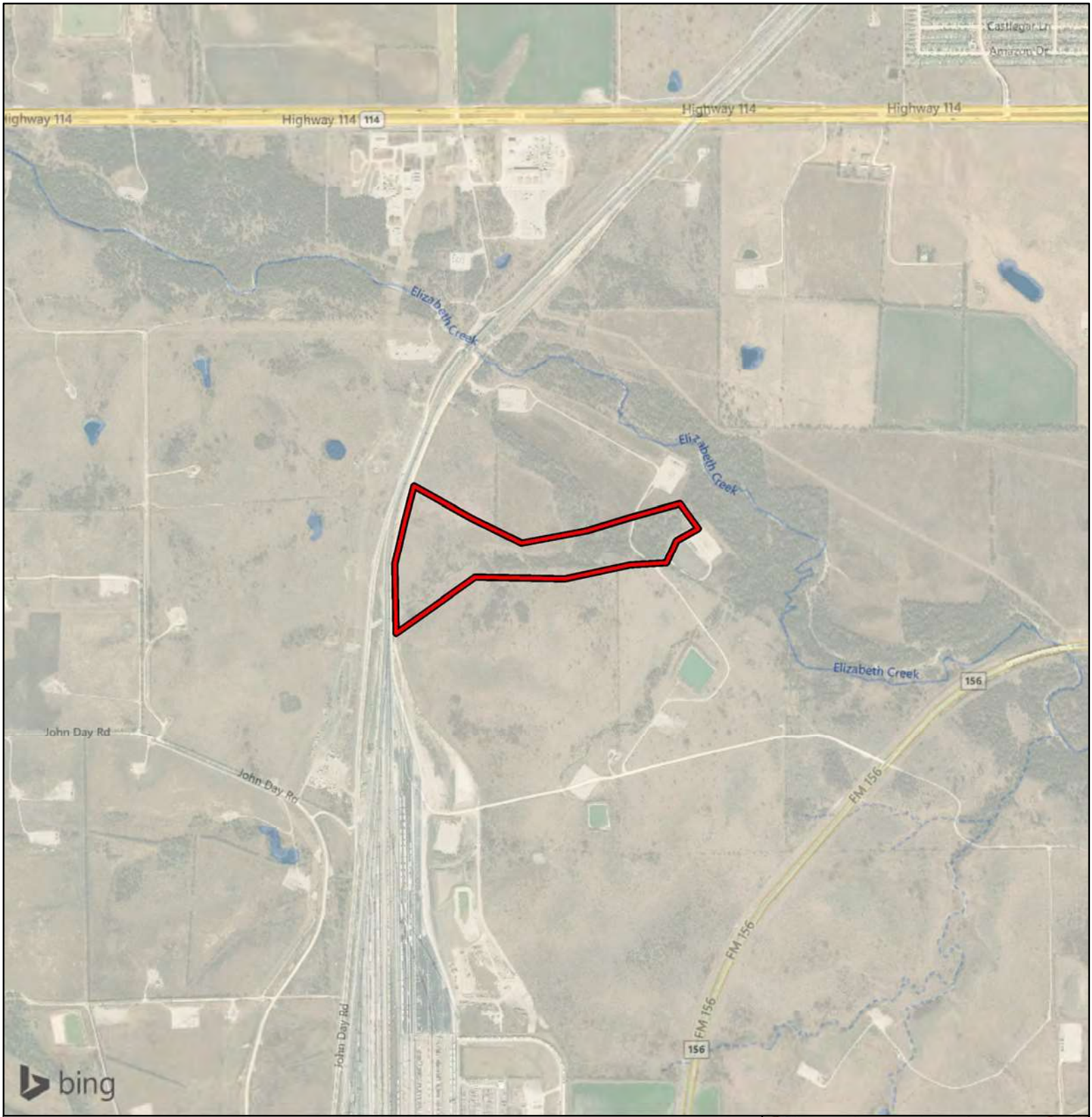
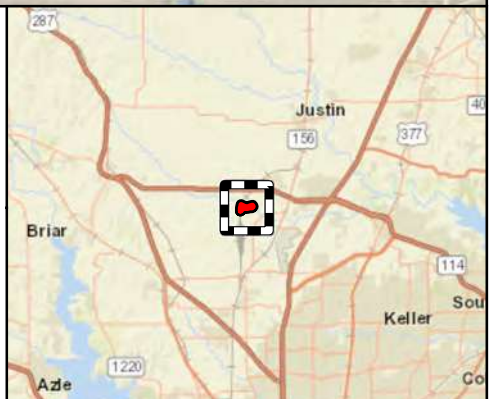


Figure 1.
General Location Map

Alliance East
City of Justin
Denton County, Texas

Survey Area



Area of Detail

1 in = 1,500 feet

Feet
0
1,500

N
W
E
S

File Ref. 04.341.001
Date: 9/22/2020

SWF-2020-00391

Exhibit 1

April 9, 2021

Scale: 1 inch equals 10 miles

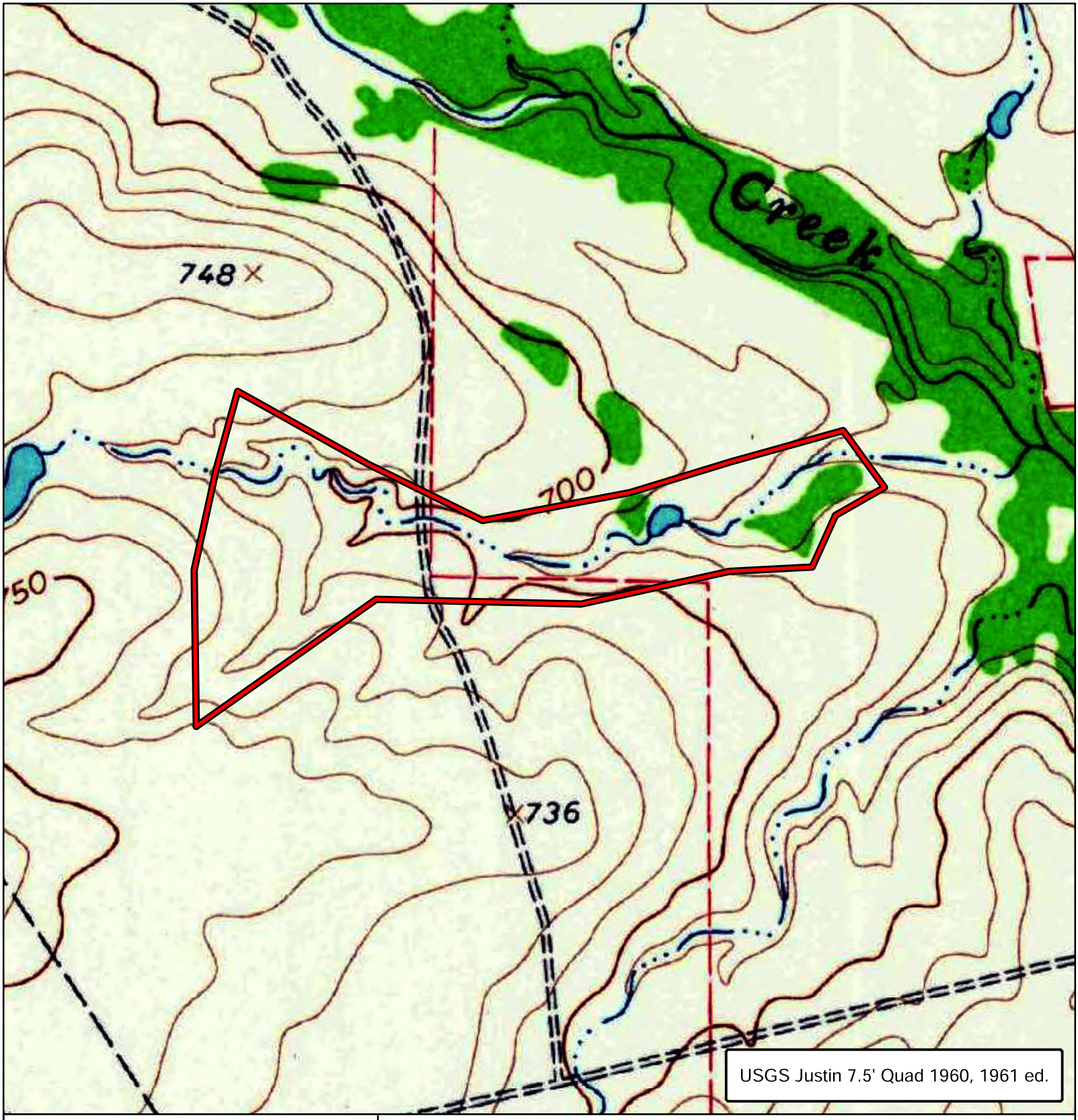


Figure 2A.
Topographic Setting

Alliance East
City of Justin
Denton County, Texas

1 in = 650 feet

Feet
0 650

N
W E
S

File Ref. 04.341.001
Date: 8/22/2020

Survey Area

SWF-2020-00391 Exhibit 2 April 9, 2021

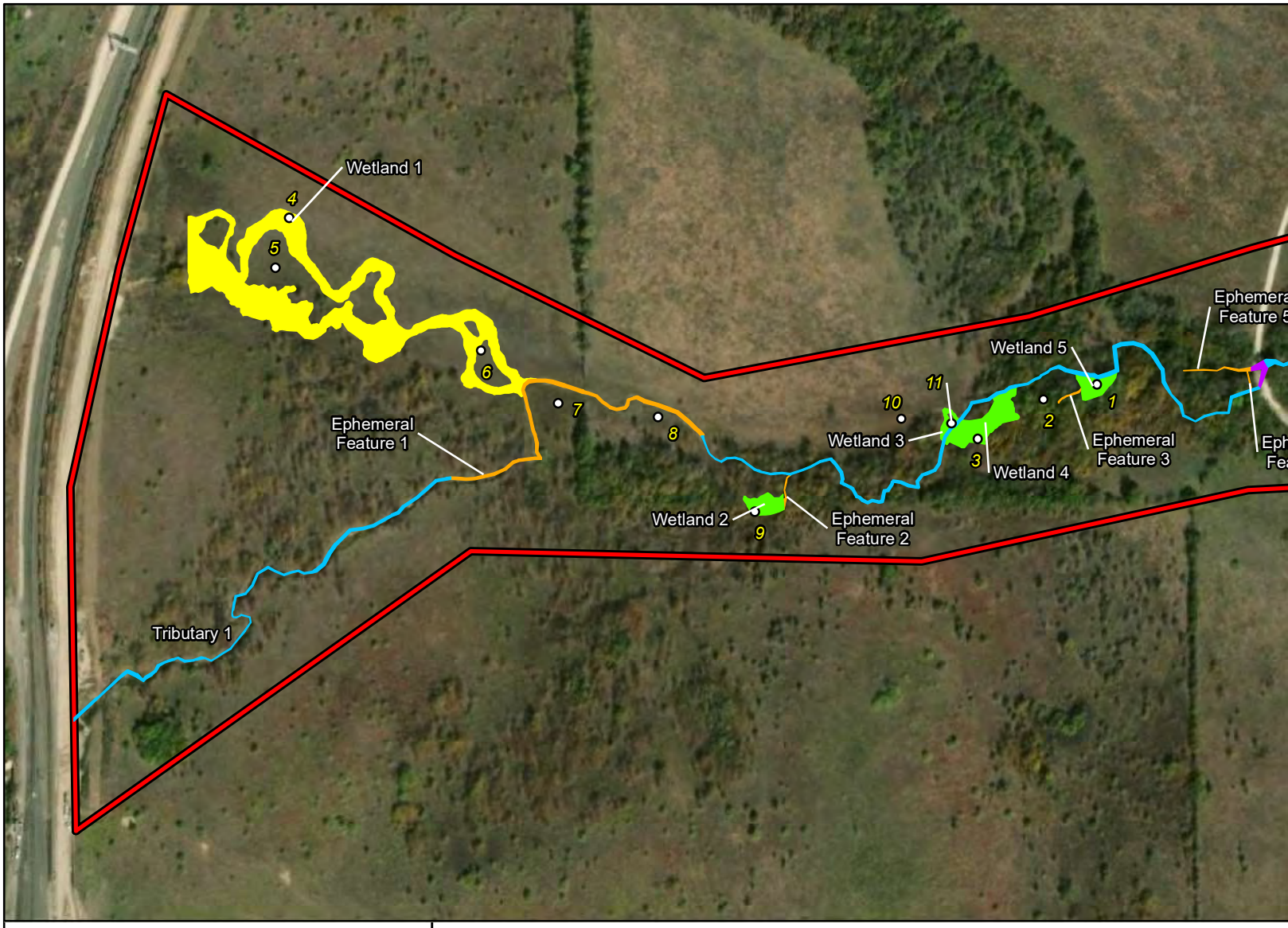


Figure 5.
Aquatic Resources Identified within the Survey Area

Alliance East
City of Justin
Denton County, Texas

1 in = 350 feet

Feet
0 350

N
W E
S

File Ref. 04.341.001
Date: 12/16/2020

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Survey Area
Wetland Determination Data Form

Aquatic Features That Meet a Definition of a Water of the United States

Tributary (a)(2)
Adjacent Wetland (a)(4)

Excluded Aquatic Features

Wetland (b)(1)
Ephemeral Feature (b)(3)
Low Water Crossing

Exhibit 3