



**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): 3/19/2021

ORM Number: SWF-2020-00492

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Grand Prairie County/Parish/Borough: Dallas County

Center Coordinates of Review Area: Latitude 32.761712 Longitude -96.976816

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)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
JD-6	115	linear feet	RHA Non-tidal water is on the district's Section 10 waters list	RHA Non-tidal water is on the district's Section 10 waters list. JD-6 is remnant oxbow of Trinity River.
JD-7	217	linear feet	RHA Non-tidal water is on the district's Section 10 waters list	RHA Non-tidal water is on the district's Section 10 waters list.
JD-9	243	linear feet	RHA Non-tidal water is on the district's Section 10 waters list	RHA Non-tidal water is on the district's Section 10 waters list.

C. Clean Water Act Section 404

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.



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Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
JD-6	115	linear feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Water is on the district's Section 10 waters list.
JD-7	217	linear feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Water is on the district's Section 10 waters list.
JD-9	243	linear feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Water is on the district's Section 10 waters list.

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
JD-4	77	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JD-4 has a bed, bank, and OHWM, and is an unnamed tributary to the West Fork Trinity River, a TNW. JD-4 contributes surface water flow directly to the West Fork Trinity River. Agent observed flow during site investigation. Therefore, JD-4 is a jurisdictional Water of the U.S.
JD-5	79	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JD-5 has a bed, bank, and OHWM, and is an unnamed tributary to the West Fork Trinity River, a TNW. JD-5 contributes surface water flow directly to the West Fork Trinity River. Agent observed flow during site investigation. Therefore, JD-5 is a jurisdictional Water of the U.S.
JD-8	61	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	JD-8 has a bed, bank, and OHWM, and is an unnamed tributary to the West Fork Trinity River, a TNW. JD-8 contributes surface water flow directly to the West Fork Trinity River. Agent observed flow during site investigation. Therefore, JD-8 is a jurisdictional Water of the U.S.

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
WET-2	0.077	acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WET-2 is a wetland that drains into and is adjacent to West Fork Trinity River, a TNW. Therefore, WET-2 is a jurisdictional Waters of the U.S.
WET-3	0.036	acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WET-3 is a wetland that drains into and is adjacent to West Fork Trinity River, a TNW. Therefore, WET-3 is a jurisdictional Waters of the U.S.
WET-4	0.072	acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WET-4 is a wetland that drains into and is adjacent to West Fork Trinity River, a TNW. Therefore, WET-4 is a jurisdictional Waters of the U.S.
WET-5	0.082	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WET-5 is a wetland that drains into and is adjacent to West Fork Trinity River, a TNW. Therefore, WET-5 is a jurisdictional Waters of the U.S.

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
NJD-10	37	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	NJD-10 is an ephemeral stream.
NJD-11	79	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	NJD-11 is an ephemeral stream.

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: 2/11/21, 3/3/21

This information is and is not sufficient for purposes of this AJD.

Rationale: Additional USACE resources and guidance used to include JD-6 as a Section 10 water since it is a remnant oxbow of the Trinity River, a Section 10 water at this location. Also, the extent of the AJD review area is limited only to the areas proposed for impacts in the temporary and permanent easement areas and other areas where work will occur, and not the additional delineation areas outside of those areas as described in the delineation materials.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Other: 5/5/20
- Corps site visit(s) conducted on: Date(s).
- Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: 5/19/20
- USFWS NWI maps: July 2020
- USGS topographic maps: USGS Irving 7.5-minute quadrangle, 1959

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	N/A.

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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B. Typical year assessment(s): The APT tool was run for the date the agent did the site visit (October 22, 2020), the final condition is considered normal.

C. Additional comments to support AJD: NA