



**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): 3/23/2021
 ORM Number: SWF-2020-00510
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Cross Roads County/Parish/Borough: Denton
 Center Coordinates of Review Area: Latitude 33.222932 ° Longitude -96.987283°

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
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
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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Impoundment 1	0.596	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Non-wetland, non-tidal impoundment that is not an impoundment of a jurisdictional water.
Impoundment-2	0.11	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Non-wetland, non-tidal impoundment that is not an impoundment of a jurisdictional water but is located on a stream that flows only in direct response to precipitation in a typical year.
ES-1	263	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Erosional feature that flows only in direct response to precipitation in a typical year.
ES-1a	12	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Erosional feature that flows only in direct response to precipitation in a typical year.
ES-1b	28	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Erosional feature that flows only in direct response to precipitation in a typical year.
NFW-1	0.065	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not adjacent to a jurisdictional water and is outside floodplain of a jurisdictional water.

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
NFW-2	0.15	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not adjacent to a jurisdictional water and is outside floodplain of a jurisdictional water.
NFW-3	0.023	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not adjacent to a jurisdictional water and is outside floodplain of a jurisdictional water.
NFW-4	0.039	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not adjacent to a jurisdictional water and is outside floodplain of a jurisdictional water.
NFW-5	0.009	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not adjacent to a jurisdictional water and is outside floodplain of a jurisdictional water.
NFW-6	0.024	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not adjacent to a jurisdictional water and is outside floodplain of a jurisdictional water.
NFW-7	0.063	acre(s)	(b)(1) Non-adjacent wetland.	Wetland is not adjacent to a jurisdictional water and is outside floodplain of a jurisdictional water.

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: [Apex Companies submitting on behalf of the property owner, Fred Nichols](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

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

Photographs: [Aerial and Other: Aerials in the Waters of the US \(WOTUS\) Delineation Report dated June 24, 2020. Site inspection conducted by Apex on June 4, 2020.](#)

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: [Denton Co, TX, Ver 17 dated June 11, 2020 summarized in Apex report dated \(2020\).](#)

USFWS NWI maps: [NWI version dated May 2020, summarized in Apex report dated \(2020\).](#)

USGS topographic maps: [Little Elm, TX, 2019, 7.5 minute, included in Apex report \(2020\)](#)

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.

B. Typical year assessment(s): [Apex utilized the Antecedent Precipitation Tool \(APT\) developed by the United States Army Corps of Engineers \(v1.0.13\) which determined the hydrologic conditions at the time of the field survey were normal.](#)



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C. Additional comments to support AJD: The WOTUS Delineation report prepared by Apex Companies, LLC on June 24, 2020 documents the presence of three isolated wetlands plus other wetlands, impoundments, and an ephemeral stream at the property that are isolated or may discharge to an off-site ephemeral stream only in direct response to precipitation. Therefore, none of the on-site water features meet the definition of a water of the U.S.



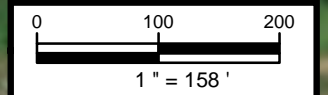
- LEGEND:**
- Site Boundary
 - TP-## Test Plots
 - ES-# Ephemeral Stream
 - ▨ NFW-# Non-Forested Wetland
 - ▭ Impoundment



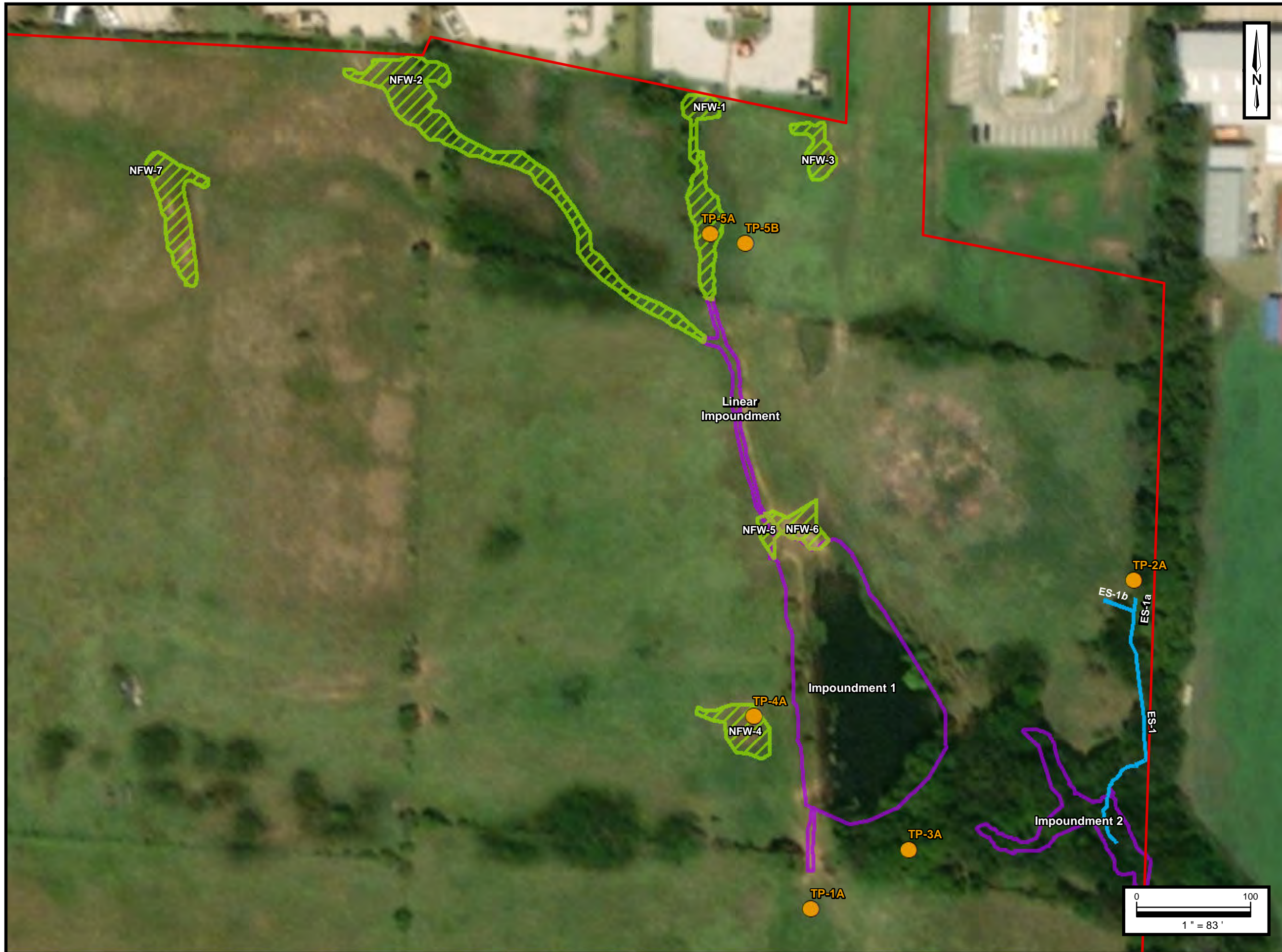
Waters of the US Desktop Review
 McAdams
 Cross Roads Market Square
 ~33.9 Acre
 Denton County, Texas

Project No. 725030942024

FIGURE #4
WOTUS Results Map



Service Layer Credits:
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LEGEND:

- Site Boundary
- TP-## Test Plots
- ES-# Ephemeral Stream
- ▨ NFW-# Non-Forested Wetland
- ▭ Impoundment



Waters of the US Desktop Review
 McAdams
 Cross Roads Market Square
 ~33.9 Acre
 Denton County, Texas

Project No. 7250115001.001

FIGURE #4A

WOTUS Results Detail Map

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