



**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): 3/1/2021

ORM Number: SWF-2020-00514

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Cedar Hill County/Parish/Borough: Dallas/Ellis

Center Coordinates of Review Area: Latitude 32.548703 Longitude -96.963701

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
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
SWF-2020-00514-1 (S1)	875	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).	Project information provided by the consultant, USACE site visit, and supporting data indicate that the water feature (S1) is a ditch that was constructed within upland (dry land). Aerial imagery shows a linear, human-constricted channel, within a field used for row-crop agricultural in 1956 (oldest assessed image). The landscape use of the project area (historically and presently) is row-crop agriculture and livestock-grazed pasture. NHD and NWI mapping does not identify the water feature. Topography maps do not identify the water feature as a stream (i.e., blue line, dashed blue line, etc.). Water from the ditch flows south into a human-constructed pond (P2). The drainage area is less than 100 acres. The Corps has determined that the water feature meets the criteria of a (b)(5) excluded, ditch constructed within upland.
SWF-2020-00514-2 (P2)	0.353	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).	Project information provided by the consultant, USACE site visit, and supporting data indicate that the pond (P2) was constructed by excavating and impounding a ditch that was constructed within upland (i.e., dry land). NWI mapping identifies the water feature as PUBHx. Reference rationale for SWF-2020-00514-1 (S1). The Corps has determined that the pond meets the criteria of a (b)(8) excluded water feature.
SWF-2020-00514-3 (W1)	0.369	acre(s)	(b)(1) Non-adjacent wetland.	Project information provided by the consultant, USACE site visit, and supporting data indicate that the emergent wetland (W1) is isolated and exists within upland (i.e., dry land). NWI mapping does not identify the wetland. Reference rationale for SWF-2020-00514-1 (S1). The Corps has determined that the wetland meets the criteria of a (b)(1) excluded, non-adjacent wetland.

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-2020-00514-4 (S3)	74	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 the water feature (S-3) is an erosional feature that has developed within upland because of overflow from W1 and P2. Reference rationale for SWF-2020-00514-1 (S1). The Corps has determined that the stream meets the criteria of a (b)(3) excluded water feature.
SWF-2020-00514-5 (S2)	411	linear feet	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland.	Observations during the USACE site visit (reference enclosed photo log, page 16-21) confirmed that water flows south from the erosional feature (S3) into unconfined directional sheet flow (S2) over upland (i.e., dry land). Also, reference rationale for SWF-2020-00514-1 (S1). The Corps has determined that S2 is sheet flow over upland, meeting criteria for (b)(4).

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: [Waters of the United States Delineation Report prepared and provided by Apex Companies, LLC](#) was referenced throughout the AJD. Available within the electronic project file, SWF-2020-00514.

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 provided by Brian C. Bartels, 2020-12-29, \(enclosed\).](#)
- Corps site visit(s) conducted on: [2020-12-29](#)
- 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, 2021-03-01; NWI map provided by consultant \(enclosed\).](#)
- USGS topographic maps: [Cedar Hill, TX - 1:24,000; SWF Regulatory Viewer, 2021-03-01 and map provided by consultant \(enclosed\).](#)

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, 2021-03-01
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.



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Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [Enclosures: Site Map \(Figure 1\), Topographic Map \(Figure 1\), Water Features Map \(Figure 3\), and site visit photos from 2020-12-29.](#)