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): 4/21/2021
ORM Number: SWF-2020-00521
Associated JDs: N/A
Review Area Location[1]: State/Territory: Texas City: Arlington County/Parish/Borough: Tarrant
Center Coordinates of Review Area: Latitude 32.663678° Longitude -97.103138°

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.	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
SWF-2020-00521-1 (Tributary 1)	607	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The consultant's delineation determined, and USACE site visit confirmed, that tributary 1 is an intermittent stream. During USACE site visit on 2021-01-13 flowing water was observed. The tributary flows into Fish Creek. Additional characteristics used to identify the tributary include the presence of OHWM, defined bed and bank, sediment sorting, the destruction of terrestrial vegetation, the presence of litter and debris, and a natural line impressed in the bank. The tributary is incised into the landscape between 2 to 6 feet with

[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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				average OHWM widths between 3 to 15 feet. The tributary originates from a large box culvert, west of the project area, and is a concrete-lined channel in the west-central portion of the survey corridor. See sections 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. Thus, the Corps has determined that the stream meets the criteria of a (a)(2) intermittent tributary.

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
SWF-2020-00521-2 (Wetland 1)	0.10	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The consultant's delineation determined, and USACE site visit confirmed, that wetland 1 meets wetland criteria. Along with the consultant's findings and confirmation by site visit, LiDAR imagery indicates that wetland 1 is an adjacent wetland that abuts tributary 1, an (a)(2) intermittent tributary. FEMA National Flood Hazard Layer indicates that wetland 1 is within the flood hazard zone. The Corps has determined based on project information provided by the consultant and the supporting data that wetland 1 meets (a)(4) criteria.
SWF-2020-00521-3 (Wetland 2)	0.08	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The consultant's delineation determined, and USACE site visit confirmed, that wetland 2 meets wetland criteria. Along with the consultant's findings and confirmation by site visit, wetland 2 is connected hydrologically to tributary 1 through ephemeral feature 4. Aerial imagery indicates, as well as topographic position and elevation, wetland 2 is inundated in a typical year by tributary 1. FEMA National Flood Hazard Layer indicates that wetland 2 is within the flood zone AE. The Corps has determined based on project information provided by the consultant and the supporting data that wetland 2 meets (a)(4) criteria.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
SWF-2020-00521-4 (Ephemeral Feature 1, EF1)	109	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The consultant's delineation determined, and USACE site visit confirmed, that EF1 is an unnamed ephemeral stream that connects hydrologically to a tributary to Fish Creek. During USACE site visit on 2021-01-13 flowing water was not observed. NHD, NWI, and topography mapping does not identify the stream. The stream flows only in direct response to a precipitation event and does not support sustained flows for any duration after the precipitation event has ended. The drainage area is less than 100 AC. The Corps has determined based on project information provided by the consultant and the supporting data that EF1 meets (b)(3) exclusion criteria.
SWF-2020-00521-5 (Ephemeral Feature 2, EF2)	443	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same rationale as SWF-2020-00521-4 (EF1)
SWF-2020-00521-6 (Ephemeral Feature 3, EF3)	230	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same rationale as SWF-2020-00521-4 (EF1)
SWF-2020-00521-7 (Ephemeral Feature 4, EF4)	75	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same rationale as SWF-2020-00521-4 (EF1)
SWF-2020-00521-8 (Ditch 1, D1)	1612	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).	The consultant's delineation determined, and USACE site visit confirmed, that D1 is an artificial ditch constructed within upland (dry land). Historic aerial imagery indicates that the ditch is not a rerouted stream. NHD, NWI, and topography mapping does not indicate the ditch was a stream but is upland. Water from the D1 flows into EF1. The Corps has determined that the D1 meets the criteria of a (b)(5) excluded, ditch constructed within upland.
SWF-2020-00521-9 (Ditch 2, D2)	362	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and	The consultant's delineation determined, and USACE site visit confirmed, that D2 is an artificial ditch constructed within upland (dry

[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
			those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	land). Historic aerial imagery indicates that the ditch is not a rerouted stream. NHD, NWI, and topography mapping does not indicate the ditch was a stream but is upland. Water from the D2 flows into EF2. The Corps has determined that the D2 meets the criteria of a (b)(5) excluded, ditch constructed within upland.
SWF-2020-00521-10 (Ditch 3, D3)	383	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).	The consultant's delineation determined, and USACE site visit confirmed, that D1 is an artificial ditch constructed within upland (dry land). Historic aerial imagery indicates that the ditch is not a rerouted stream. NHD, NWI, and topography mapping does not indicate the ditch was a stream but is upland. The Corps has determined that the D1 meets the criteria of a (b)(5) excluded, ditch constructed within upland.
SWF-2020-00521-11 (Ditch 4, D4)	10	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).	Same rationale as SWF-2020-00521-10 (D3)
SWF-2020-00521-12 (Ditch 5, D5)	446	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).	Same rationale as SWF-2020-00521-10 (D3)

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: Center Street Expansion – Approved Jurisdiction Request, prepared and submitted by IES was referenced throughout the AJD; available within electronic project file, SWF-2020-00521

This information is sufficient for purposes of this AJD.
Rationale: N/A

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: Aerial and Other: Imagery from Google Earth, HistoricAerials.com, and Digital Globe –all available years. Photographs submitted by the consultant (2019-10-28) and USACE (2021-01-13), available within the electronic project file, SWF-2020-00521

☒ Corps site visit(s) conducted on: 2021-01-13

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

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

☒ USDA NRCS Soil Survey: Information/Map provided by the consultant (2021-01-15), available within the electronic project file, SWF-2020-00521

☒ USFWS NWI maps: ESRI managed imagery, SWF Regulatory Viewer, 2021-04-20; NWI map providedby consultant, available within the electronic project file, SWF-2020-00521

☒ USGS topographic maps: Arlington 7.5-minute Topographical Quadrangle; ESRI managed imagery, SWF Regulatory Viewer, 2021-04-20

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, 2021-04-20
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): Typical year assessment was made by using APT for the date of the Corps' site visit, 2021-01-13, conditions were normal during the wet season. It is the Corps' determination through an assessment of all available information that flow within tributary 1 does occur more than in direct response to precipitation in a typical year and is at present classified as having intermittent flow.

C. Additional comments to support AJD:
Enclosure: Aquatic Features Identified within the Survey Area (Figure 1)