



**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): 02/22/2021
 ORM Number: SWF-2021-00029
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Temple County/Parish/Borough: Bell
 Center Coordinates of Review Area: Latitude 31.1526 Longitude -97.3479

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
Ephemeral Stream 1 (ES-1)	4' OHWM, 2,800' Long, 0.26 acres	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on observations of flow. Though there was pooled water observed in the channel, during normal climatic conditions, review of historical aerial photographs show that there is typically not water in the channel.
Ephemeral Stream 2 (ES-2)	3' OHWM, 408' Long, 0.03 acres	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	There was no observed water or soil saturation in the limits of ES-2, except in its lower limits near the confluence with ES-1. In historical aerial photographs, there are no observed water in the channel.
Culvert Channel (CC-1)	25' OHWM, 1,414' Long, 0.81 acres	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	There was no observed flow into or out of the culvert channel (CC-1).
Pool	0.43	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	Pool occurs along an ephemeral feature
P-1	0.04	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).	appears to be an excavated feature that collects overland stormflows. There were no identified drainages or stream channels entering or exiting P-1.

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: [Preliminary Waters of the United States Delineation – Site 64 / December 30, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [Report describes site observations during typical climatic conditions, and past PJD reports.](#)

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

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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- Photographs: [Aerial and Other: Multiple site photographs from Nov. 24, 2020 site investigation, and aerial photographs from 1995, 2004, 2012, and 2019.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [PJD prepared November 2007 \(Attached\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [SSURGO data and NRCS Hydric Soil List, accessed November 2020.](#)
- USFWS NWI maps: [USFWS NWI Texas state wide data, downloaded 2019](#)
- USGS topographic maps: [24K, Troy, Texas quadrangle, 2019 version.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA floodplain maps

- B. Typical year assessment(s):** [Direct Antecedent Rainfall Evaluation Method \(DAREM\), accessed December 11, 2020. Temple 5.9 NNE, TX weather station – Normal Conditions. \(Included in attached December 2020 Delineation Report\)](#)
[Antecedent Precipitation Tool \(APT\), accessed December 2020 – Slightly drier than normal conditions for the day assessed. \(Attached\)](#)
- C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)