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): 4/29/2021
ORM Number: SWF-2021-00109
Associated JDs: N/A
Review Area Location[1]: State/Territory: TX City: Baird County/Parish/Borough: Callahan & Shackelford
Center Coordinates of Review Area: Latitude 32.530281 Longitude -99.288988

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: There are no water features in the evaluation area/parcel that meet the definition of waters of the US.
- ☐ 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]

t§ 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
N/A.	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.	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.	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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
SA001	3980	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography.
SA003	23650		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA004	1377		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA005	11657		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA006	284		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA007	1064		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA008	739		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography

[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
SA009	1045		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA010	877		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA011	6078		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA012	735		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA013	2142		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA014	3653		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA015	6397		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SA016	448		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
SA017	764		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography
SB001	977		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography. No OHWM identified and vegetated in bed and banks.
SB002	1301		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography. No OHWM identified and vegetated in bed and banks.
SB003	3411		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography. No OHWM identified and vegetated in bed and banks.
SB004	397		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream feature is ephemeral based on lack of any indicators from the New Mexico hydrology protocol that mesh relatively well with area to support a higher level of hydrologic flow conditions. Determination informed by results of APT and interpretation of aerial photography. No OHWM identified and vegetated in bed and banks.
VB001	766		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	No OHWM identified and vegetated in bed and banks.
VB002	654		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	No OHWM identified and vegetated in bed and banks.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
VB003	571		(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	No OHWM identified and vegetated in bed and banks.
PA001	2.28	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).	Constructed in ephemeral channel.
PA002	1.7	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).	Constructed in ephemeral channel.
PA003	0.51	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).	Constructed in ephemeral channel.
PA004	2.21	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in	Constructed in ephemeral channel.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			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).	
PA005	2.67	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).	Constructed in ephemeral channel.
PA007	0.81	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).	Constructed in ephemeral channel.
PA008	0.19	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).	Constructed in ephemeral channel.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
PA009	1.45	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).	Constructed in ephemeral channel.
PA010	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).	Constructed in ephemeral channel.
PA011	2.59	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).	Constructed in ephemeral channel.
PA012	0.24	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	Constructed in ephemeral channel.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			impoundment of a jurisdictional water that meets (c)(6).	
PA013	1.12	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).	Constructed in ephemeral channel.
PA014	0.54	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).	Constructed in ephemeral channel.
WA001	0.88	acre(s)	(b)(1) Non-adjacent wetland.	Associated with pond constructed on ephemeral channel and no adjacency.
WA002	0.34	acre(s)	(b)(1) Non-adjacent wetland.	Associated with pond constructed on ephemeral channel and no adjacency.
WA003	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Associated with pond constructed on ephemeral channel and no adjacency.
WA004	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Associated with pond constructed on ephemeral channel and no adjacency.
WA005	0.10	acre(s)	(b)(1) Non-adjacent wetland.	Associated with pond constructed on ephemeral channel and no adjacency.
WA006	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Associated with pond constructed on ephemeral channel and no adjacency.
WA007	0.52	acre(s)	(b)(1) Non-adjacent wetland.	Associated with pond constructed on ephemeral channel and no adjacency.

III. SUPPORTING INFORMATION

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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: See the file.
  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: All Google Earth photos available on line
- ☒ Corps site visit(s) conducted on: April 5, 2021
- ☐ 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: See report
- ☒ USFWS NWI maps: See report
- ☒ USGS topographic maps: See report

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): APT executed for 4/4/2021 for Corps site. APT also executed for 10/3/20 and 10/26/20 for consultant site visit dates to interpret on site photos. APT also executed for 3/25/2013 and 4/10/19 where ponding and dry reaches are observed on Google Earth aerial photography. 3/25/13 APT output shows severe drought in a wet season with normal conditions with ponded reaches shown on aerial photograpy. 4/10/19 APT output showed severe wetness for the drought index but normal conditions for the overall APT and during the dry season. APT output for consultant delineation shows much wetter than normal score of 17) yet the 30 day rolling total for precipitation was almost 10 inches yet there is limited ponding in some channel reaches while the majority of others are dry in on-site photos. APT output for the 4/4/21 site visit indicated normal conditions in an average season based on the 30 year range (and a dry season based on WebWIMP) with the 30 day rolling total of precipitation near the 40th percentile. In channel dug outs occur to allow for ponding which appears on aerial photography. However, there were no indicators (soils, veg, macro invertebrates, EPT taxa, iron reducing bacteria, etc.) found in any stream reach reviewed during the site visit to support a determination that flow conditions of more than ephemeral occurs. All channels were non-flowing with minor ponding in some pools.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.