



**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): 7/19/2021
 ORM Number: SWF-2021-00154
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Wilmer County/Parish/Borough: Dallas
 Center Coordinates of Review Area: Latitude 32.60897 Longitude -96.685072

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
IS-1	30	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Groundwater influenced intermittent stream contributes to an impoundment

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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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
Pond	0.0099	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Overflow from this pond contributes to Cottonwood Creek via road culvert, then ultimately to the Trinity River

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Emergent Wetland EW-1	0.2358	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Emergent wetland adjacent to a3 impoundment

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Scrub/Shrub Wetland-1 (SSW-1)	0.0287	acre(s)	(b)(1) Non-adjacent wetland.	This feature is not adjacent to jurisdictional waters.
Scrub/Shrub Wetland-2 (SSW-2)	0.0674	acre(s)	(b)(1) Non-adjacent wetland.	This feature is not adjacent to jurisdictional waters.

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 U.S. Delineation Report, February 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Report describes site observations during Normal Conditions, and summarizes available agency data, and aerial photograph review.](#)

Data sheets prepared by the Corps:

Photographs: [Aerial and Other: Preliminary Waters of the U.S. Delineation Report, February 2021.](#)

Corps site visit(s) conducted on: [April 27, 2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Preliminary Waters of the U.S. Delineation Report, February 2021.](#)

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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- USFWS NWI maps: [Preliminary Waters of the U.S. Delineation Report, February 2021.](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrologic Dataset
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	NFHL 48 effective January 7, 2021

B. Typical year assessment(s): [The Antecedent Precipitation Tool \(APT\) indicated that climactic conditions were normal \(APT=12\) during the consultant's January 26, 2021 site reconnaissance. The APT was executed for the Corps site visit of 4/27/21 and was identified as normal conditions. The 30-day rolling total for precipitation was slightly above the 30th percental for that time of year. Evidence of groundwater \(iron reducing bacteria by product\) was manifesting itself in the channel at the edge and above the adjacent stock tank on the east side of the property. The channel disappears into a swale and pockets of wetlands upslope.](#)

C. Additional comments to support AJD: [N/A](#)