



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): 27-JUL-2021

ORM Number: SWF-2021-00163

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: Texas City: Dallas County/Parish/Borough: Dallas County

Center Coordinates of Review Area: Latitude 32.642507 Longitude -96.746986

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
SWF-2021-00163 Trib-1	1475 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Project information provided by the consultant, a USACE site visit, and other information available to USACE supports that Trib-1 exhibits perennial flow. Supporting indicators include but are not limited to the presence of macroinvertebrates, fish, and well-defined riffle-run-pool sequences. USACE has determined that Trib-1 meets the criteria of an (a)(2) Perennial tributary which contributes surface water flow directly or indirectly to an (a)(1) water.
SWF-2021-00163 Trib-2	367 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1)	Project information provided by the consultant, a USACE site visit, and other information available to USACE supports that Trib-2 exhibits intermittent flow.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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		water in a typical year	Trib-2 receives hydrology from abutting Wet-1, EF-4 and 5, and flows offsite. USACE has determined that Trib-2 meets the criteria of an (a)(2) Intermittent tributary which contributes surface water flow directly or indirectly to an (a)(1) water.
SWF-2021-00163 Trib-3	284 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Project information provided by the consultant, a USACE site visit, and other information available to USACE supports that Trib-3 exhibits intermittent flow. Trib-3 receives hydrology from Pond-1 and EF-1 and 6 and flows into Trib-1. USACE has determined that Trib-3 meets the criteria of an (a)(2) Intermittent tributary which contributes surface water flow directly or indirectly to an (a)(1) water.

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
SWF-2021-00163 Pond-1	0.34 acres	(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	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that Pond-1 was constructed on-channel and contributes hydrology immediately into Trib-3, a jurisdictional water feature. USACE has determined that Pond-1 meets the criteria of an (a)(1) water.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
SWF-2021-00163 Wet-1	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that Wet-1 exists as a forested wetland downslope of EF-4 and 5, and immediately upslope of Trib-2, contributing hydrology to a downstream jurisdictional water feature. USACE has determined that Wet-1 meets the criteria of an (a)(1)-(a)(3) water.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SWF-2021-00163 EF-1	481 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-1 originates off-site and is hydrologically connected downslope to Pond-1 but lacks a defined bed and bank and lacks indicators for more than ephemeral flow. USACE has determined that EF-1 is a swale, meeting the criteria of an (b)(3) excluded water feature.
SWF-2021-00163 EF-2	69 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-2 is hydrologically connected downslope to Trib-1 and exhibits a defined bed and bank but lacks indicators for more than ephemeral flow.

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<sup>4</sup> 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.

<sup>5</sup> 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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			USACE has determined that EF-2 is an ephemeral stream, meeting the criteria of a (b)(3) excluded water feature.
SWF-2021-00163 EF-3	25 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-3 contributes hydrology downslope to Trib-2 but lacks a defined bed and bank and lacks indicators for more than ephemeral flow. USACE has determined that EF-3 is a swale, meeting the criteria of a (b)(3) excluded water feature.
SWF-2021-00163 EF-4	373 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-4 contributes hydrology to Wet-1, lacks a defined bed and bank, and lacks indicators for more than ephemeral flow. USACE has determined that EF-4 is a swale, meeting the criteria of a (b)(3) excluded water feature.
SWF-2021-00163 EF-5	432 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-5 contributes hydrology to Wet-1, lacks a defined bed and bank, and lacks indicators for more than ephemeral flow. USACE has determined that EF-5 is a swale, meeting the criteria of a (b)(3) excluded water feature.
SWF-2021-00163 EF-6	82 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-6 contributes hydrology to Trib-3, lacks a defined bed and bank, and lacks indicators for more than ephemeral flow. USACE has determined that EF-6 is a swale, meeting the criteria of a (b)(3) excluded water feature.

**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: [Delineation report for 50 acres located at the northeast corner of Bonnie View Road and Cleveland Road prepared and submitted by Integrated Environmental Solutions, available within the electronic file SWF-2021-00163.](#)

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: [Aerial and Other: Imagery from Google Earth, Historic Aerials provided by the consultant, and Digital Globe – all available years. Site photos by USACE and the consultant located within the e-project file, SWF-2021-00163.](#)

Corps Site visit(s) conducted on: [06-APR-2021](#)

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

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- Antecedent Precipitation Tool: [See Section III.B.](#)
- USDA NRCS Soil Survey: [Information/Map provided by the consultant, available within the electronic project file, SWF-2021-00163.](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\). ESRI managed imagery, SWF Regulatory Viewer, 08-APR-2021; NWI map available within the electronic project file, SWF-2021-00163.](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\). ESRI managed imagery, National Regulatory Viewer, 08-APR-2021.](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="#">National Hydrography Dataset (SWF Regulatory Viewer) 08-APR-2021</a>
USDA Sources	<a href="#">Web Soil Survey Accessed 08-APR-2021</a>
NOAA Sources	N/A
USACE Sources	<a href="#">USACE Regulatory ORM II Database and National (SWF) Regulatory Viewer 08-APR-2021</a>
State/Local/Tribal Sources	N/A
Other Sources	<a href="#">FEMA FIRM: Dallas County; Map Panel 48113C0513L; effective 07-JUL-2014</a>

- B. Typical year assessment(s):** [The Antecedent Precipitation Tool \(APT\) for 06-APR-2021, \(the USACE site visit date\) indicates that the site was at “Drier than Normal” overall precipitation conditions within “normal drought index conditions,” during a wet season period indicated by the WebWIMP output. These conditions do not complicate observed conditions for the site visit date, nor do they complicate determinations made within this AJD.](#)
- C. Additional comments to support AJD:** [N/A](#)

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<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

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## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: <b>Mr. Kit Baker</b>		File Number: <b>SWF-2021-00163</b>	Date: <b>27-JUL-2021</b>
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
<b>X</b>	<b>APPROVED JURISDICTIONAL DETERMINATION</b>	<b>D</b>	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Mr. Joseph L. Shelnut  
Regulatory Biologist  
[Joseph.l.shelnutt@usace.army.mil](mailto:Joseph.l.shelnutt@usace.army.mil)  
817-886-1738

If you only have questions regarding the appeal process you may also contact:

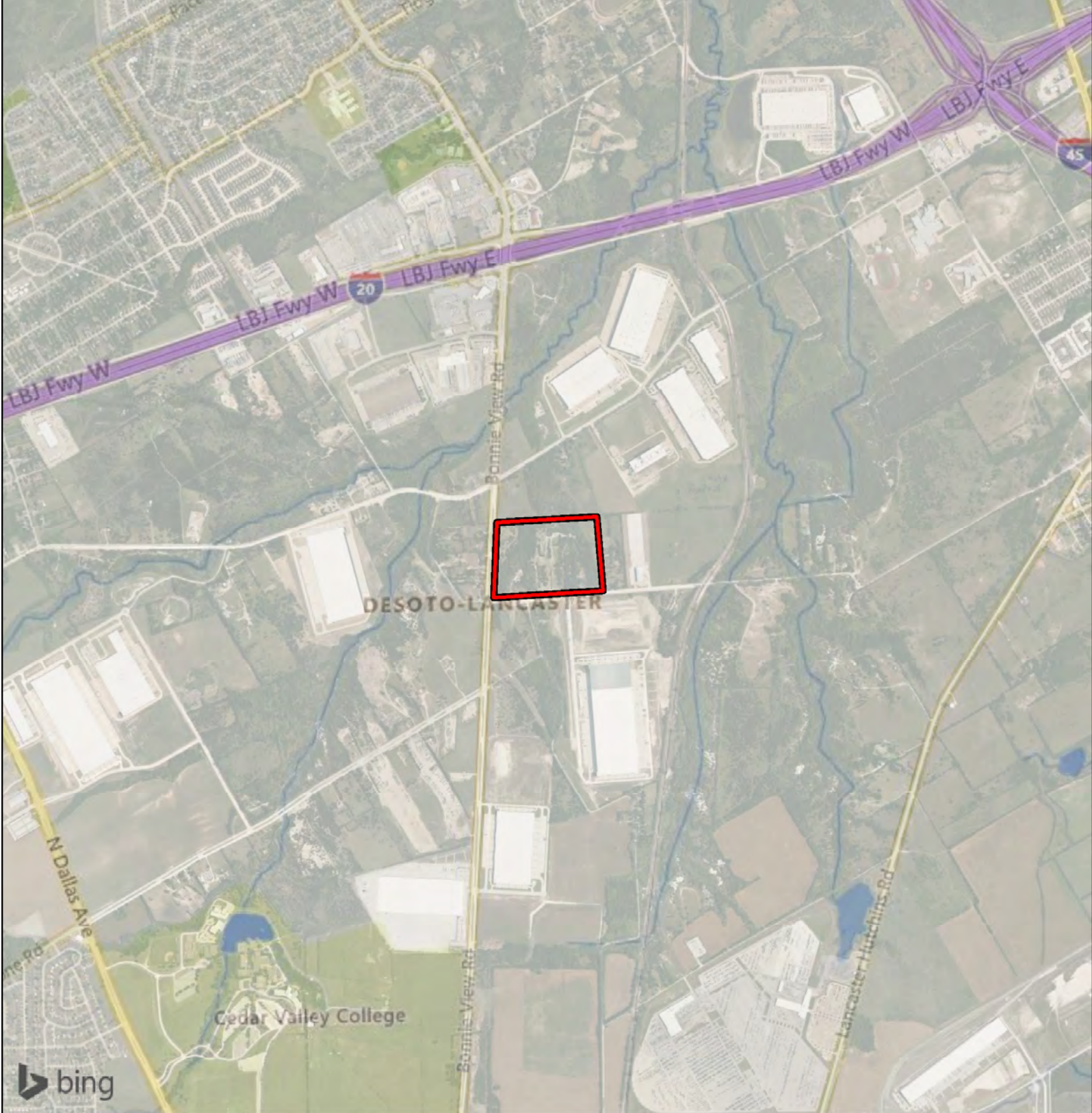
Administrative Appeals Review Officer (CESWD-PD-O)  
U.S. Army Corps of Engineers  
1100 Commerce Street, Suite 831  
Dallas, Texas 75242-1317  
469-487-7061

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent.


Date:

Telephone number:





**Figure 1.**  
**General Location Map**

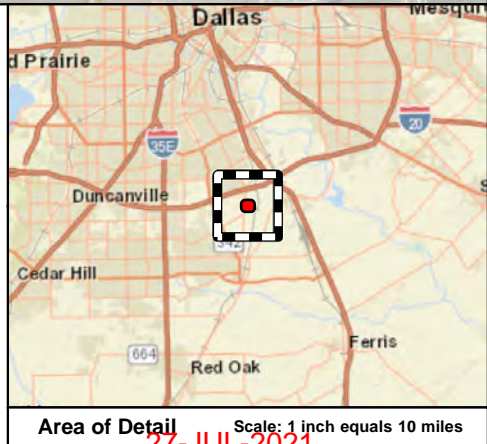
Bonnie View Road & Cleveland Road  
 City of Dallas  
 Dallas County, Texas

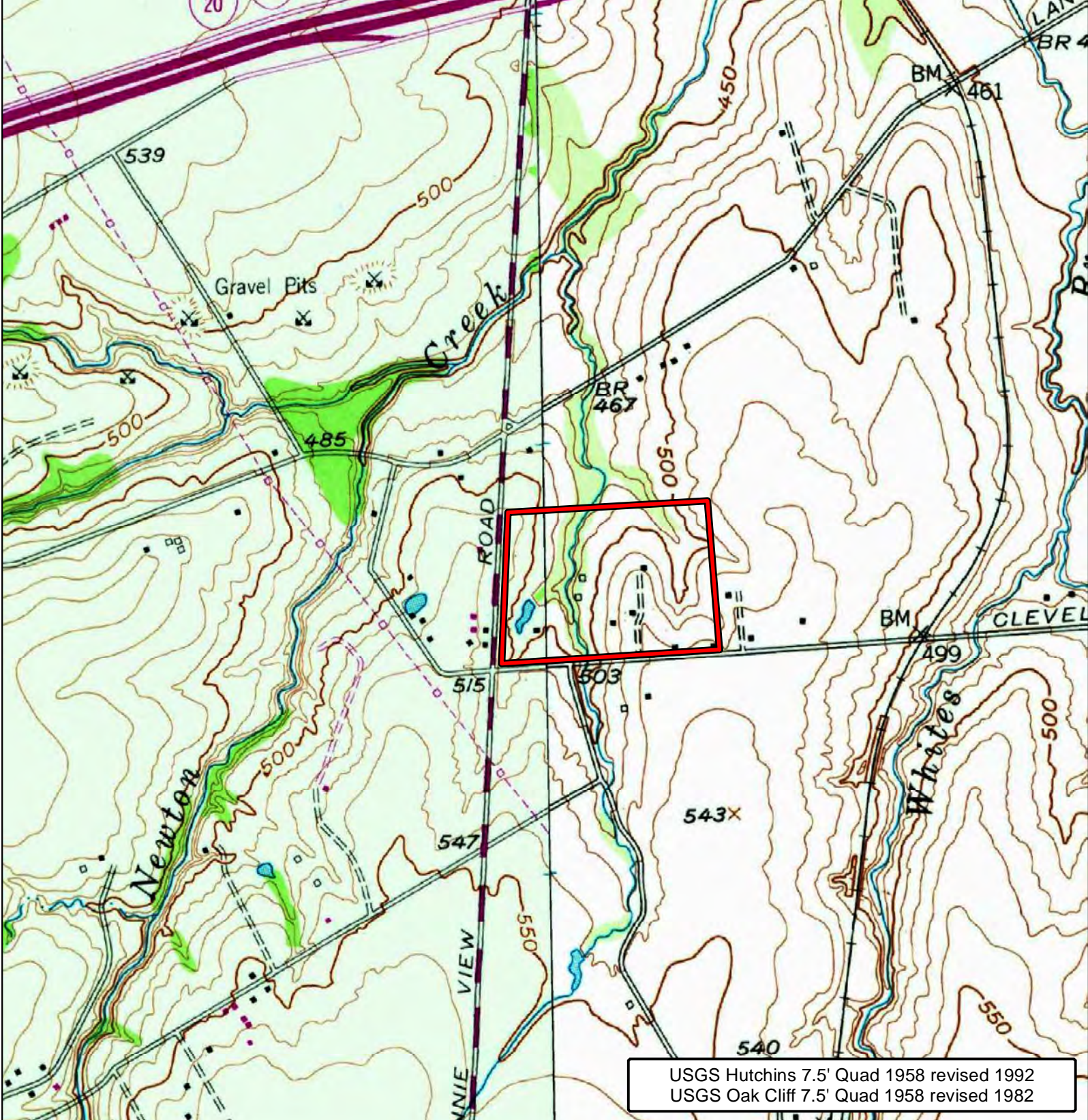
1 in = 2,000 feet 

File Ref. 04.002.148  
 Date: 11/16/2020



 Survey Area



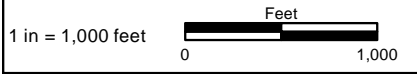


USGS Hutchins 7.5' Quad 1958 revised 1992  
 USGS Oak Cliff 7.5' Quad 1958 revised 1982

**Figure 2A.**  
**Topographic Setting**

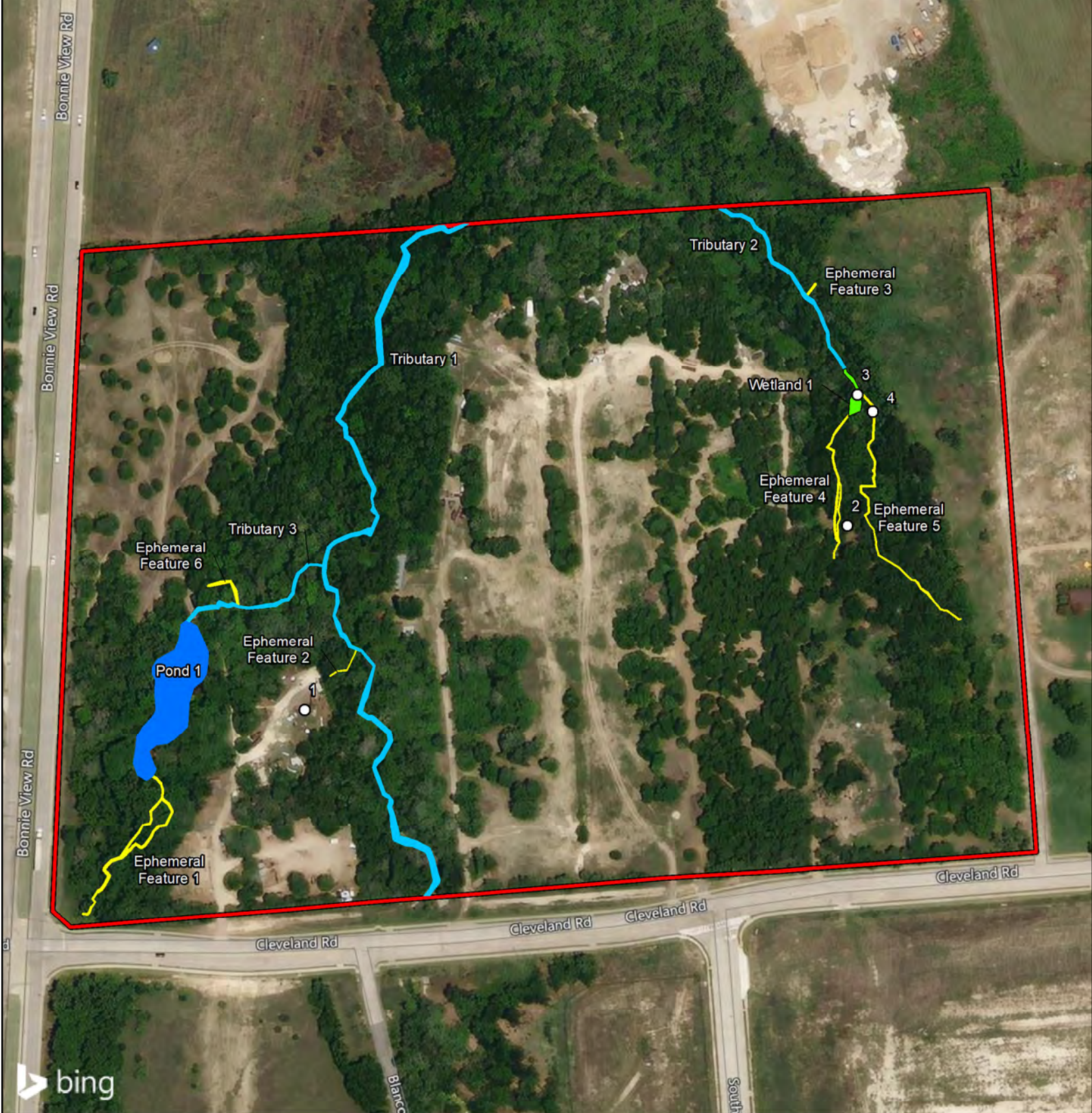
 Survey Area

Bonnie View Road & Cleveland Road  
 City of Dallas  
 Dallas County, Texas



File Ref. 04.002.148  
 Date: 11/16/2020





**Figure 5.  
Aquatic Features Identified  
within the Survey Area**

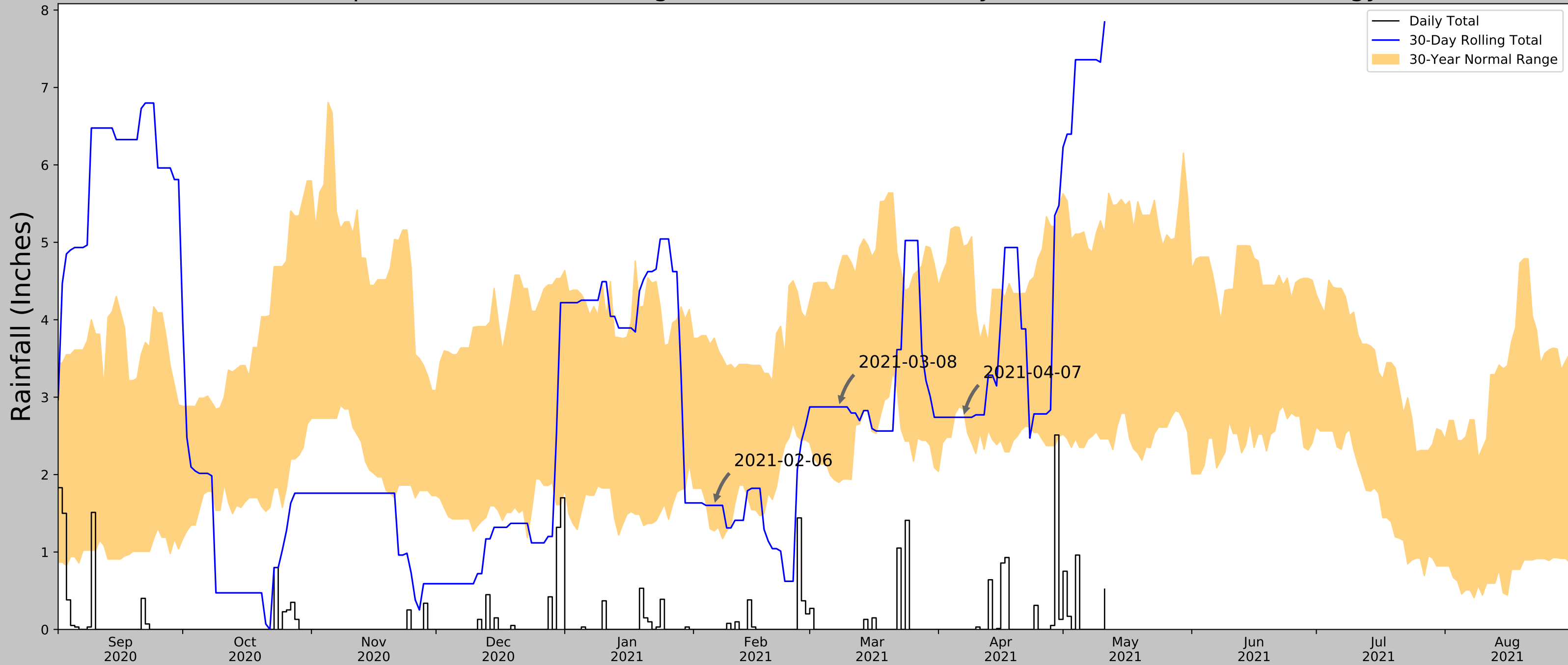
Bonnie View Road & Cleveland Road  
City of Dallas  
Dallas County, Texas



File Ref: 04.002.148  
Date: 5/12/2021

- Survey Area
- Wetland Determination Data Form
- Aquatic Features That Meet a Definition of a Water of the United States**
- Tributary (a)(2)
- Pond (a)(3)
- Abutting Wetland (a)(4)
- Excluded Aquatic Features**
- Ephemeral Feature (b)(3)

# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	32.642535, -96.748560
Observation Date	2021-04-07
Elevation (ft)	510.27
Drought Index (PDSI)	Normal
WebWIMP H <sub>2</sub> O Balance	Wet Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-04-07	2.844095	4.948819	2.740158	Dry	1	3	3
2021-03-08	1.897638	4.653937	2.874016	Normal	2	2	4
2021-02-06	1.272047	3.763386	1.602362	Normal	2	1	2
Result							Drier than Normal - 9

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
FERRIS	32.5339, -96.6608	470.144	9.08	40.126	4.45	10898	86
DESOTO 2.2 ENE	32.613, -96.8279	612.861	5.048	102.591	2.789	20	4
DALLAS 7.2 SW	32.7091, -96.8383	584.974	6.956	74.704	3.65	30	0
DALLAS REDBIRD AP	32.6808, -96.8681	658.137	7.439	147.867	4.448	279	0
RED OAK	32.5156, -96.8092	600.066	9.454	89.796	5.103	94	0
DALLAS 3.7 E	32.7998, -96.7012	532.152	11.209	21.882	5.289	1	0
DALLAS HENSLEY FLD NAS	32.7333, -96.9667	492.126	14.151	18.144	6.625	26	0
JOE POOL LAKE	32.6406, -96.9747	590.879	13.158	80.609	6.982	4	0
DALLAS LOVE FLD	32.8519, -96.8556	439.961	15.746	70.309	8.193	1	0

