



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): 07-JUL-2021

ORM Number: SWF-2021-00180

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 33.22918 Longitude -97.12145

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

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
SWF-2021-00180 Ditch-1	3140 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)	Information provided by the consultant, a USACE site visit, and supporting data indicate that Ditch-1, transecting the project site, was originally constructed within uplands to convey stormwater. A review of aerial imagery indicates that this aquatic feature was not present before the early 1970's and that there is no evidence of relocated streams in the vicinity of Ditch-1. USACE has determined that Ditch-1 meets the criteria of a (b)(5) excluded water feature.
SWF-2021-00180 Ditch-2	540 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)	Information provided by the consultant, a USACE site visit, and supporting data indicate that Ditch-2, was constructed within uplands and conveys stormwater to Ditch-1. A review of aerial imagery indicates that this aquatic feature was not present before the early 1950's and that there is no evidence of relocated streams in the vicinity of Ditch-2. USACE has determined that Ditch-2 meets the criteria of a (b)(5) excluded water feature.
SWF-2021-00180 Ditch-3	96 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)	Information provided by the consultant, a USACE site visit, and supporting data indicate that Ditch-3, was constructed within uplands and conveys stormwater to Ditch-1. A review of aerial imagery indicates that this aquatic feature was not present before 2016 and that there is no evidence of relocated streams in the vicinity of Ditch-3. USACE has determined that Ditch-3 meets the criteria of a (b)(5) excluded water feature.
SWF-2021-00180 EF-1	63 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-1 is a vegetated swale connected to Pond-4. USACE has determined that EF-1 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00180 EF-2	425 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-2 is a vegetated swale without a direct connection to another water feature. USACE has determined that EF-2 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00180 EF-3	236 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-3 is a vegetated swale which conveys stormwater to Ditch-2. USACE has determined that EF-3 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00180 EF-4	167 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Information provided by the consultant, a USACE site visit, and other information available to USACE indicate that EF-4 is a vegetated swale which conveys stormwater to Ditch-2. USACE has determined that EF-4 meets the criteria of a (b)(3) excluded water feature.

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NAVIGABLE WATERS PROTECTION RULE

SWF-2021-00180 Pond -5	0.25 acres	(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)	Project information provided by the consultant, a USACE site visit, and supporting data indicate that Pond-5 was constructed within uplands in association with the construction of a golf course and does not connect directly nor indirectly to another water feature. USACE has determined that the Pond-5 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00180 Pond-1	0.04 acres	(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)	Project information provided by the consultant, a USACE site visit, and supporting data indicate that Pond-1 was constructed within uplands in association with the construction of a golf course and does not connect directly nor indirectly to another water feature. USACE has determined that Pond-1 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00180 Pond-2	0.52 acres	(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)	Project information provided by the consultant, a USACE site visit, and supporting data indicate that Pond-2 was constructed within uplands in association with the construction of a golf course and does not connect directly nor indirectly to another water feature. USACE has determined that Pond-2 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00180 Pond-3	0.16 acres	(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)	Project information provided by the consultant, a USACE site visit, and supporting data indicate that Pond-3 was constructed within uplands in association with the construction of a golf course and does not connect directly nor indirectly to another water feature. USACE has determined that Pond-3 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00180 Pond-4	0.14 acres	(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)	Project information provided by the consultant, a USACE site visit, and supporting data indicate that Pond-4 was constructed within uplands in association with the construction of a golf course and receives hydrology from EF-1 (a (b)(3) Ephemeral feature). USACE has determined that Pond-4 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00180 Pond-6	0.13 acres	(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)	Project information provided by the consultant, a USACE site visit, and supporting data indicate that Pond-6 was constructed within uplands in association with the construction of a golf course and does not connect directly nor indirectly to another water feature. USACE has determined that Pond-6 meets the criteria of a (b)(8) 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.

X Information submitted by, or on behalf of, the applicant/consultant: **Delineation of Waters of the United States, dated 17-MAR-2021.**

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

Rationale: **N/A**

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- ___ Data sheets prepared by the Corps:
- X Photographs: [Aerial and Other: Google Earth Imagery, Numerous Years. On-site photographs provided by the consultant. EDR Aerial Photo Decade Package \(USDA/NAPI; USGS/DOQQ; NAPP; and TXDOT \(1942 – 2016\)\) provided by the consultant.](#)
- X Corps Site visit(s) conducted on: [04-APR-2021](#)
- ___ Previous Jurisdictional Determinations [N/A](#)
- X Antecedent Precipitation Tool: [See Section III.B.](#)
- ___ USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)
- X USFWS NWI maps: [ESRI Managed Imagery \(SWF Regulatory Viewer\), 05-APR-2021 and 23-JUN-2021.](#)
- X USGS topographic maps: [Denton East 7.5' Quadrangle 1960, 1962 edition; 1:1000](#)

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) 23-JUN-2021
USDA Sources	Web Soil Survey Accessed 23-JUN-2021
NOAA Sources	N/A
USACE Sources	USACE Regulatory ORM II Database and SWF Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	FEMA FIRM: Denton County; Map Panel 48121C380G; effective 18-APR-2011

- B. **Typical year assessment(s):** [The Antecedent Precipitation Tool \(APT\) for 04-APR-2021, \(the USACE site visit date\) indicates that the site was within "normal drought index conditions," during a wet season period within 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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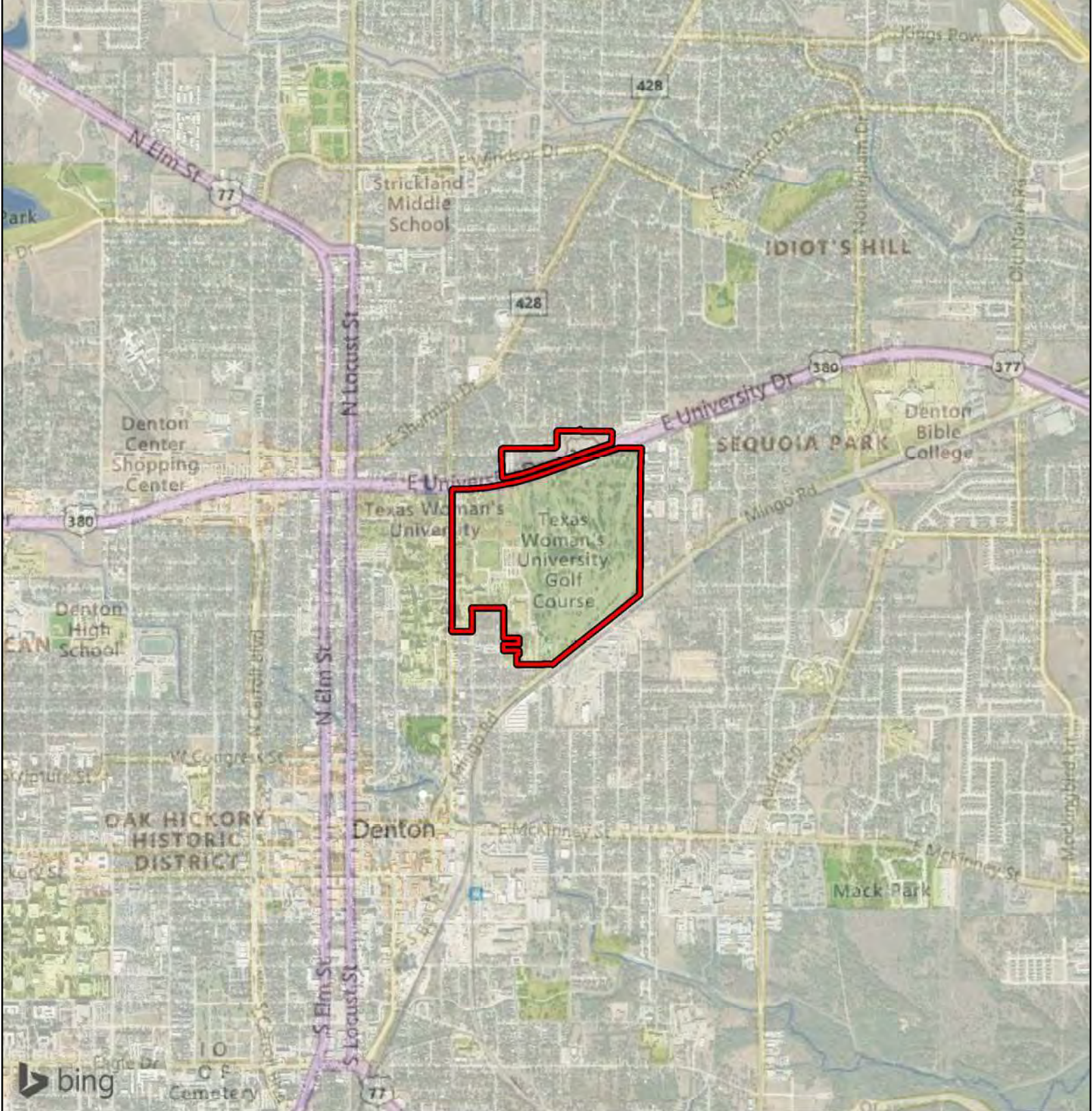


Figure 1.
General Location Map

Texas Woman's University
City of Denton
Denton County, Texas

1 in = 2,000 feet

0 2,000

File Ref. 04.305.004
Date: 1/12/2021

N
W E
S

SWF 2021-00180

Survey Area

Exhibit 1 of 4

Area of Detail

Scale: 1 inch equals 10 miles

07 JUL 2021

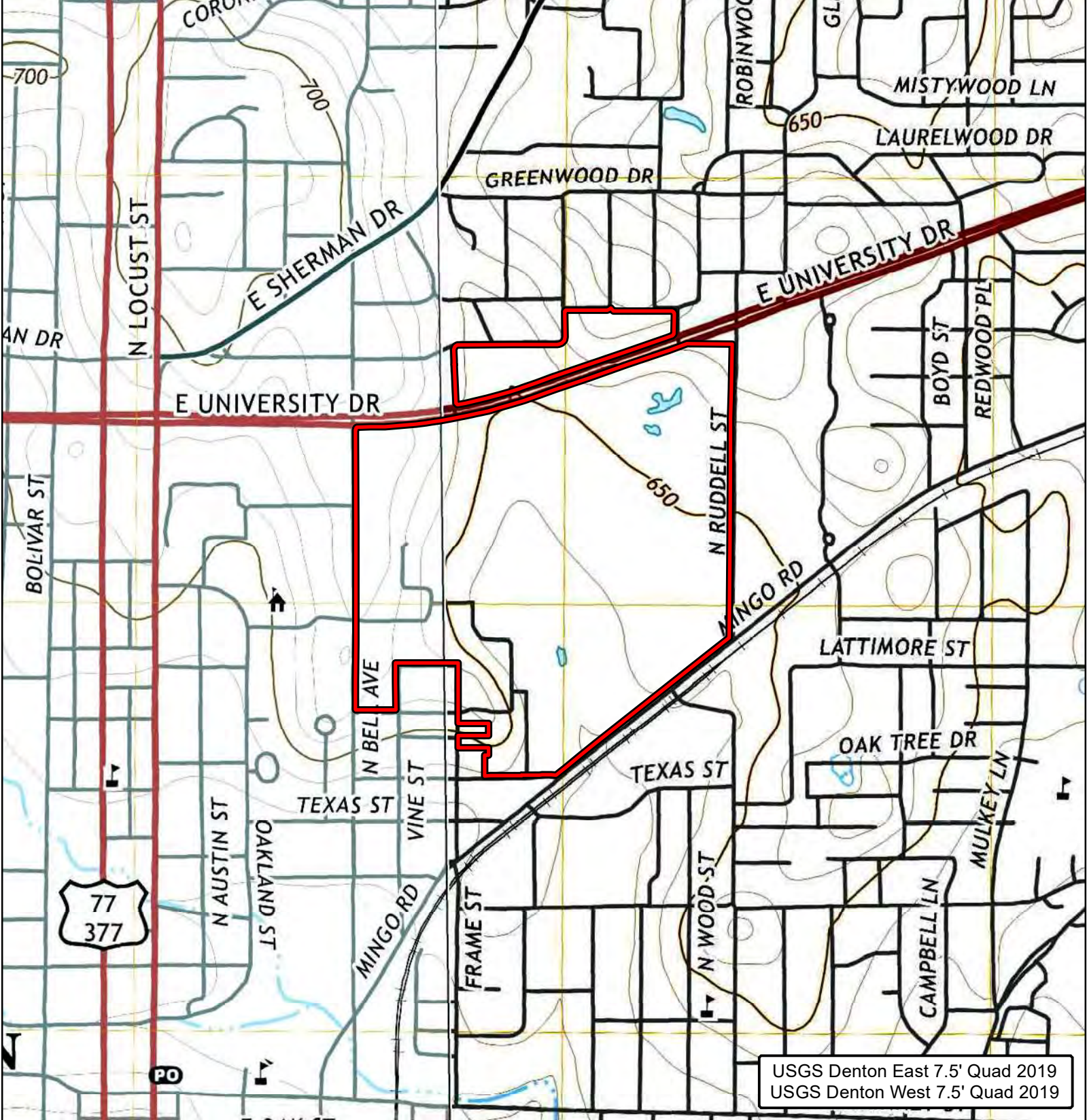


Figure 2B.
Topographic Setting

Texas Woman's University
City of Denton
Denton County, Texas

1 in = 1,000 feet

Feet

01,000

File Ref. 04.305.004

Date: 1/12/2021

SWF 2021-00180


 Survey Area

Exhibit 2 of 4

07 JUL-2021



Figure 5.
Aquatic Resources Identified
within the Survey Area

Texas Woman's University
 City of Denton
 Denton County, Texas

1 in = 450 feet

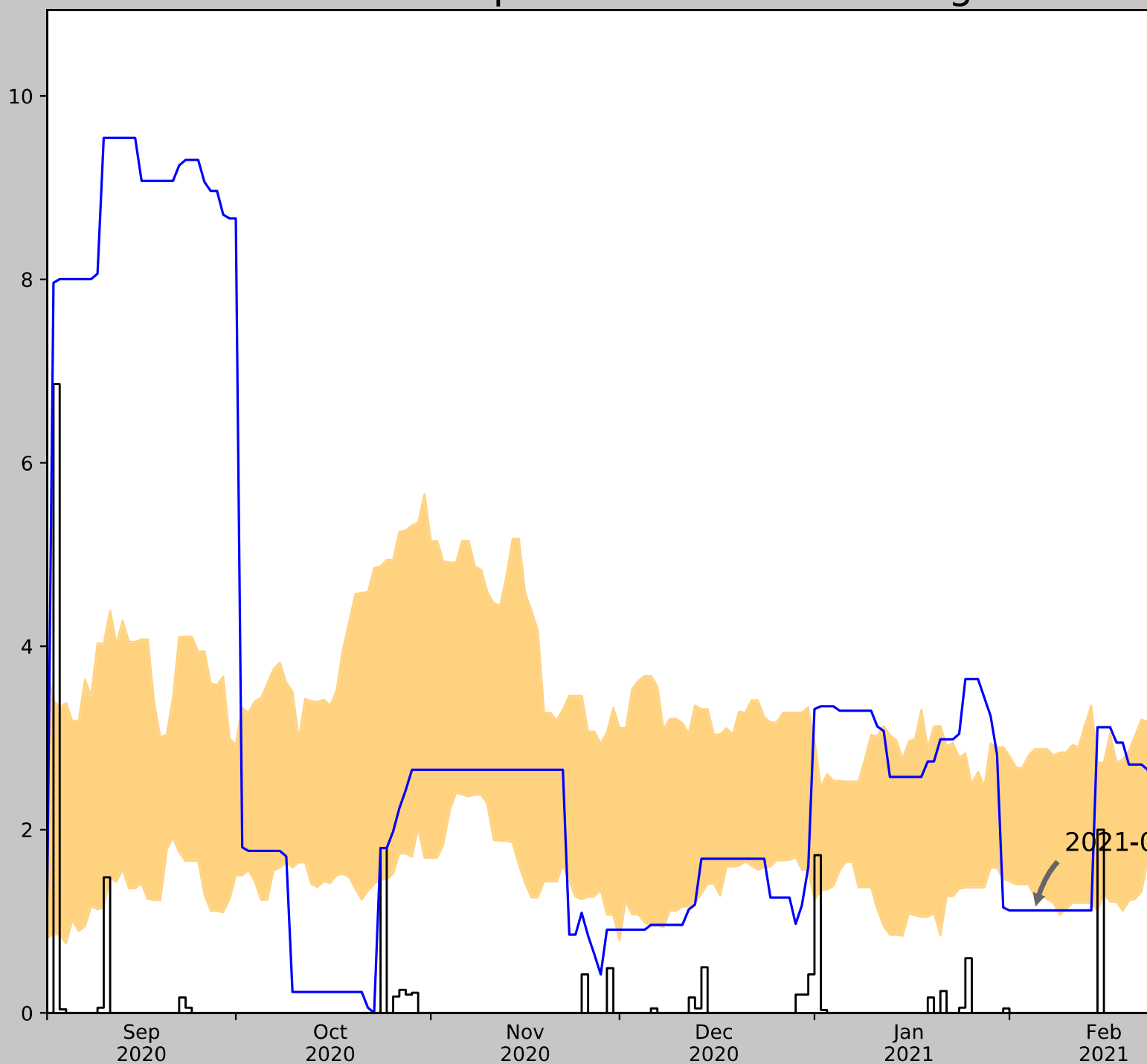


File Ref. 04.305.004
 Date: 1/12/2021

- Survey Area
- Aquatic Features Excluded From Jurisdiction**
- Ephemeral Feature (b)(3)
- Ditch (b)(5)
- Artificial Pond (b)(8)

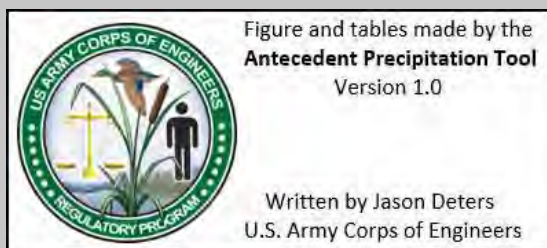
Antecedent Precipitation vs Normal Range based

Rainfall (Inches)



Coordinates	33.22918, -97.12145
Observation Date	2021-04-06
Elevation (ft)	645.16
Drought Index (PDSI)	Normal
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)
2021-04-06	2.466142	3.121429
2021-03-07	1.482677	2.142857
2021-02-05	1.274803	1.904762
Result		



Weather Station Name	
DENTON 2 SE	
DENTON MUNI AP	
SANGER	

SWF-2021-00180

Exhibit