

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 3/24/2022**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Fort Worth District, SWF-2022-00132**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: **Texas** County: **Collin** City: **McKinney**

Center coordinates of site (lat/long in degree decimal format): Lat. 33.159971 **N**, Long. -96.658335 **W**.

Universal Transverse Mercator:

Name of nearest waterbody: **Sloan Creek**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Lavon Lake**

Name of watershed or Hydrologic Unit Code (HUC): **120301060207**

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: **3/24/2022**

☐ Field Determination. Date(s):

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There **Are No** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There **Are No** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: --- **linear feet** total for -- distinct streams (Streams -- thru --- see table in file). ---

**acres** total for open water ponds

Wetlands: -- **acres** for -- distinct wetlands (see table in file).

**c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and OHWM indicators.**

Elevation of established OHWM (if known): Unknown.

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to not be jurisdictional. Explain: **A single water feature (which is a preamble water) exists on site which is an**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

**excavated ditch within an upland swale as demonstrated by reviewing aerial imagery and filed data provided by the consultant.**

### **SECTION III: CWA ANALYSIS**

#### **F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☐ Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- ☐ Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain:
- ☒ Other: (explain, if not covered above): **A single water feature (which is a preamble water) exists on site which is a 491 linear foot excavated ditch within an upland swale as demonstrated by reviewing aerial imagery and field data provided by the consultant.**

ISOLATED - Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams):          linear feet          width (ft).
- ☐ Lakes/ponds:          acres.
- ☐ Other non-wetland waters:          acres. List type of aquatic resource:          .
- ☐ Wetlands:          acres.

FAILS SIGNIFICANT NEXUS - Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams):          linear feet,          width (ft).
- ☐ Lakes/ponds:          acres.
- ☐ Other non-wetland waters:          acres. List type of aquatic resource:          .
- ☐ Wetlands:          acres.

### **SECTION IV: DATA SOURCES.**

#### **A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:          .
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☒ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:          .
- ☐ Corps navigable waters’ study:          .
- ☒ U.S. Geological Survey Hydrologic Atlas:          .
  - ☐ USGS NHD data.
  - ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: McKinney West 2019.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey Accessed 2/2022.
- ☐ National wetlands inventory map(s). Cite name:          .
- ☐ State/Local wetland inventory map(s):          .
- ☒ FEMA/FIRM maps: Online viewer. No floodplain exists.
- ☐ 100-year Floodplain Elevation is:          (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): All Google Earth imagery available.
  - or ☒ Other (Name & Date): On site photographs from consultant site visit of 1/28/2022.
- ☐ Previous determination(s). File no. and date of response letter:          .
- ☐ Applicable/supporting case law:          .
- ☐ Applicable/supporting scientific literature:          .
- ☐ Other information (please specify):          .

#### **B. ADDITIONAL COMMENTS TO SUPPORT JD:          .**