



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT  
P. O. BOX 17300  
FORT WORTH, TEXAS 76102-0300

CESWF-RD

11 September 2025

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Pre-2015 Regulatory Regime Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023),<sup>1</sup> [SWF-2025-00053](#), [MFR 1 of 1](#).<sup>2</sup>

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.<sup>3</sup> AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.<sup>4</sup> For the purposes of this AJD, we have relied on section 10 of the Rivers and Harbors Act of 1899 (RHA),<sup>5</sup> the Clean Water Act (CWA) implementing regulations published by the Department of the Army in 1986 and amended in 1993 (references 2.a. and 2.b. respectively), the 2008 *Rapanos-Carabell* guidance (reference 2.c.), and other applicable guidance, relevant case law and longstanding practice, (collectively the pre-2015 regulatory regime), and the *Sackett* decision (reference 2.d.) in evaluating jurisdiction.

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. The features addressed in this AJD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court’s decision in *Sackett*. This AJD did not rely on the 2023 “Revised Definition of ‘Waters of the United States,’” as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable [in this state](#) due to litigation.

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<sup>1</sup> While the Supreme Court’s decision in *Sackett* had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

<sup>2</sup> When documenting aquatic resources within the review area that are jurisdictional under the Clean Water Act (CWA), use an additional MFR and group the aquatic resources on each MFR based on the TNW, interstate water, or territorial seas that they are connected to. Be sure to provide an identifier to indicate when there are multiple MFRs associated with a single AJD request (i.e., number them 1, 2, 3, etc.).

<sup>3</sup> 33 CFR 331.2.

<sup>4</sup> Regulatory Guidance Letter 05-02.

<sup>5</sup> USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

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1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Water Feature	Size	Status	Rationale
WET-01	0.17 ac	Jurisdictional	Continuous surface connection (CSC) to downstream WOTUS
WET-02	3.01 ac	Jurisdictional	CSC to downstream WOTUS
WET-03	0.14 ac	Jurisdictional	CSC to downstream WOTUS
WET-04	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-06	0.05 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-07	0.04 ac	Jurisdictional	CSC to downstream WOTUS
WET-08	0.17 ac	Jurisdictional	CSC to downstream WOTUS
WET-09	1.34 ac	Jurisdictional	CSC to downstream WOTUS
WET-10	0.30 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-11	0.17 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-12	0.08 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-13	0.15 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-14	0.07 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-15	3.96 ac	Jurisdictional	CSC to downstream WOTUS
WET-16	0.07 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-17	0.2 ac	Jurisdictional	CSC to downstream WOTUS
WET-18	0.07 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-19	0.22 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-20	0.23 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-21	0.11 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-22	0.49 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-23	1.33 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-24	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-25	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-26	0.02 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-27	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-28	0.10 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-29	0.07 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-30	0.08 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-31	0.04 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-32	0.04 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-33	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
ST-01	0.01 ac	Jurisdictional	Relatively permanent water (RPW); CSC to downstream WOTUS
ST-01-2	0.005 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-01-3	0.11 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-01-4	0.01 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-02	0.08 ac	Non-Jurisdictional	Non-RPW stream
ST-03	0.005 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-04	0.01 ac	Non-Jurisdictional	Non-RPW stream

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Water Feature	Size	Status	Rationale
ST-05	0.005 ac	Non-Jurisdictional	Non-RPW stream
ST-06	0.01 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-06-2	0.02 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-07	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-08	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-08-2	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-09	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-10	0.005 ac	Non-Jurisdictional	Non-RPW stream
ST-11	0.03 ac	Non-Jurisdictional	Non-RPW stream
ST-12	0.16 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-13	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-14	0.01 ac	Non-Jurisdictional	Non-RPW stream
OW-01	0.22 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-02	19.35 ac	Jurisdictional	Impoundment of RPW; CSC to downstream WOTUS via culvert
OW-03	0.37 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-04	0.57 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-05	0.45 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-06	0.20 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-07	0.53 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-08	0.47 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-09	0.25 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-10	0.19 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-11	0.02 ac	Jurisdictional	CSC to downstream WOTUS

## 2. REFERENCES.

- a. Final Rule for Regulatory Programs of the Corps of Engineers, 51 FR 41206 (November 13, 1986).
- b. Clean Water Act Regulatory Programs, 58 FR 45008 (August 25, 1993).
- c. U.S. EPA & U.S. Army Corps of Engineers, Clean Water Act Jurisdiction Following the U.S. Supreme Court's Decision in *Rapanos v. United States & Carabell v. United States* (December 2, 2008)
- d. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)

3. REVIEW AREA. The review area is approximately 791.86 acres, located approximately 5.56 miles northwest of the city center of Wills Point in Van Zandt County, Texas. The coordinates for the entrance of the property are 32.787862, -96.033932. The property is comprised of regularly maintained pasture for livestock grazing and hay production, small forest motts, several stock tanks, and an improved road providing access to a barn from Farm-to-Market Road 751. The

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review area is within the Northern Post Oak Savanna Level IV ecoregion. Within the review area, six map units are classified as non-hydric, and one, Sandow loam, occasionally flooded, is classified as predominantly non-hydric by the USDA NRCS. A total of 32 wetlands (12.87 acres), 19 streams (9,807 linear feet, 0.50 acre), and 11 waterbodies (22.62 acres) were identified within the review area. Aquatic resources which displayed a continuous surface connection to downstream WOTUS appear to flow into Negro Creek to the south of the review area and Koen Creek to the east of the review area, both of which eventually flow into the Sabine River to the east. According to the FEMA FIRM map, 48467C0025C effective December 17, 2010, the site is not within the 100-year floodplain.

4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), INTERSTATE WATER, OR THE TERRITORIAL SEAS TO WHICH THE AQUATIC RESOURCE IS CONNECTED. [Sabine River, a Section 10 TNW within the Fort Worth District for a substantial amount of its length.](#)<sup>6</sup>
5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, INTERSTATE WATER, OR THE TERRITORIAL SEAS. [Aquatic features ultimately flow into McBee Creek and into the Sabine River.](#)
6. SECTION 10 JURISDICTIONAL WATERS<sup>7</sup>: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.<sup>8</sup> [N/A](#)
7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale

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<sup>6</sup> This MFR should not be used to complete a new stand-alone TNW determination. A stand-alone TNW determination for a water that is not subject to Section 9 or 10 of the Rivers and Harbors Act of 1899 (RHA) 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.

<sup>7</sup> 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

<sup>8</sup> This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part 329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

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for each aquatic resource, supporting that the aquatic resource meets the relevant category of “waters of the United States” in the pre-2015 regulatory regime. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. TNWs (a)(1): [N/A](#)
- b. Interstate Waters (a)(2): [N/A](#)
- c. Other Waters (a)(3): [N/A](#)
- d. Impoundments (a)(4):

Water Feature	Size	Status	Rationale
OW-02	19.35 ac	Jurisdictional	Impoundment of RPW; CSC to downstream WOTUS via culvert
OW-11	0.02 ac	Jurisdictional	CSC to downstream WOTUS

OW-02 is an impoundment of ST-06, which is an RPW that eventually connects to the Sabine River. OW-02 is connected to ST-06 through a culvert. OW-11 appears to be an oxbow of ST-12 (Negro Creek) and has CSC to ST-12 and eventually the Sabine River. These features are considered (a)(4) impoundments of WOTUS

- e. Tributaries (a)(5):

Water Feature	Size	Status	Rationale
ST-01	0.01 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-01-2	0.005 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-01-3	0.11 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-01-4	0.01 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-03	0.005 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-06	0.01 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-06-2	0.02 ac	Jurisdictional	RPW; CSC to downstream WOTUS
ST-12	0.16 ac	Jurisdictional	RPW; CSC to downstream WOTUS

ST-01, ST-01-02, ST-01-03, ST-01-04, ST-06, and ST-06-02 are part of an RPW stream/wetland/waterbody complex that extends through the central portion of the review area. These features maintain a CSC, and are eventually connected to the Sabine River through ST-06. ST-03 is part

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of an RPW stream/wetland complex in the southwestern portion of the site which maintains a CSC with Negro Creek and is eventually connected to the Sabine River. ST-12 is an RPW stream and is mapped as part of Negro Creek, and is eventually connected to the Sabine River. These features are all (a)(5) tributaries.

f. The territorial seas (a)(6): N/A

g. Adjacent wetlands (a)(7):

Water Feature	Size	Status	Rationale
WET-01	0.17 ac	Jurisdictional	CSC to downstream WOTUS
WET-02	3.01 ac	Jurisdictional	CSC to downstream WOTUS
WET-03	0.14 ac	Jurisdictional	CSC to downstream WOTUS
WET-07	0.04 ac	Jurisdictional	CSC to downstream WOTUS
WET-08	0.17 ac	Jurisdictional	CSC to downstream WOTUS
WET-09	1.34 ac	Jurisdictional	CSC to downstream WOTUS
WET-15	3.96 ac	Jurisdictional	CSC to downstream WOTUS
WET-17	0.2 ac	Jurisdictional	CSC to downstream WOTUS

WET-01, WET-02, WET-03, WET-16, and WET-17 are part of an RPW stream/wetland/waterbody complex that extends through the central portion of the review area. These features are adjacent to and maintain a CSC to RPWs, and are eventually connected to the Sabine River through ST-06. WET-07, WET-08, and WET-09 part of an RPW stream/wetland complex in the southwestern portion of the site which maintains a CSC with Negro Creek and is eventually connected to the Sabine River. These features are all (a)(7) wetlands adjacent to non-wetland RPWs identified as (a)(4) and (a)(5) features.

## 8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

a. Describe aquatic resources and other features within the review area identified as “generally non-jurisdictional” in the preamble to the 1986 regulations (referred to as “preamble waters”).<sup>9</sup> Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA as a preamble water.

Water Feature	Size	Status	Rationale
OW-01	0.22 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW

<sup>9</sup> 51 FR 41217, November 13, 1986.

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OW-01: Based on consultant’s findings and a desktop review, this feature consists of a stock pond that has been created in uplands. This feature is isolated and is not connected to any RPWs.

- b. Describe aquatic resources and features within the review area identified as “generally not jurisdictional” in the *Rapanos* guidance. Include size of the aquatic resource or feature within the review area and describe how it was determined to be non-jurisdictional under the CWA based on the criteria listed in the guidance. [N/A](#)
- c. Describe aquatic resources and features identified within the review area as waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA. Include the size of the waste treatment system within the review area and describe how it was determined to be a waste treatment system. [N/A](#)
- d. Describe aquatic resources and features within the review area determined to be prior converted cropland in accordance with the 1993 regulations (reference 2.b.). Include the size of the aquatic resource or feature within the review area and describe how it was determined to be prior converted cropland. [N/A](#)
- e. Describe aquatic resources (i.e. lakes and ponds) within the review area, which do not have a nexus to interstate or foreign commerce, and prior to the January 2001 Supreme Court decision in “*SWANCC*,” would have been jurisdictional based solely on the “Migratory Bird Rule.” Include the size of the aquatic resource or feature, and how it was determined to be an “isolated water” in accordance with *SWANCC*. [N/A](#)
- f. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the pre-2015 regulatory regime consistent with the Supreme Court’s decision in *Sackett* (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water). +

Water Feature	Size	Status	Rationale
WET-04	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-06	0.05 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-10	0.30 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-11	0.17 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-12	0.08 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-13	0.15 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-14	0.07 ac	Non-Jurisdictional	Non-adjacent and lacks CSC

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Water Feature	Size	Status	Rationale
WET-16	0.07 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-18	0.07 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-19	0.22 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-20	0.23 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-21	0.11 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-22	0.49 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-23	1.33 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-24	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-25	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-26	0.02 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-27	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-28	0.10 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-29	0.07 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-30	0.08 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-31	0.04 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-32	0.04 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
WET-33	0.03 ac	Non-Jurisdictional	Non-adjacent and lacks CSC
ST-02	0.08 ac	Non-Jurisdictional	Non-RPW stream
ST-04	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-05	0.005 ac	Non-Jurisdictional	Non-RPW stream
ST-07	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-08	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-08-2	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-09	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-10	0.005 ac	Non-Jurisdictional	Non-RPW stream
ST-11	0.03 ac	Non-Jurisdictional	Non-RPW stream
ST-13	0.01 ac	Non-Jurisdictional	Non-RPW stream
ST-14	0.01 ac	Non-Jurisdictional	Non-RPW stream
OW-03	0.37 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-04	0.57 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-05	0.45 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-06	0.20 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-07	0.53 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-08	0.47 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-09	0.25 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW
OW-10	0.19 ac	Non-Jurisdictional	Not an impoundment of WOTUS/RPW

Non-jurisdictional wetlands (WET-04, WET-06, WET-10, WET-11, WET-12, WET-13, WET-14, WET-16, WET-18, WET-19, WET-20, WET-21, WET-22, WET-23, WET-24, WET-25, WET-26, WET-27, WET-28, WET-29, WET-30, WET-31, WET-32, WET-33): Based on consultant’s findings and desktop review, these features consist of isolated depressional features surrounded by uplands and lacking continuous surface connections (CSC) to any (a)(5) tributaries or other WOTUS. Any hydrology flowing from these features would occur through overland sheet flow or through ephemeral/non-relatively-permanent-waters (RPW) and

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not through a continuous surface connection. In summary, these features are not (a)(7) adjacent wetlands because they do not physically abut any RPWs (i.e., (a)(1) TNW, (a)(2) interstate water, (a)(3) water, (a)(4) impoundment, (a)(5) tributary, (a)(6) territorial sea) or have a CSC to an (a)(5) tributary through a discrete hydrology feature (i.e., swale, ditch, pipe, culvert, NRPW tributary.)

Non-jurisdictional streams (ST-02, ST-04, ST-05, ST-07, ST-08, ST-08-2, ST-09, ST-10, ST-11, ST-13, ST-14): Based on consultant's findings and desktop review, these features consist of ephemeral streams. These streams are not mapped on topographic maps or within NHD stream data. These streams appear to flow in response to rainfall, and appear to be 100 percent non-RPW streams within their respective reaches.

Non-jurisdictional waterbodies, non-RPW impoundments (OW-03, OW-04, OW-05, OW-06, OW-07, OW-08, OW-09, OW-10): Based on consultant's findings and desktop review, these features consist of stock ponds that are impoundments of non-RPWs. These features are not (a)(4) RPW impoundments.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.
  - a. Consultant site assessment / inspection July 10-14, 2024.
  - b. Aquatic Resources Delineation Report Materials for Goldfinch Solar & Storage Project, July 2025.
  - c. Cowardin, L. M., V. Carter, F.C. Golet, and E.T. LaRoe. 1979. Classification of Wetlands and Deepwater Habitats of the United States. U.S. Fish and Wildlife Service (USFWS) Report No. FWS/OBS/-79/31. Washington, D.C.
  - d. Google Earth. Aerial Imagery. Accessed 2025.
  - e. Soil Survey Staff, Natural Resources Conservation Service (NRCS), USDA. 2021. Soil Geographic (SSURGO) Database for Dallas County, Texas.
  - f. U.S. Army Corps of Engineers (USACE). 1987. Corps of Engineers Wetlands Delineation Manual. Technical Report Y 87 1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Mississippi.
  - g. USACE. 2010. Regional Supplement to the Corps of Engineers Wetland

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Delineation Manual: Great Plains Region (Version 2.0), ed. Wakeley, J.S., R.W. Lichvar, and C.V. Noble. ERDC/EL TR-10-1. Vicksburg, Mississippi., U.S. Army Engineer Research and Development Center.

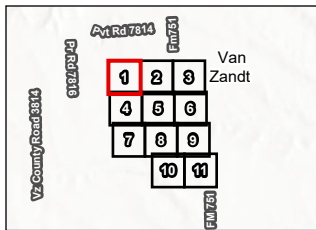
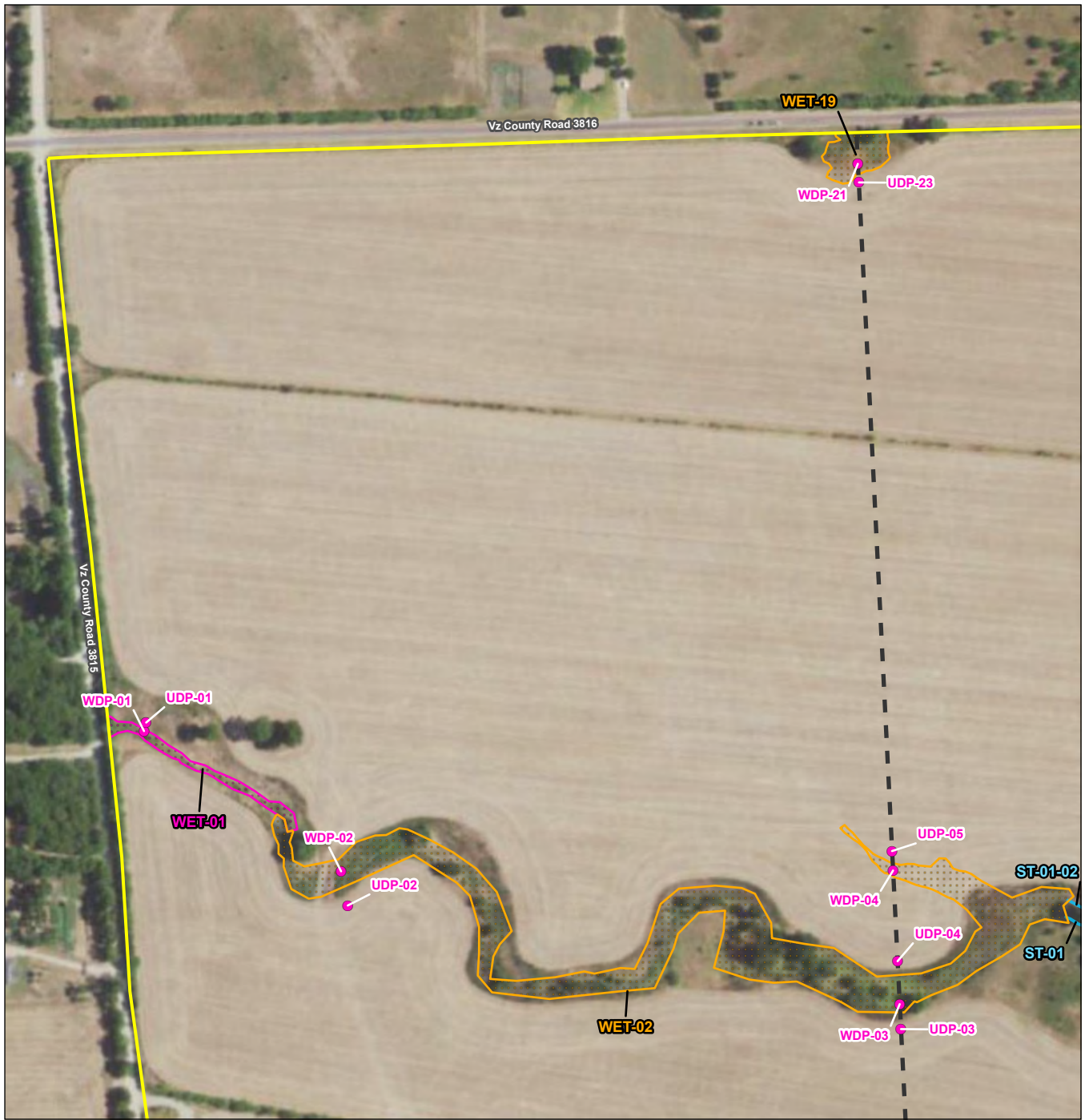
- h. USFWS. 2024. National Wetlands Inventory (NWI) Version 2. NWI website. U.S. Department of Interior, Fish and Wildlife Service, Washington, D.C. <https://www.fws.gov/wetlands/>.
- i. USGS. 2022. 7.5-minute digital topographic quadrangle; 1:24,000.
- j. USGS. 2025. National Hydrography Dataset (NHD).

### 10. OTHER SUPPORTING INFORMATION.

- a. U.S. Department of the Army, U.S. Army Corps Of Engineers, & U.S. Environmental Protection Agency. (2025). Memorandum To The Field Between The U.S. Department Of The Army, U.S. Army Corps Of Engineers And The U.S. Environmental Protection Agency Concerning The Proper Implementation Of “Continuous Surface Connection” Under The Definition Of “Waters Of The United States” Under The Clean Water Act [Memorandum]. <https://www.epa.gov/system/files/documents/2025-03/2025cscguidance.pdf>

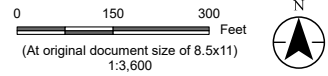
11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR’s structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.

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**Notes**  
 1. Coordinate System: NAD 1983 StatePlane Texas North Central FIPS 4202 Feet  
 2. Data Sources: Stantec, Diamond Generating Corporation, Esri, USGS, USCB  
 3. Background: NAIP 2022

- Legend**
- Survey Area
  - Sample Point
  - Transect
  - Field Delineated Open Water
  - Field Delineated Waterway
  - Perennial Stream
  - Intermittent Stream
  - Ephemeral Stream
  - Field Delineated Wetland
  - Palustrine Emergent Wetland
  - Palustrine Forested Wetland
  - Palustrine Shrub/Scrub Wetland



*Project Location*  
 Van Zandt Co., TX

*Prepared by* DBB on 2024-07-01  
 TR by ML on 2024-07-26  
 IR by EM on 2024-07-26

*Client/Project*  
 Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
 Wetlands and Waterbodies Delineation Report

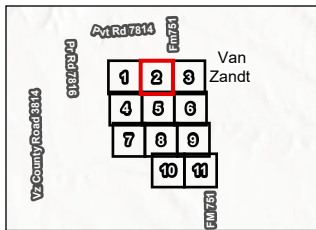
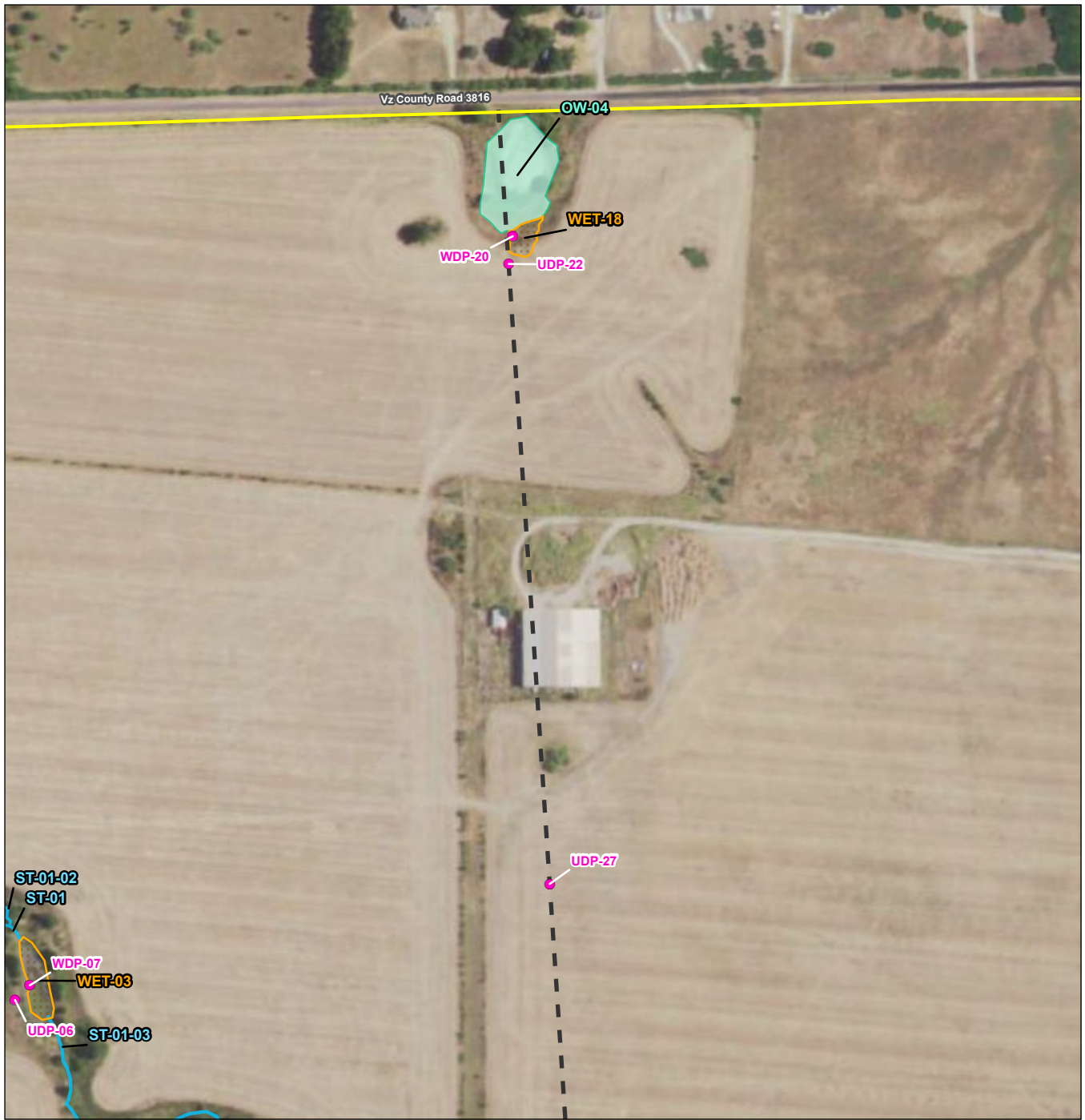
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*Figure No.*  
**6**

*Title*  
**Field Investigation Map**

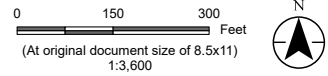
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*Project Location*  
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*Prepared by* DBB on 2024-07-01  
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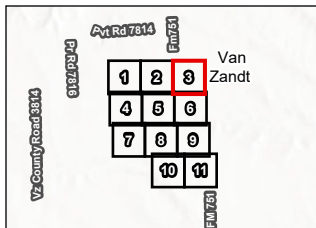
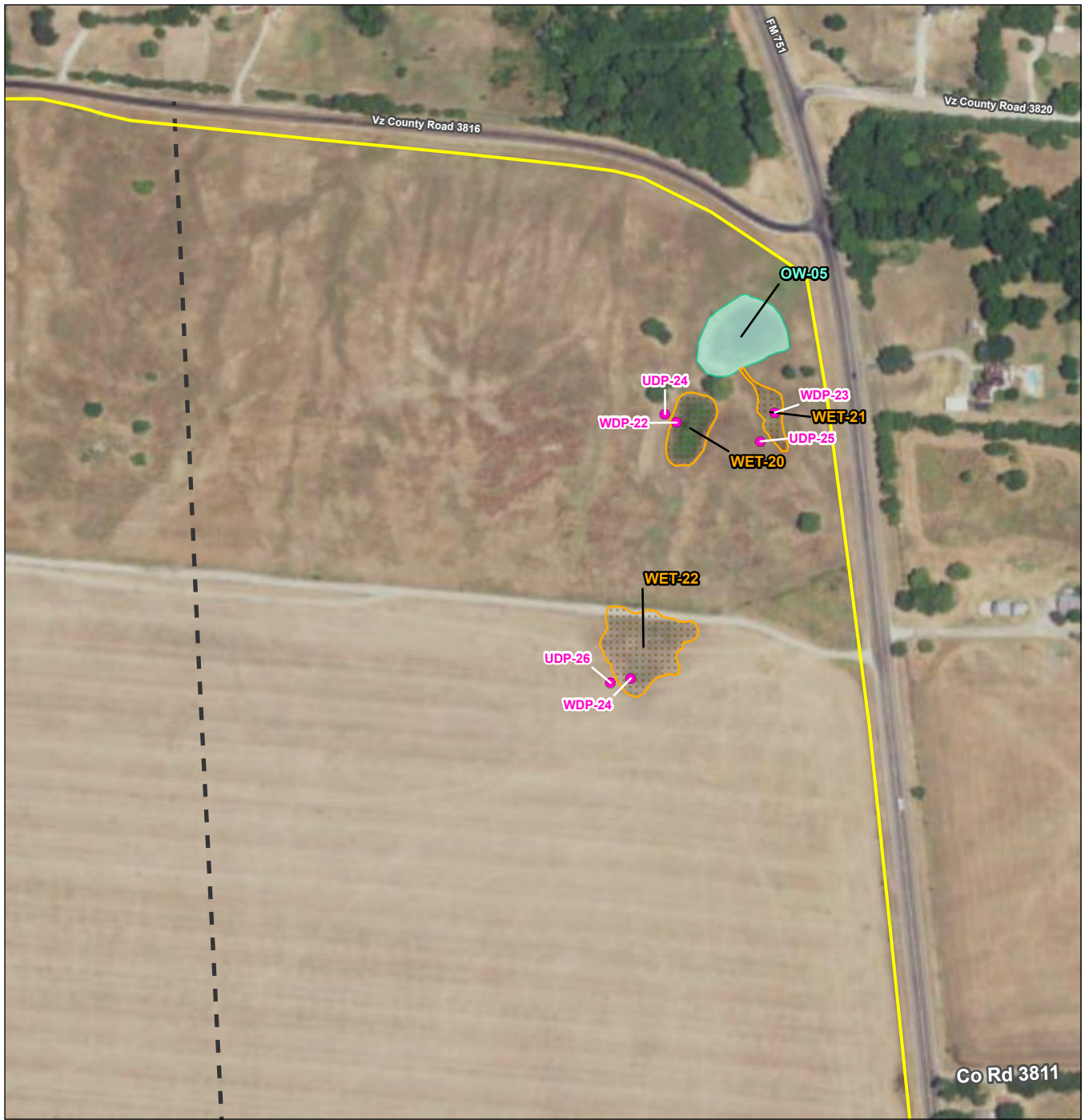
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 Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
 Wetlands and Waterbodies Delineation Report

*Figure No.*  
 6

*Title*  
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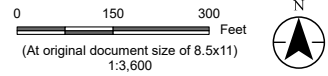
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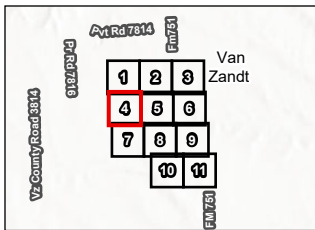
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*Project Location* Van Zandt Co., TX  
 Prepared by DBB on 2024-07-01  
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 IR by EM on 2024-07-26

*Client/Project* Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
 Wetlands and Waterbodies Delineation Report

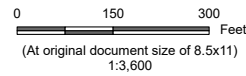
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**Field Investigation Map**



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**Legend**

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*Project Location* Van Zandt Co., TX  
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*Client/Project* Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
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 235301566

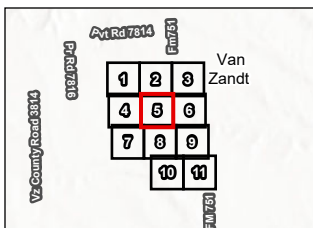
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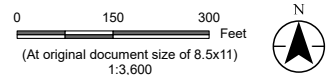
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*Project Location* Van Zandt Co., TX  
*Prepared by* DBB on 2024-07-01  
 TR by ML on 2024-07-26  
 IR by EM on 2024-07-26

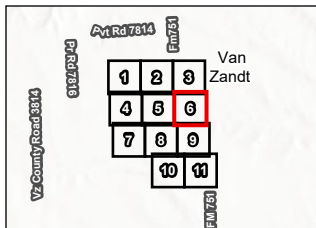
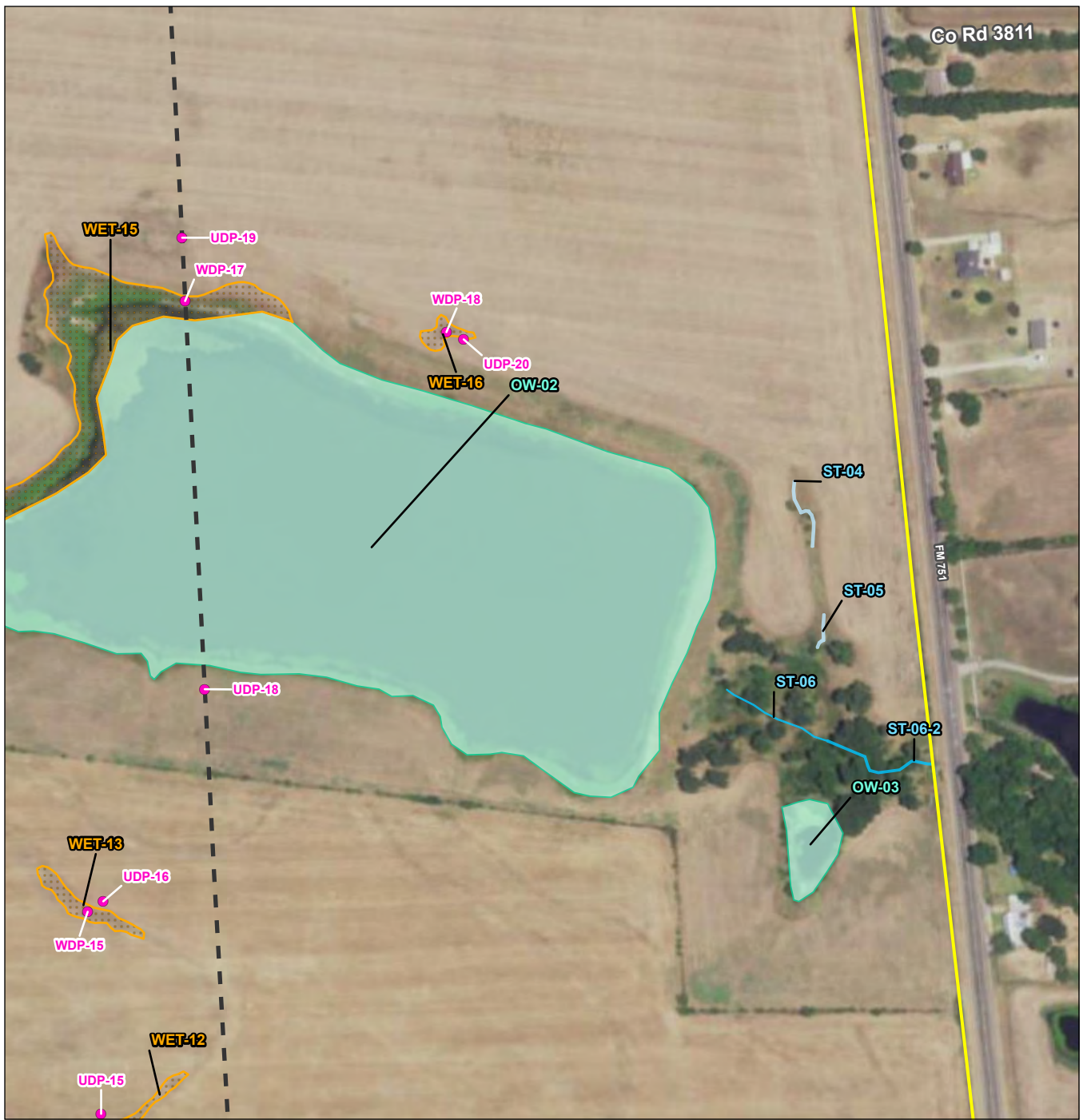
*Client/Project* Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
 Wetlands and Waterbodies Delineation Report  
 235301566

*Figure No.*  
**6**

*Title*  
**Field Investigation Map**

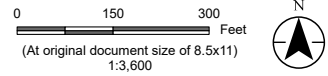
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*Project Location*  
 Van Zandt Co., TX

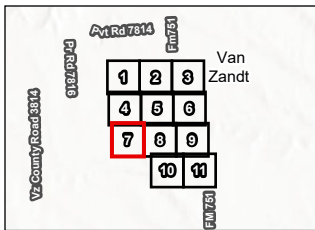
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 Wetlands and Waterbodies Delineation Report

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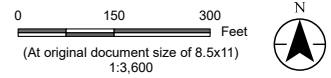
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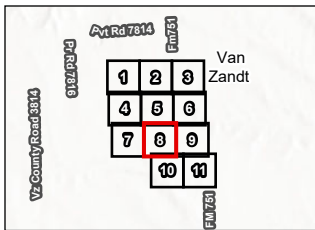
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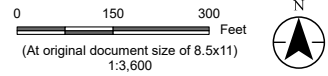
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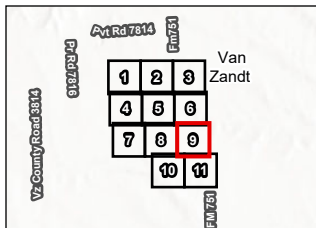
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*Figure No.*  
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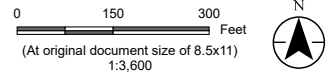
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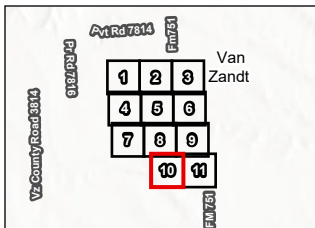
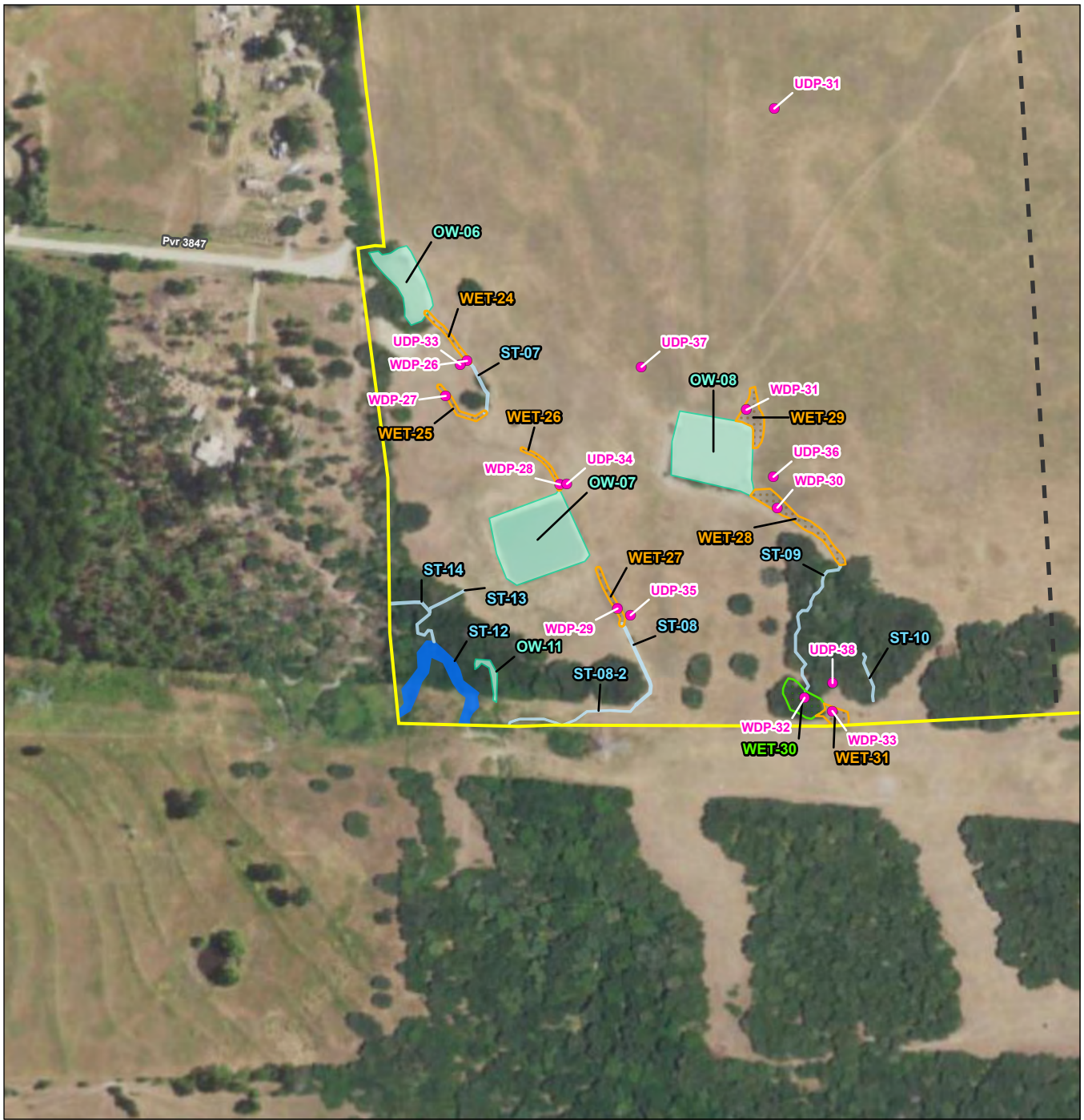
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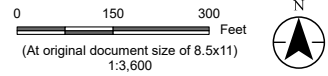
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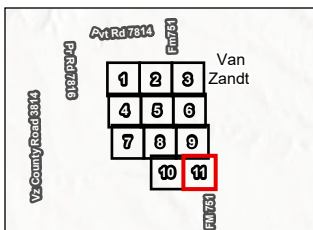
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*Client/Project*  
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 Wetlands and Waterbodies Delineation Report

*Figure No.*  
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*Title*  
**Field Investigation Map**

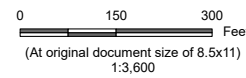
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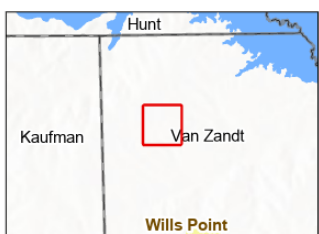
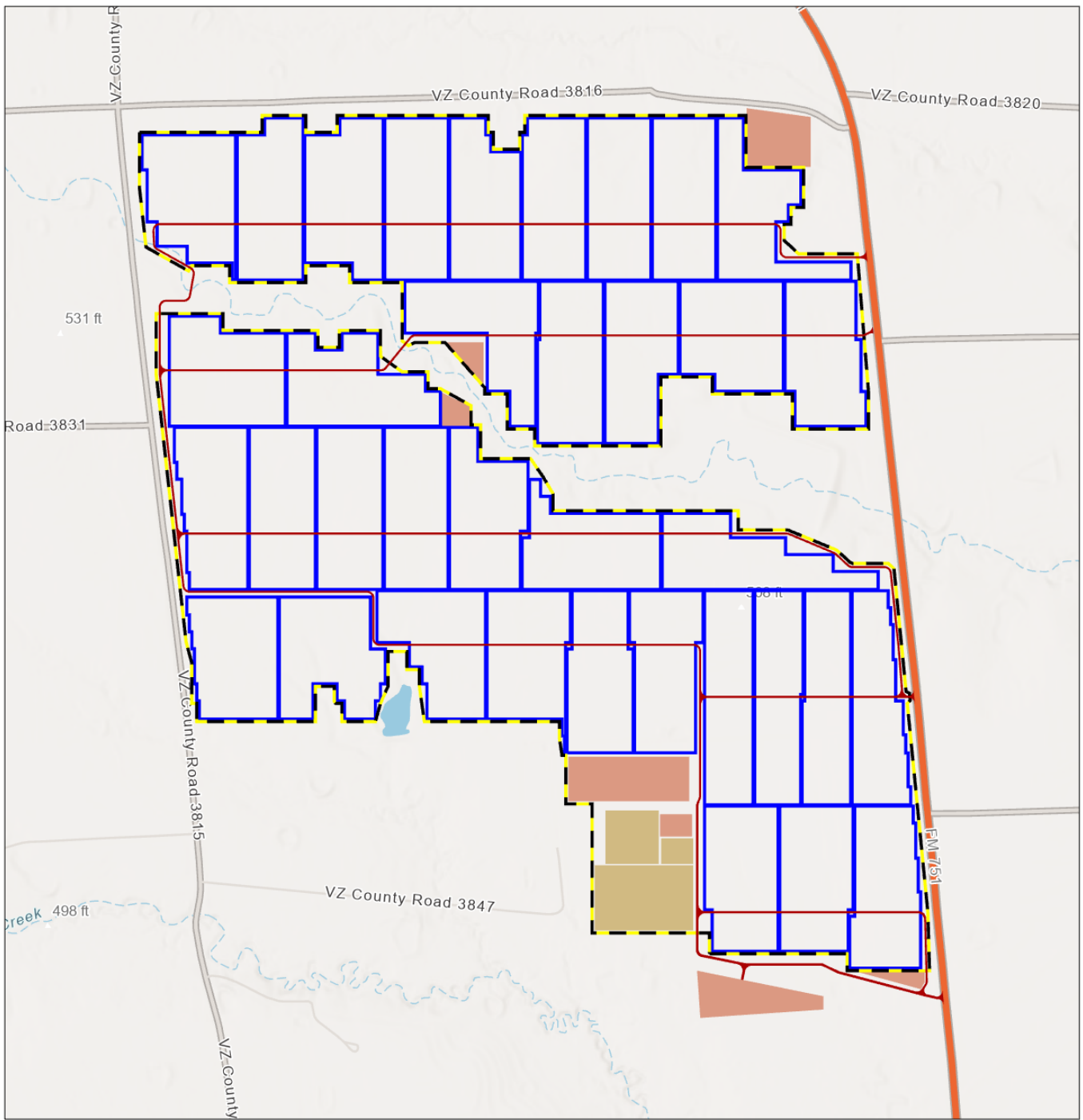
*Project Location* Van Zandt Co., TX  
*Prepared by* DBB on 2024-07-01  
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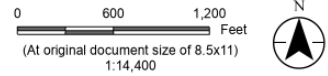
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**Field Investigation Map**

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- Legend**
- Project Workspace**
- BESS Substation
  - Laydown Yard
  - Photovoltaic Block
  - Road
  - Fence



*Project Location*  
Van Zandt Co., TX

*Prepared by* MML on 2024-10-28  
TR by JS on 2024-10-29  
IR by DM on 2025-01-09

*Client/Project*  
Diamond Generating Corporation  
Goldfinch Solar & Storage Project  
Nationwide Permitting (USACE PN: SWF-2025-00053)

235301566

*Figure No.*  
**1**

*Title*  
**Project Vicinity**

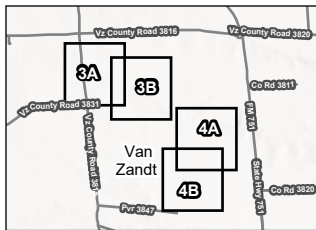
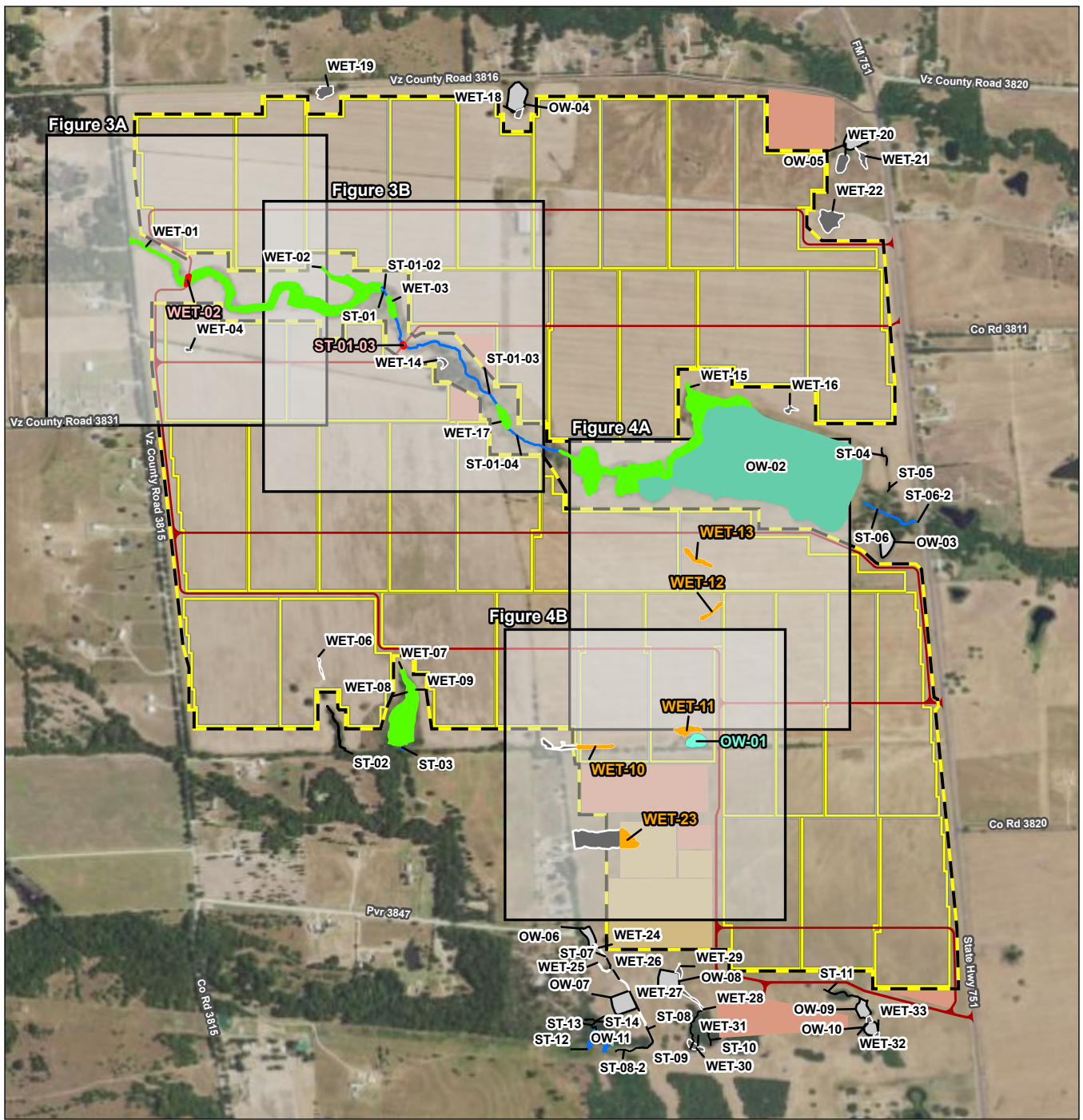
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3. Background: Esri World Topographic Map

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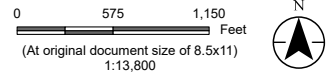
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 3. Background: NAIP 2022

- Legend**
- Figure Index Sheets
  - Project Workspace
  - BESS Substation
  - Laydown Yard
  - Photovoltaic Block
  - Photovoltaic Racks
  - Road
  - Fence
  - Field Delineations
  - Direct & Permanent Impact (Potentially Non-Jurisdictional) Impacted Wetland
  - (Potentially Non-Jurisdictional) Impacted Wetland

- Potentially Jurisdictional Wetland
- Potentially Non-Jurisdictional Wetland
- Potentially Jurisdictional Waterway
- Potentially Non-Jurisdictional Waterway
- (Potentially Non-Jurisdictional) Impacted Open Water
- Potentially Jurisdictional Open Water
- Potentially Non-Jurisdictional Open Water

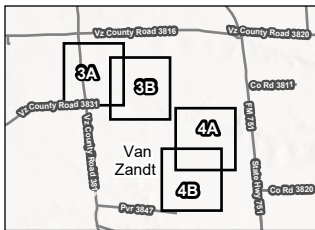
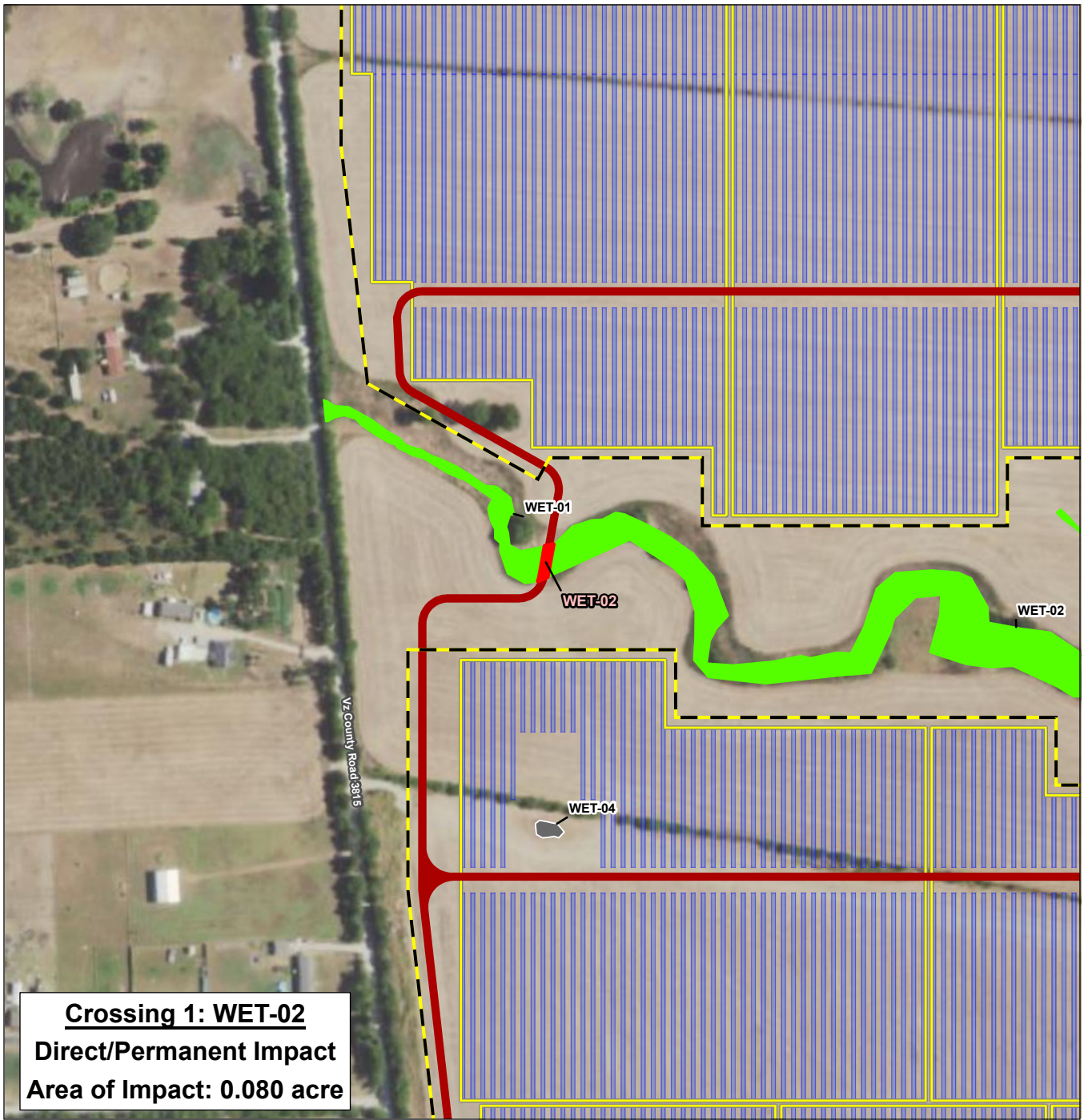


Project Location: Van Zandt Co., TX  
 Prepared by MML on 2024-10-28  
 TR by JS on 2024-10-29  
 IR by DM on 2025-01-09

Client/Project: Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
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 Figure No. 2  
DRAFT

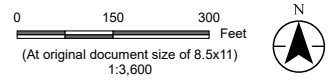
**Impact Map - Overview**

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**Notes**  
 1. Coordinate System: NAD 1983 StatePlane Texas North Central FIPS 4202 Feet  
 2. Data Sources: Stantec, Diamond Generating Corporation, Esri, USGS, USCB  
 3. Background: NAIP 2022

- Legend**
- Project Workspace**
    - Photovoltaic Block
    - Photovoltaic Racks
    - Road
    - Fence
  - Field Delineations**
    - Direct & Permanent Impact
    - Potentially Jurisdictional Wetland
    - Potentially Non-Jurisdictional Wetland



*Project Location*  
 Van Zandt Co., TX

*Prepared by* MML on 2024-10-28  
 TR by JS on 2024-10-29  
 IR by DM on 2025-01-09

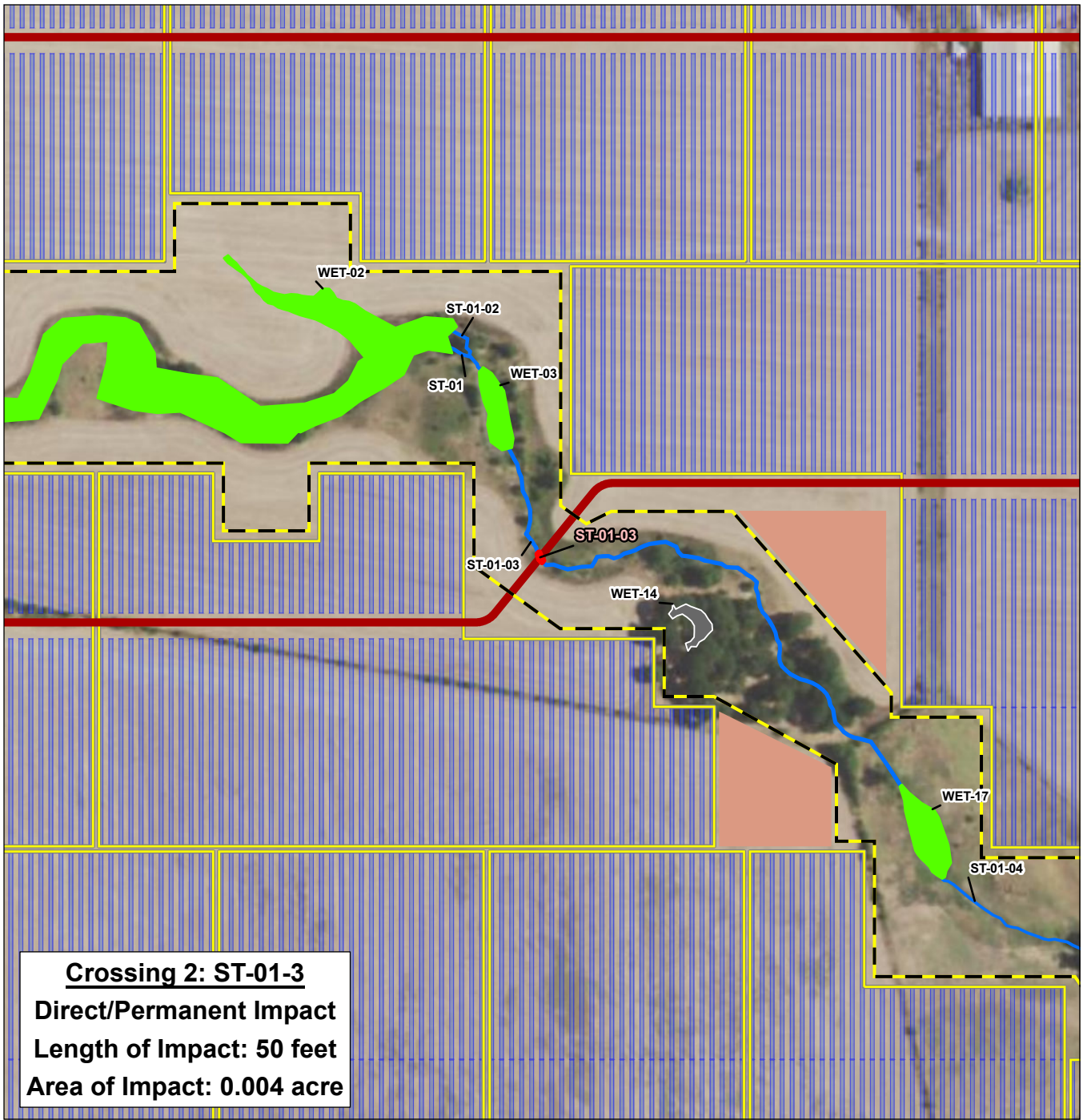
*Client/Project*  
 Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
 Nationwide Permitting (USACE PN: SWF-2025-00053)

*Figure No.*  
**3A**

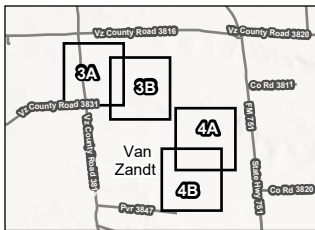
*Title*  
**Impacts to Waters of the U.S. – Crossing 1 (WET-02)**

**DRAFT**

U:\2353\235301566\03\_data\gis\_cad\gisArcPro\235301566\_DJ4M\_Permitting.aprx Revised: 2025-07-15 By: melamont

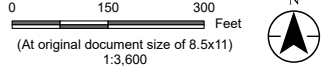


**Crossing 2: ST-01-3**  
**Direct/Permanent Impact**  
**Length of Impact: 50 feet**  
**Area of Impact: 0.004 acre**



**Notes**  
 1. Coordinate System: NAD 1983 StatePlane Texas North Central FIPS 4202 Feet  
 2. Data Sources: Stantec, Diamond Generating Corporation, Esri, USGS, USCB  
 3. Background: NAIP 2022

- Legend**
- Project Workspace
  - Laydown Yard
  - Photovoltaic Block
  - Photovoltaic Racks
  - Road
  - Fence
- Field Delineations**
- Direct & Permanent Impact
  - Potentially Jurisdictional Wetland
  - Potentially Non-Jurisdictional Wetland
  - Potentially Jurisdictional Waterway



*Project Location*  
 Van Zandt Co., TX

*Prepared by* MML on 2024-10-28  
 TR by JS on 2024-10-29  
 IR by DM on 2025-01-09

*Client/Project*  
 Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
 Nationwide Permitting (USACE PN: SWF-2025-00053)

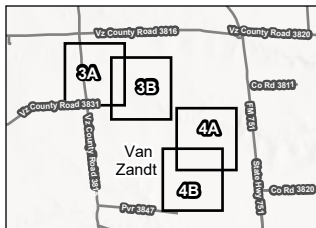
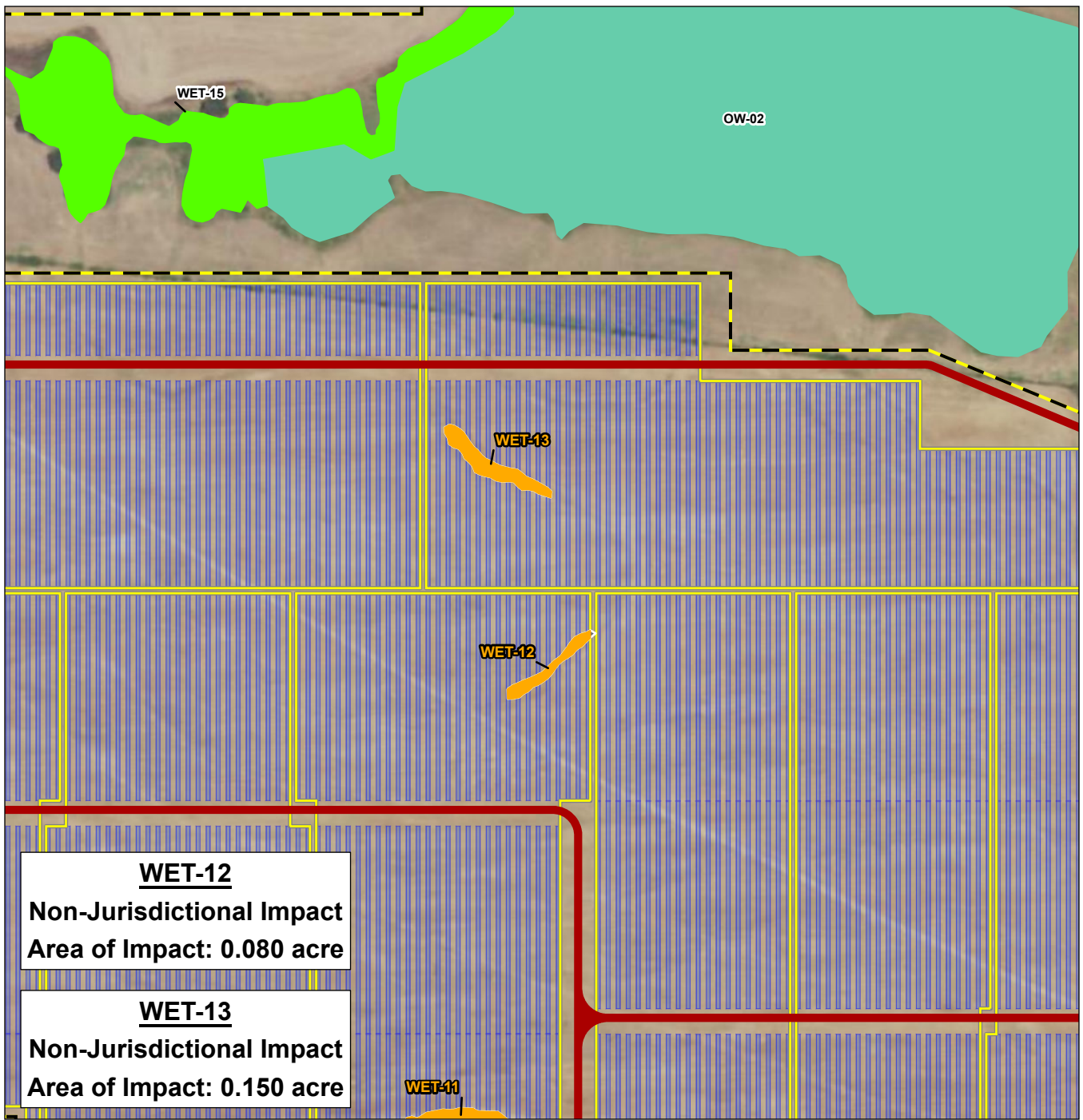
*Figure No.*  
**3B**

*Title*  
**Impacts to Waters of the U.S. – Crossing 2 (ST-01-3)**

**DRAFT**

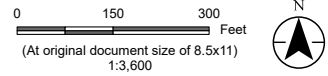
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**Notes**  
 1. Coordinate System: NAD 1983 StatePlane Texas North Central FIPS 4202 Feet  
 2. Data Sources: Stantec, Diamond Generating Corporation, Esri, USGS, USCB  
 3. Background: NAIP 2022

- Legend**
- Project Workspace**
- Photovoltaic Block
  - Photovoltaic Racks
  - Road
  - Fence
- Field Delineations**
- (Potentially Non-Jurisdictional) Impacted Wetland
  - Potentially Jurisdictional Wetland
  - Potentially Jurisdictional Open Water



*Project Location*  
Van Zandt Co., TX

*Prepared by* MML on 2024-10-28  
TR by JS on 2024-10-29  
IR by DM on 2025-01-09

*Client/Project*  
Diamond Generating Corporation  
Goldfinch Solar & Storage Project  
Nationwide Permitting (USACE PN: SWF-2025-00053)

235301566

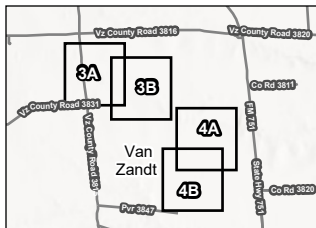
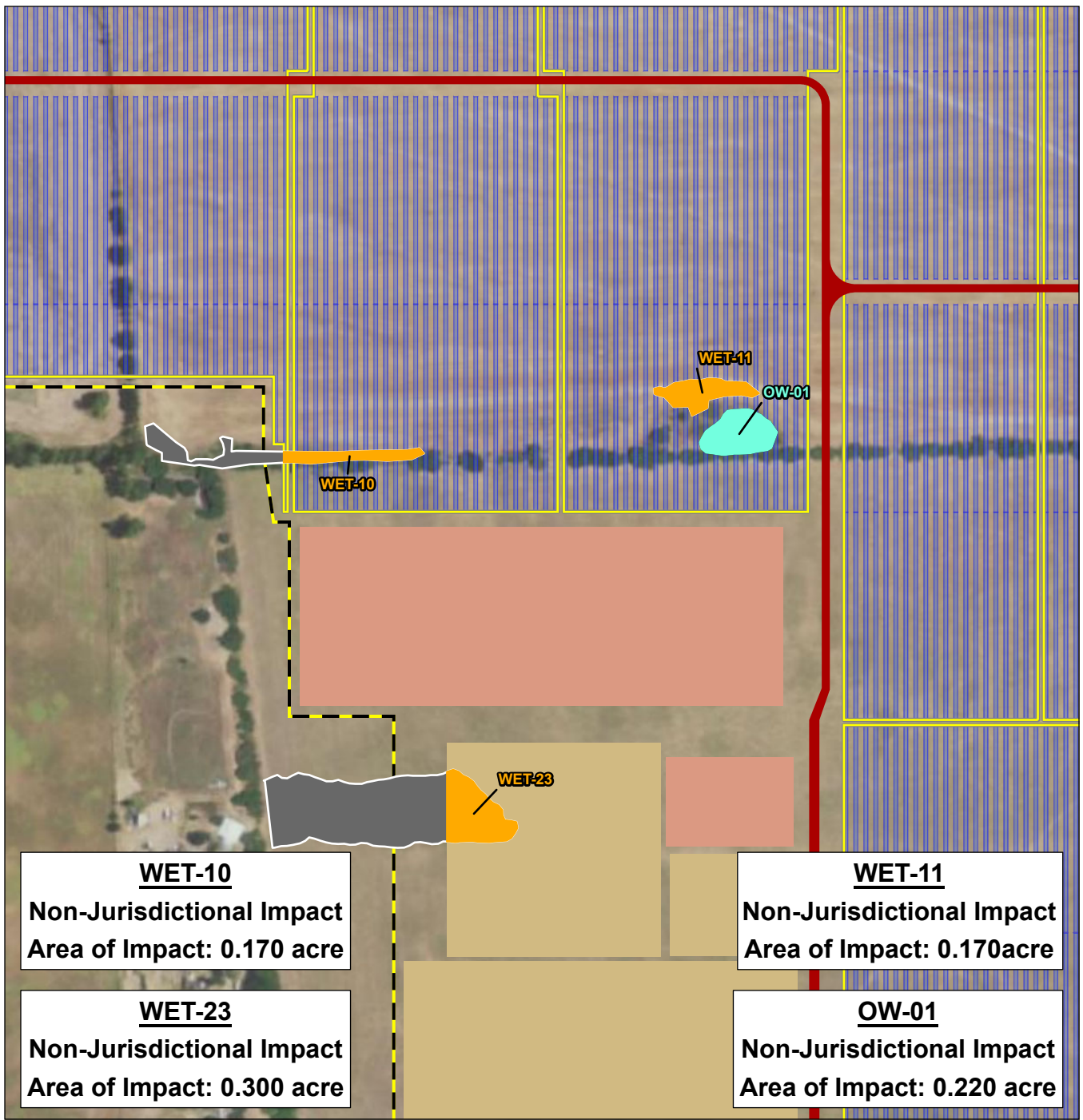
*Figure No.*  
**4A**

**DRAFT**

**Impacts to Non-Jurisdictional Features (WET-12 and WET-13)**

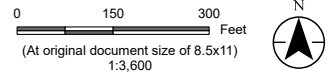
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**Notes**  
 1. Coordinate System: NAD 1983 StatePlane Texas North Central FIPS 4202 Feet  
 2. Data Sources: Stantec, Diamond Generating Corporation, Esri, USGS, USCB  
 3. Background: NAIP 2022

- Legend**
- Project Workspace
  - BESS Substation
  - Laydown Yard
  - Photovoltaic Block
  - Photovoltaic Racks
  - Road
  - Fence
- Field Delineations**
- (Potentially Non-Jurisdictional) Impacted Wetland
  - (Potentially Non-Jurisdictional) Impacted Open Water
  - Potentially Non-Jurisdictional Wetland



**Project Location**  
 Van Zandt Co., TX

**Prepared by** MML on 2024-10-28  
 TR by JS on 2024-10-29  
 IR by DM on 2025-01-09

**Client/Project**  
 Diamond Generating Corporation  
 Goldfinch Solar & Storage Project  
 Nationwide Permitting (USACE PN: SWF-2025-00053)

235301566

**Figure No.**  
 4B

**Title**  
 Impacts to Non-Jurisdictional Features (WET-10, WET-11, OW-01, and WET-23)

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