



**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): 12/2/2020  
 ORM Number: SWF-2018-00113  
 Associated JDs: SWF-2018-00113  
 Review Area Location<sup>1</sup>: State/Territory: Texas City: Lufkin County/Parish/Borough: Angelina  
 Center Coordinates of Review Area: Latitude 31.246540 Longitude -94.699960

**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
Streams 1,6C, 8B, 11,and 19	15,882 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Information provided by the applicant, a site visit and other supporting information indicated that Stream 1 is located throughout the central portion of the project site and conveys water in a general west to east direction towards One Eye Creek. One Eye Creek is the nearest offsite relatively permanent water (RPW) and extends in a north to south direction east of the project site. Streams 6C, 8B, 11, and 19 are located within the central and eastern portions of the project site and convey water towards

<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 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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			Stream 1. All intermittent streams appear to have a hydrologic connection to an RPW through Stream 1.

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
Wetlands B, D, E, F, G, H, and K	0.69 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Information provided by the applicant, a site visit and other supporting information indicated that Wetlands B, D, E, F, G, H, and K are located adjacent to intermittent streams in a typical year, all of which eventually have a hydrologic connection to an RPW through Stream 1.

**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
Streams 2, 3, 4, 5A, 5B, 5C, 6A, 6B, 7, 8A, 9, 10A, 10B, 12, 13, 14, 15A, 15B, 16, 17, 18, 20, 21, 22, and 23.	12.351 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Information provided by the applicant, USACE site visit, and supporting data indicates streams 2, 3, 4, 5A, 5B, 5C, 6A, 7, 8A, 9, 10A, 10B, 12, 13, 14, 15A, 15B, 16, 17, 18, 19, 20, 21, 22, and 23 are ephemeral streams that flow only in direct response to precipitation events in a normal year.
Ditches 1, 2, 3, 4	806 linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Information provided by the applicant, USACE site visit, and supporting data indicates that Ditches 1, 2, 3, and 4 are upland man-made drainage ditches constructed to convey stormwater runoff. These ditches are not reroutes of tributaries, carry only ephemeral flow, and do not exhibit an ordinary high water mark (OHWM).
Soil Borrow Areas 1, 2, 3	44.15 acre(s)	(b)(9) Water-filled depression constructed/excavated in	Information provided by the applicant, USACE site visit, and supporting data indicates that Soil Borrow Areas 1, 2, and 3 are man-made excavations used as soil borrow pits for support

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	of landfill operations. All three soil borrow areas are active and vital to landfill operations. After significant storm water runoff events, water ponds within the bottoms of the excavations. However, these soil borrow areas do not meet the definition of WOTUS as they are incidental to construction activities associated with the landfill and they remain actively used.
Wetlands A,C,I,J	0.21	acre(s)	(b)(1) Non-adjacent wetland.
Stormwater Management Pond 1	3.19	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.

**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 of Waters of the U.S. Jurisdictional Determination \(REVISED October 26, 2020\)](#), with LIDAR and historic areials.

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: 1947 USGS; 1952 USGS; 1977 USGS; 1982 USGS; 1996 USGS/TOP; 2004NAIP; 2008 TFS; 2009 NAIP/TOP; 2010 NAIP; 2012 NAIP; 2015 NAIP; and 2018 NAIP. Google Earth Imagery, SWF Regulatory Viewer, and HistoricAerials.com](#)

Corps site visit(s) conducted on: [15-SEP-20](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [SWF-2018-00113 \(29-JUN-18\)](#)

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

USDA NRCS Soil Survey: [Soil Survey of Angelina County, 1980](#)

USFWS NWI maps: [East Texas NWI Database provided by USFWS, 2020](#)



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

USGS topographic maps: Lufkin, Texas sheet, 1980; Bald Hill, Texas sheet, 1980

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

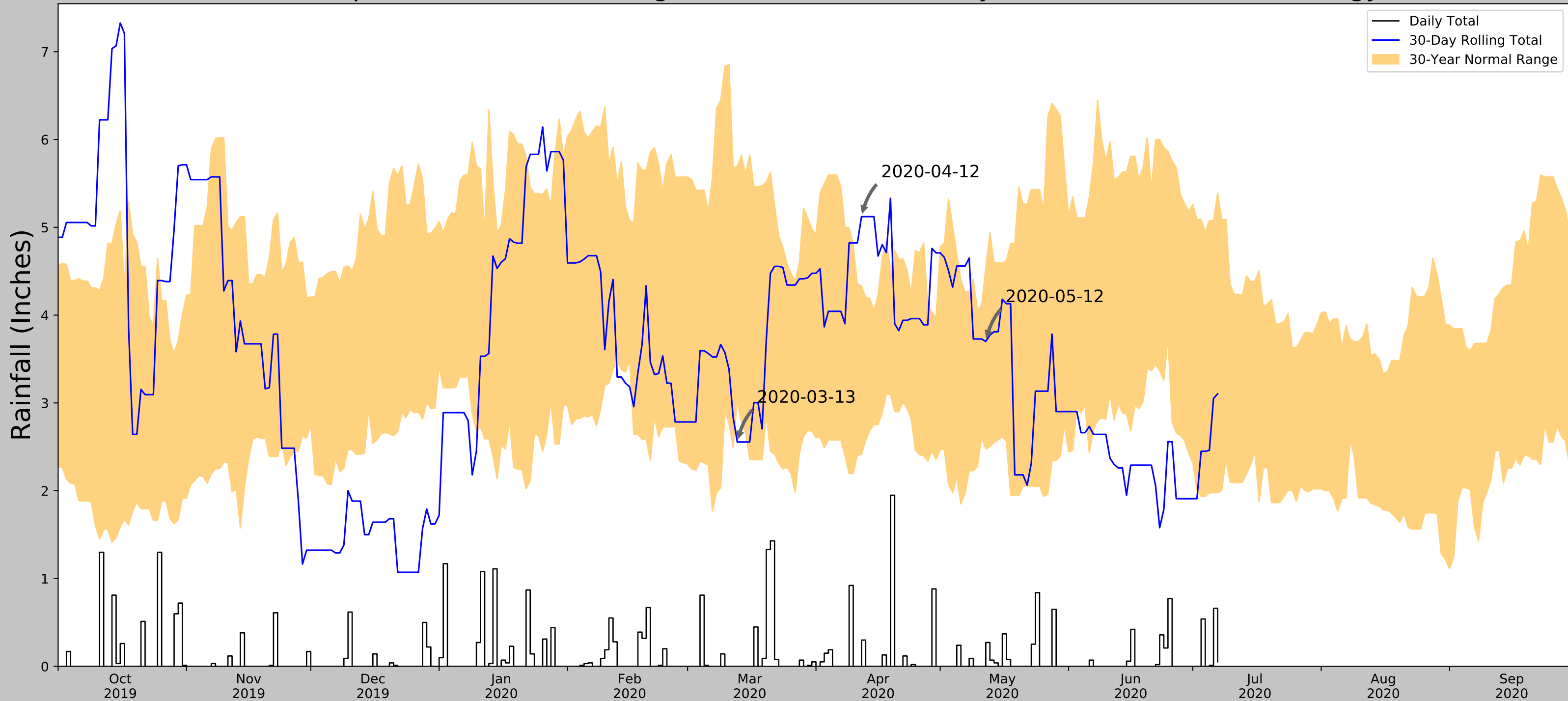
Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	USGS NHD Data (HUC 1202)
Other USDA data (specify)	Web Soil Survey – Accessed 2020
NOAA Sources	N/A.
CorpsMap ORM Map Layers	SWF Regulatory Viewer and ORM2 Datasets
LiDAR data/maps	USGS Neches River Basin 70cm LiDAR, 2016
FEMA/FIRM maps	FEMA Flood Insurance Rate Maps: Panel Nos. 48005C0265E, September 29, 2010; 48005C275E, September 29, 2010; and 48005C0425E, September 29, 2010

**B. Typical year assessment(s):** According to the Antecedent Precipitation Tool (APT), the project area was experiencing 'normal' conditions during the delineation. The three 30-day periods preceding the delineation were 'normal' (April 13-May 12), 'wetter than normal' (March 14-April 12), and 'drier than normal' (February 13- March 13), respectively.

According to the APT, the project area was experiencing 'normal' conditions during the USACE site visit. The three 30-day periods preceding the USACE site visit were 'normal' (August 15-September 15), 'wetter than normal' (July 18-August 16), and 'normal' (June 17-July 17), respectively.

**C. Additional comments to support AJD:** N/A

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



Coordinates	31.246540, -94.699960
Observation Date	2020-05-12
Elevation (ft)	304.41
Drought Index (PDSI)	Mild wetness
WebWIMP H <sub>2</sub> O Balance	Wet Season

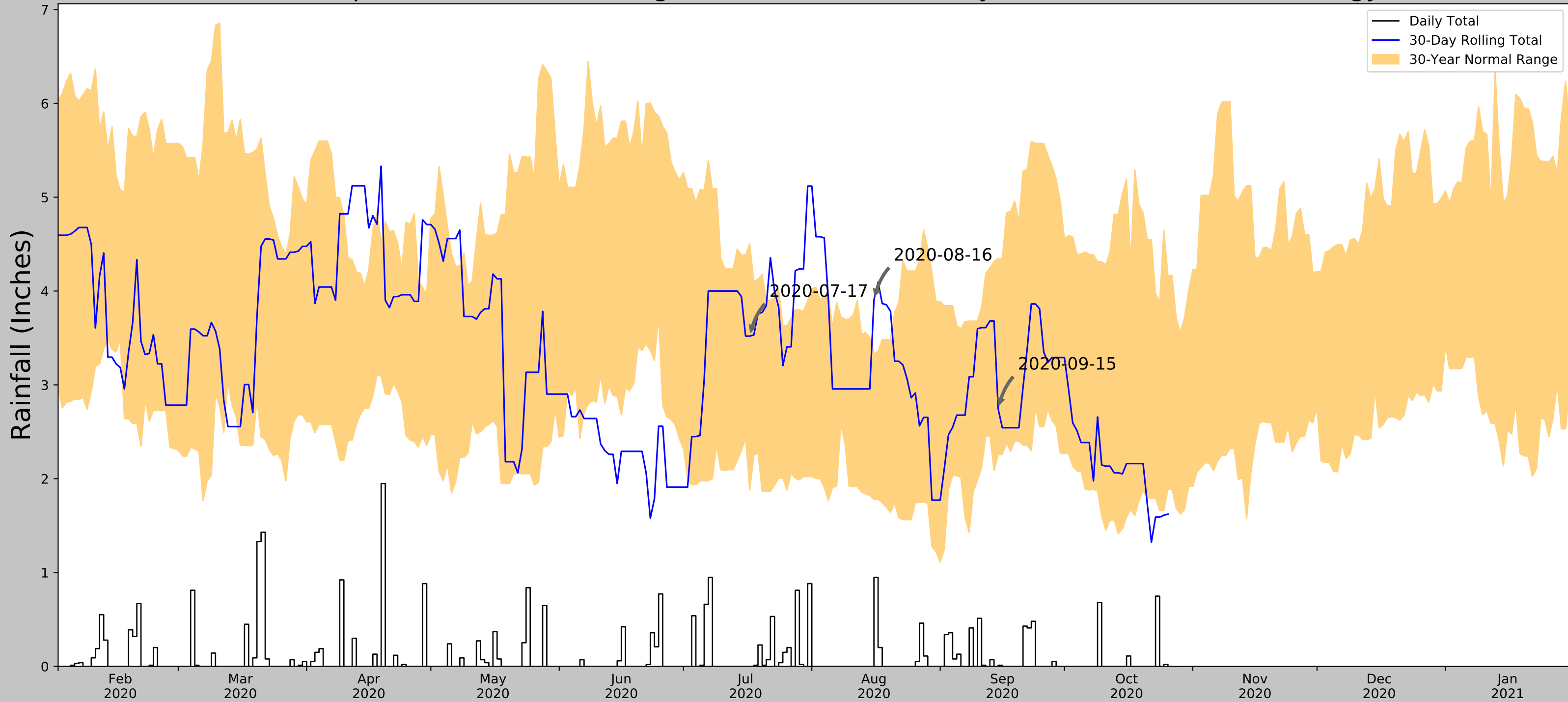
30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2020-05-12	2.477559	4.543307	3.700788	Normal	2	3	6
2020-04-12	2.41063	4.332284	5.122047	Wet	3	2	6
2020-03-13	3.038583	5.690945	2.555118	Dry	1	1	1
Result							Normal Conditions - 13

Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
LUFKIN ANGELINA CO AP	31.2361, -94.7544	288.058	3.296	16.352	1.537	11351	90
LUFKIN 11 NW	31.4269, -94.8942	350.066	16.932	45.656	8.392	1	0

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



Coordinates	31.246540, -94.699960
Observation Date	2020-09-15
Elevation (ft)	304.41
Drought Index (PDSI)	Moderate wetness
WebWIMP H <sub>2</sub> O Balance	Dry 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
2020-09-15	2.257874	4.344488	2.744095	Normal	2	3	6
2020-08-16	1.779528	3.33189	3.905512	Wet	3	2	6
2020-07-17	1.878347	4.505118	3.519685	Normal	2	1	2
Result							Normal Conditions - 14

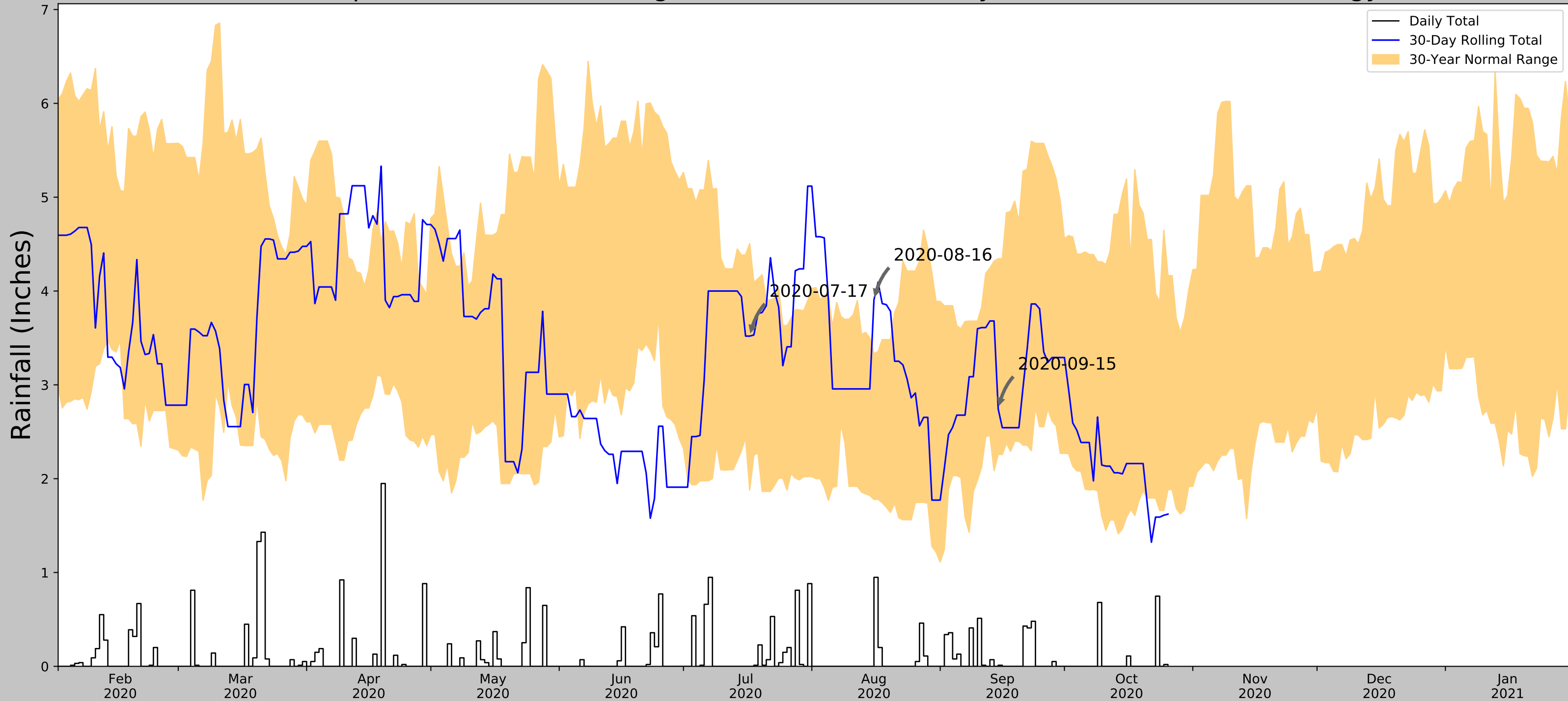
Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
LUFKIN ANGELINA CO AP	31.2361, -94.7544	288.058	3.296	16.352	1.537	11351	90
LUFKIN 11 NW	31.4269, -94.8942	350.066	16.932	45.656	8.392	1	0



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



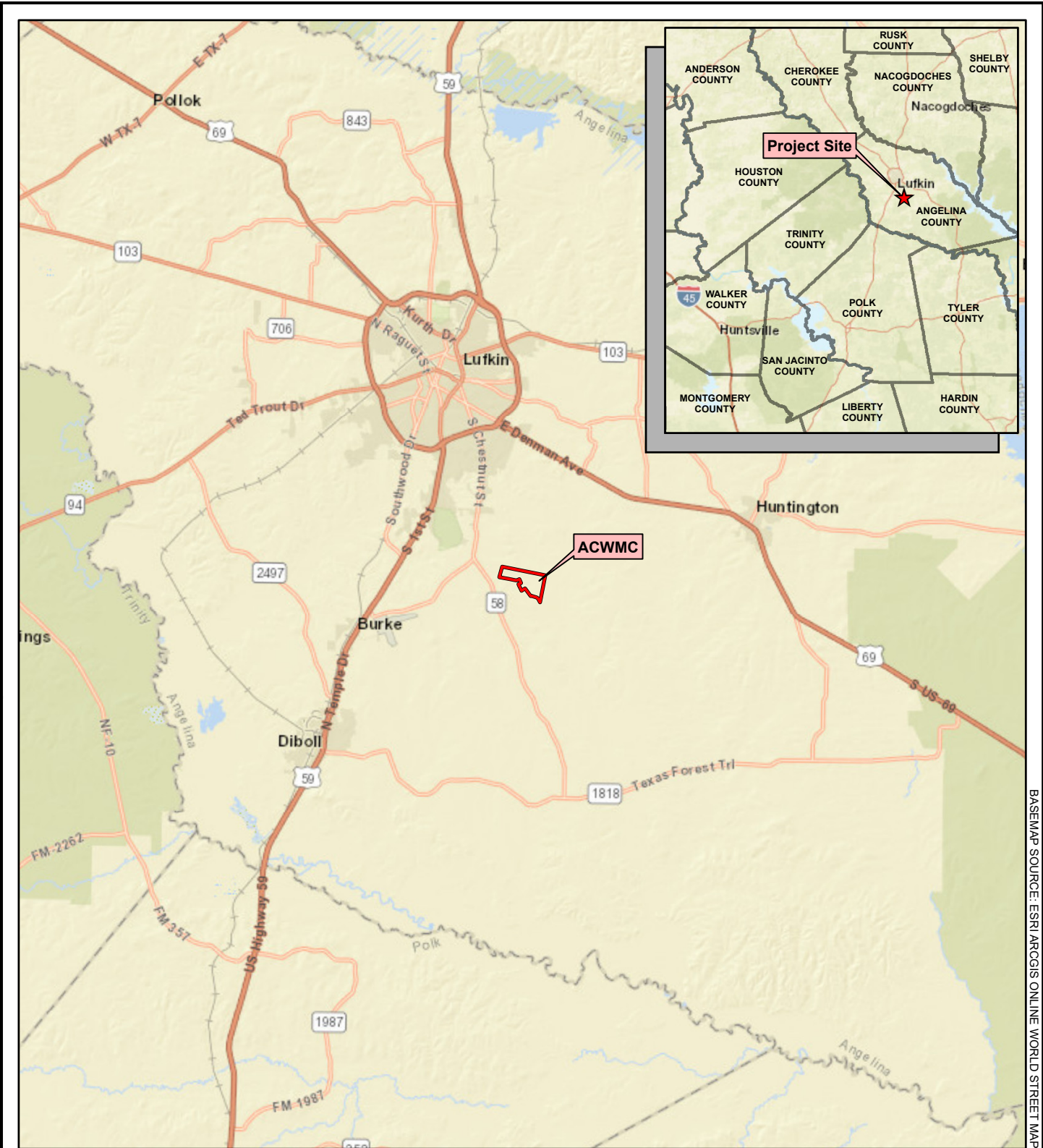
Coordinates	31.246540, -94.699960
Observation Date	2020-09-15
Elevation (ft)	304.41
Drought Index (PDSI)	Moderate wetness
WebWIMP H <sub>2</sub> O Balance	Dry Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2020-09-15	2.257874	4.344488	2.744095	Normal	2	3	6
2020-08-16	1.779528	3.33189	3.905512	Wet	3	2	6
2020-07-17	1.878347	4.505118	3.519685	Normal	2	1	2
Result							Normal Conditions - 14

Figure and tables made by the  
**Antecedent Precipitation Tool**  
Version 1.0

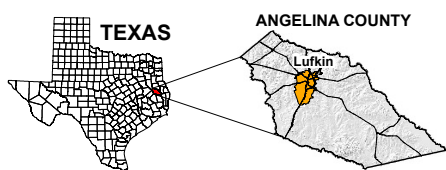
Written by Jason Deters  
U.S. Army Corps of Engineers

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
LUFKIN ANGELINA CO AP	31.2361, -94.7544	288.058	3.296	16.352	1.537	11351	90
LUFKIN 11 NW	31.4269, -94.8942	350.066	16.932	45.656	8.392	1	0



BASEMAP SOURCE: ESRI ARCGIS ONLINE WORLD STREET MAP

- ★ Project Site
- Project Site Boundary

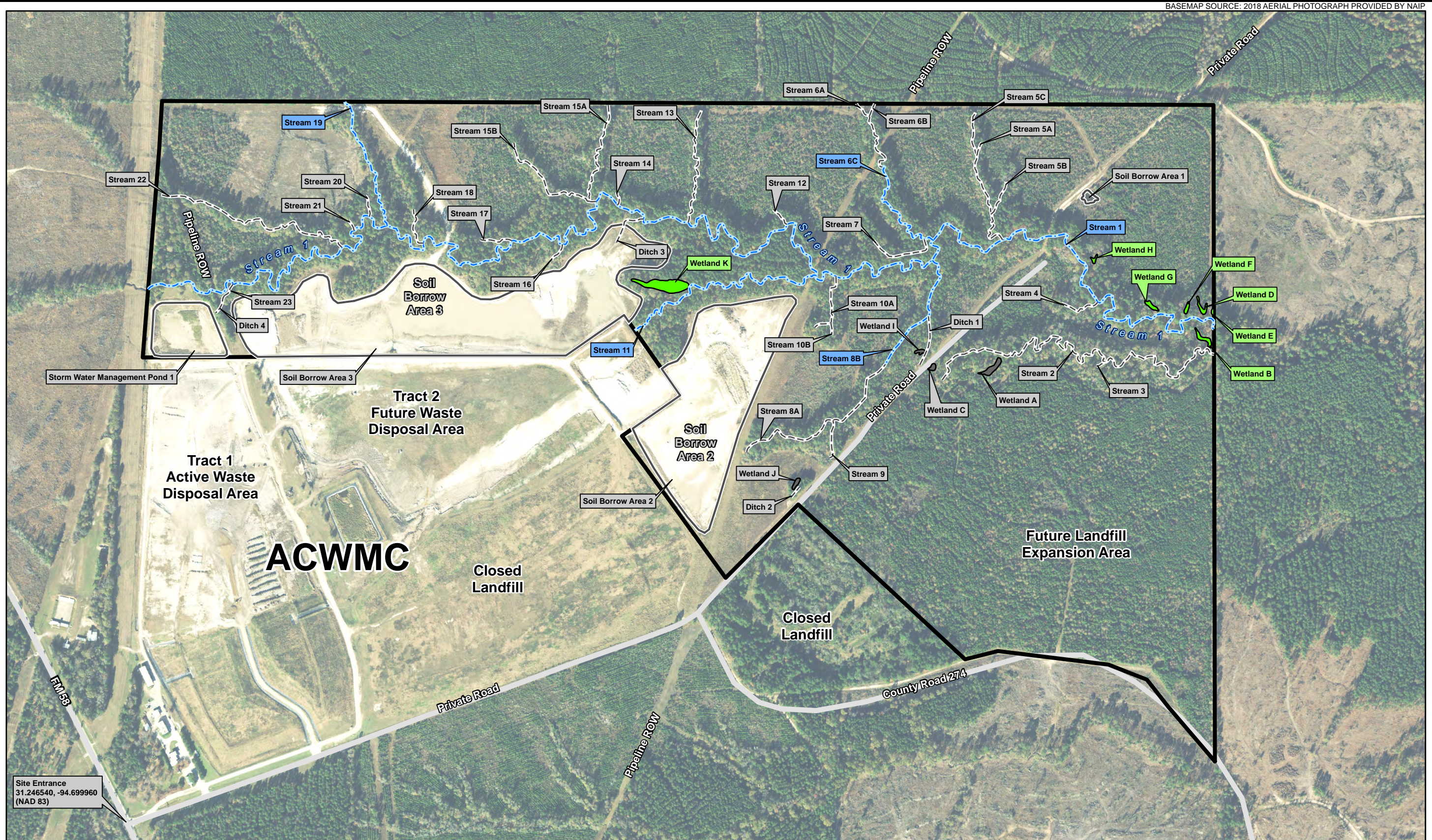


← PLATE A-1 →  
 VICINITY MAP

**Angelina County Waste Management Center**  
**Angelina County, TX**  
**Delineation of WOTUS and JD**

Map Revised: 10/26/2020    Project Number: A-12-1396    GIS Analyst: TRS





Road	Non-Jurisdictional Ditch or Stream	Non-Jurisdictional Detention Pond or Borrow Pit
Jurisdictional Stream	Jurisdictional Wetland	Non-Jurisdictional Wetland
Project Site Boundary		



Angeline County Waste Management Center  
 Angeline County, TX  
 Delineation of WOTUS and JD

FIGURE 1  
 JURISDICTIONAL DETERMINATION MAP



Map Revised: 10/27/2020 Project Number: A-12-1-396 GIS Analyst: SAS