



**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): 10/30/2020

ORM Number: SWF-2020-00283

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Grand Prairie County/Parish/Borough: Dallas

Center Coordinates of Review Area: Latitude N 32.671745° Longitude W 97.021435°

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
- 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.	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.	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.	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.	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.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² 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.

³ 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**

D. Excluded Waters or Features

Excluded waters (b)(1) – (b)(12): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWF-2020-00283-1: (Swale 1)	41	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that the swale receives flow in direct response to precipitation events. The swale does not provide sufficient flow duration to constitute sustained flows beyond a direct response to precipitation events. The swale does not possess an ordinary high-water mark or defined bed and bank. Water flows from the swale directly into pond 1.
SWF-2020-00283-2: (Pond 1)	1.14	acre(s)	(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, USACE site visit, and supporting data indicate that the pond originally was constructed within an ephemeral tributary. Aerial imagery dating back to 1956 (HistoricAerials.com) show that the pond was constructed within a channel that likely connected to Fish Creek. At the time, the project area was surrounded by row-crop agriculture and livestock-grazed pasture. Presently, the project area is within urban landscape. Aerial imagery indicates that, since the 1970s, residential housing has encroached the tributary, led to its channelization, and eventual dissolution. A channel connecting the pond and Fish Creek was not observed during the site visit (reference mapped photo log, enclosed) Thus, the Corps has determined that the impoundment 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.

- Information submitted by, or on behalf of, the applicant/consultant: [Reference 20200928 SWF-2020-00283 AJD.pdf within the electronic project file. Provided by M. Aiken and A. Brown, Kimley Horn, September 28, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

- Photographs: [Aerial and Other: Google Earth Imagery and HistoricAerials.com, Numerous Years. Photographs provided by Kimley Horn \(within electronic file\) and Brian C. Bartels, October 06, 2020 \(enclosed\).](#)

⁴ 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.

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.



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

- Corps site visit(s) conducted on: [October 06, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [N/A](#)
- USFWS NWI maps: [ESRI Managed Imagary \(SWF Regulatory Viewer\), October 30, 2020](#)
- USGS topographic maps: [Arlington, TX 1:24,000](#)

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) October 30, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources (enclosed)	Location map provided by Kimley Horn




B. Typical year assessment(s): [N/A](#)

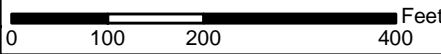
C. Additional comments to support AJD: [The drainage area for the pond is less than 50 acres.](#)

Enclosures: [Location Map](#)
[Photographs](#)



Legend

-  Study Area, ~16.5-acres
-  Non-Jurisdictional Swale, 41-linear feet
-  Non-Jurisdictional Pond, 1.14-acres



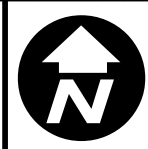
K:\Data_Environment\JPI\GrandPrairie\JPI_GrandPrairie_Maps\Aquatic_Features_Map_Prelim.aprx

SHEET 3	DATE: 01/24/2020
	DRAWN: MREA
	CHECKED: SDG
	KHA NO.: 064446484

Aquatic Feature Map

Source: Nearmaps 2019

SWF-2020-00283
JPI Grand Prairie
Dallas County, Texas

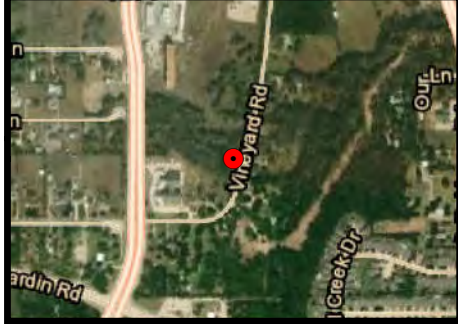


Kimley»Horn

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

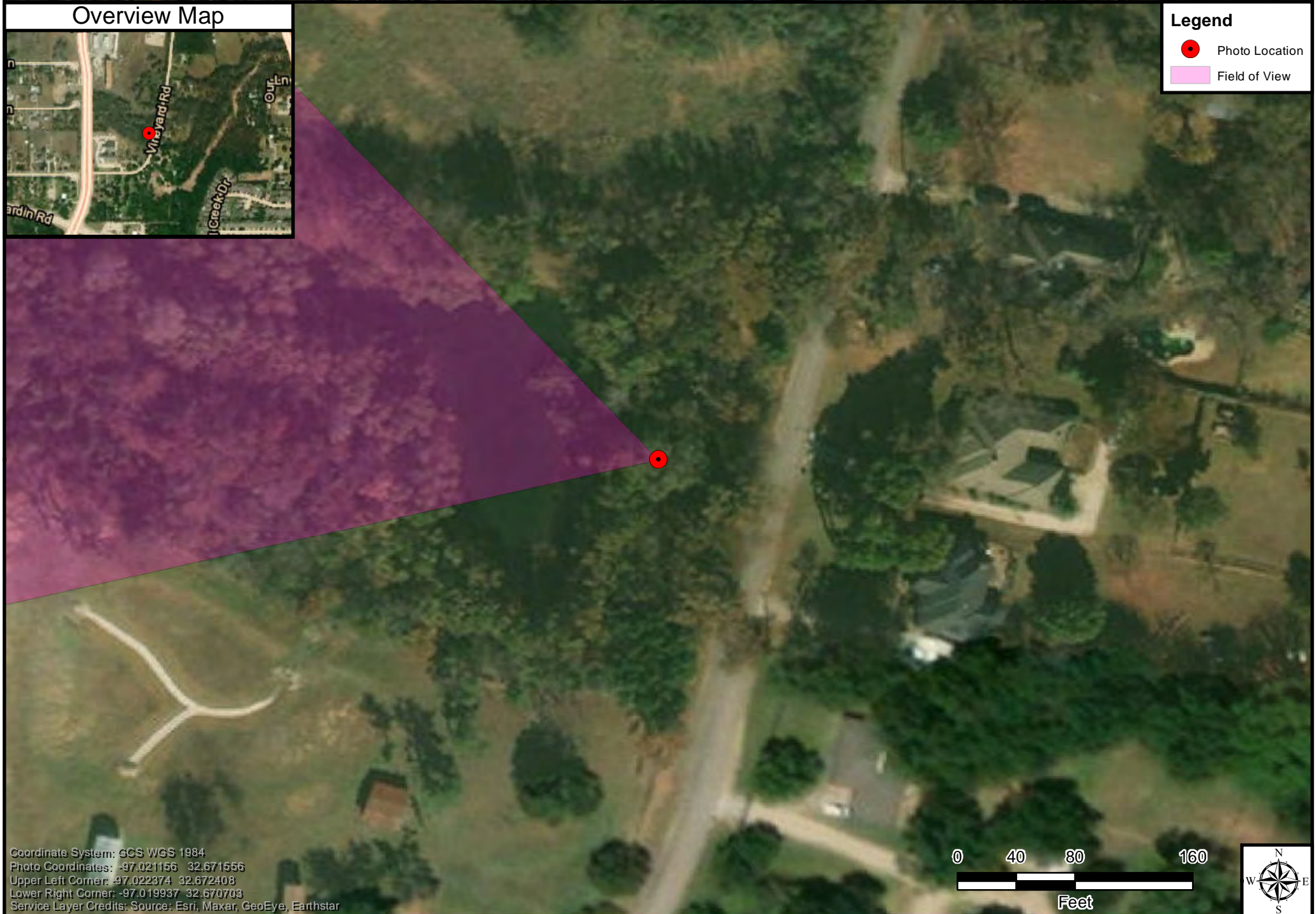


Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984
 Photo Coordinates: -97.021156 32.671556
 Upper Left Corner: -97.022374 32.672408
 Lower Right Corner: -97.019937 32.670703
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



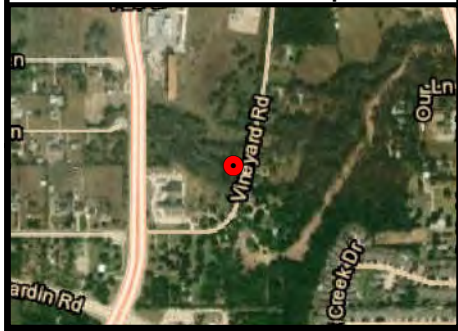
**Mapped Photo Log
 for JPI - Grand Prairie
 SWF-2020-00283**

Description:
 Overflow/outfall structure within pond.

Photographed by bcbartels
 on 10/6/2020 at 9:21:57 AM CDT
 Camera: Apple iPhone 7
 Location Source: Camera's internal GPS
 Heading Source: Camera's internal compass
 Map generated on 10/6/2020 using the
 Photo Log Toolbar, written by Jason C. Deters



Overview Map

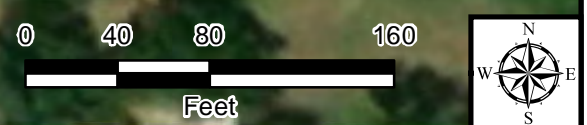


Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984
 Photo Coordinates: -97.021184 32.671639
 Upper Left Corner: -97.022413 32.672492
 Lower Right Corner: -97.019976 32.670786
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



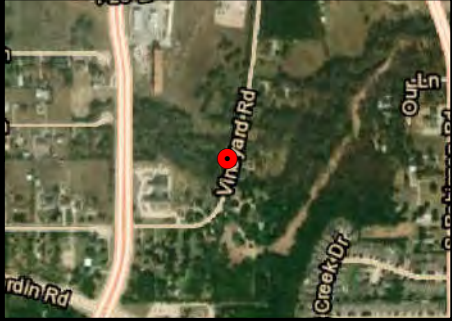
**Mapped Photo Log
 for JPI - Grand Prairie
 SWF-2020-00283**

Description:
 View of pond. The pond is located west of Vineyard Road.

Photographed by bcbartels
 on 10/6/2020 at 9:22:10 AM CDT
 Camera: Apple iPhone 7
 Location Source: Camera's internal GPS
 Heading Source: Camera's internal compass
 Map generated on 10/6/2020 using the
 Photo Log Toolbar, written by Jason C. Deters

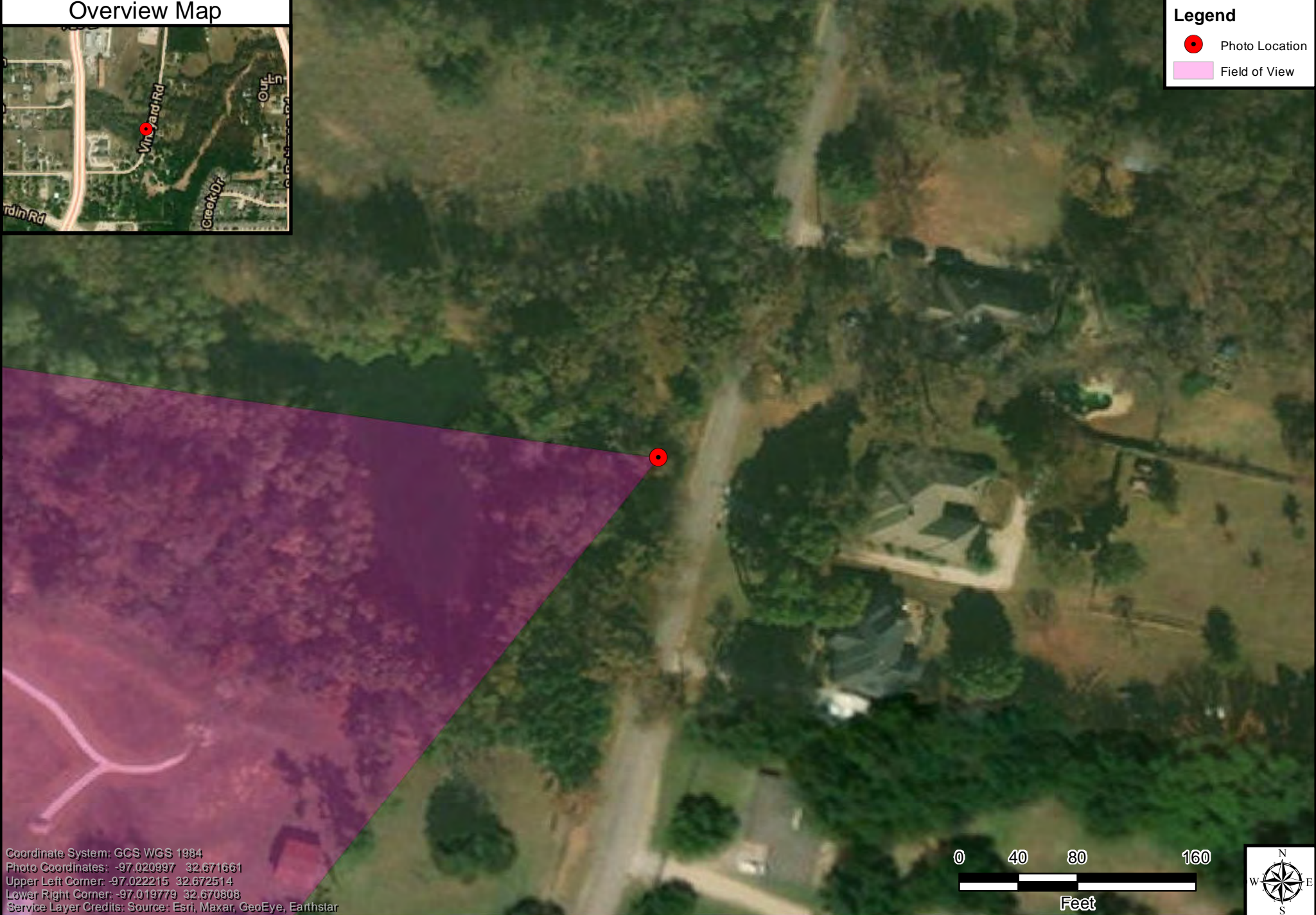


Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984
 Photo Coordinates: -97.020997 32.671661
 Upper Left Corner: -97.022215 32.672514
 Lower Right Corner: -97.019779 32.670808
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



**Mapped Photo Log
 for JPI - Grand Prairie
 SWF-2020-00283**

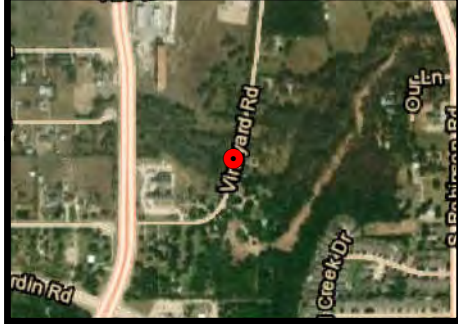
Description:

Concrete box where overflow water from the pond drains. Located on west side of Vineyard Rd between the pond and the road.

Photographed by bcbartels
 on 10/6/2020 at 9:23:41 AM CDT
 Camera: Apple iPhone 7
 Location Source: Camera's internal GPS
 Heading Source: Camera's internal compass
 Map generated on 10/6/2020 using the
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984
 Photo Coordinates: -97.020928 32.671592
 Upper Left Corner: -97.022146 32.672444
 Lower Right Corner: -97.019710 32.670739
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



**Mapped Photo Log
 for JPI - Grand Prairie
 SWF-2020-00283**

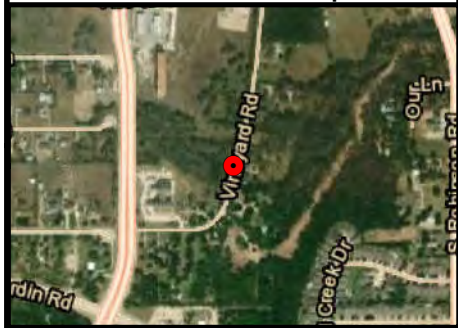
Description:

View of residential property east of vineyard Road. Drainage ditch/stream from pond is not present/visible.

Photographed by bcbartels
 on 10/6/2020 at 9:42:27 AM CDT
 Camera: Apple iPhone 7
 Location Source: Camera's internal GPS
 Heading Source: Camera's internal compass
 Map generated on 10/6/2020 using the
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984
 Photo Coordinates: -97.020928 32.671592
 Upper Left Corner: -97.022146 32.672444
 Lower Right Corner: -97.019710 32.670739
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



**Mapped Photo Log
 for JPI - Grand Prairie
 SWF-2020-00283**

Description:

View of residential property east of vineyard Road. Drainage ditch/stream from pond is not present/visible.

Photographed by bcbartels
 on 10/6/2020 at 9:42:29 AM CDT
 Camera: Apple iPhone 7
 Location Source: Camera's internal GPS
 Heading Source: Camera's internal compass
 Map generated on 10/6/2020 using the
 Photo Log Toolbar, written by Jason C. Deters