



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): 22-JUL-2021

ORM Number: SWT-2020-00089

Associated JDs: N/A

Review Area Location¹:

State/Territory: TX City: County/Parish/Borough: Potter County

Center Coordinates of Review Area: Latitude 35.227646 Longitude -101.813326

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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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.



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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
SWT-2020-089 Martin Road Lake	10.6 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD1	328 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)	Erosional feature/ditch of stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD10	140 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	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD11	140 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	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD12	170 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	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD2	87 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	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD3	330 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)	Erosional feature/ditch of stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD4	137 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	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD5	127 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	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD6	205 feet	(b)(10) Stormwater control feature constructed or excavated in upland	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial

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		or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	imagery, and the requestor's delineation.
SWT-2020-089 NJD7	221 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)	Erosional feature/ditch of stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD8	95 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	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 NJD9	135 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	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.
SWT-2020-089 Retention Pond	4.9 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	Stormwater control feature. Not part of a tributary stream according to the USGS Topo, NHD, and aerial imagery, and the requestor's delineation.

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: *Requestor's delineation dated 16 June 2021*

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

Rationale: *N/A*

___ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Google Earth and requestor's delineation*

___ Corps Site visit(s) conducted on: *Date(s).*

___ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

___ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Title(s) and/or date(s). Provided with the requestor's delineation*

USFWS NWI maps: *Title(s) and/or date(s). Provided with the requestor's delineation*

USGS topographic maps: *Title(s) and/or date(s). Provided with the requestor's delineation*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: The review area is approximately 70 acres.

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