



**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): 12/3/2020

ORM Number: SWT-2020-00294

Associated JDs: N/A

Review Area Location¹: State/Territory: TX City: Amarillo County/Parish/Borough: Potter

Center Coordinates of Review Area: Latitude 35.263470 Longitude -101.833595

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.	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
Stream 1	156	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1 is identified as a stream on NHD, NWI, and all available Aerial maps. Stream 1 is also identified on USGS topographic maps as an intermittent stream.
Stream 3	1567	linear feet	(a)(2) Intermittent tributary contributes	Stream 3 is identified as a stream on NHD, NWI, and all available Aerial maps. Stream 3 is also

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.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	identified on USGS topographic maps as an intermittent stream.
Stream 4	573	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 4 is identified as a stream on NHD, NWI, and all available Aerial maps. Stream 4 is also identified on USGS topographic maps as an intermittent stream.
Stream 5	450	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 5 is identified as a stream on NHD, NWI, and all available Aerial maps. Stream 5 is also identified on USGS topographic maps as an intermittent stream.
Stream 6	430	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 6 is identified as a stream on NHD, NWI, and all available Aerial maps. Stream 6 is also identified on USGS topographic maps as an intermittent stream.
Stream 7	420	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 7 is identified as a stream on NHD, NWI, and all available Aerial maps. Stream 7 is also identified on USGS topographic maps as an intermittent stream.

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.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 2	298	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The headwaters portion of Stream 2 is within the review area, which are shown on the provided photographs as not having a bed, bank or ordinary high water mark (OHWM) in this area. Therefore, the portion of Stream 2 that is within the review area has been determined to exhibit ephemeral flow.
Stream 8	325	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.	Stream 8 is not identified as a stream on aerial, NWI, NHD, or topographic maps. Additionally, the photographs provided by the applicant indicate a small culvert that does not contain a channel, including bed and banks or OHWM.

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: [“Approved Jurisdictional Determination Request, State Lop 335 Segment C-2, Amarillo”](#), dated September 2020

This information is sufficient for purposes of this AJD.

Rationale: [The submitted information contained the information sufficient to evaluate the review area, including a description of the review area and photos of on-site waters.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial: Google Earth: 2020, 2018, 2017, 2016, 2014, 2013, 2012, 2010](#)
- 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\(s\)](#).
- USFWS NWI maps: <https://www.fws.gov/wetlands/data/mapper.html>
- USGS topographic maps: [USGS 7.5 minute Topographic Map, 1:24,000, Pleasant Valley, TX](#)

Other data sources used to aid in this determination:

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

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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Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The APT shows that on August 28, 2020 the review area was in a period of severe drought with drier than normal conditions. Therefore, all of the streams have been determined to have less than normal flow during the site visit.

C. Additional comments to support AJD: The review area receives 21 inches per year of annual rainfall, which means this is a semi-arid region. Additionally, the APT shows that the review area was in a severe drought with drier than normal site conditions, during the August 28, 2020 site visit, resulting in less than normal stream flow at that time. When considering the climatic conditions of the area (semi arid), the drought conditions at the time of the site visit, the mapping of Streams 1, 3, 4, 5, 6, and 7 on USGS topographic maps, NWI maps, NHD maps, and since the streams are easily identifiable on all years of aerial photography, Streams 1, 3, 4, 5, 6, and 7 have been determined to be intermittent stream and jurisdictional pursuant to Section 404 of the Clean Water Act.

The portion of Stream 2 that is within the review area contains the headwaters of the stream. Additionally, the provided photos do not show a bed or bank or OHWM for Stream 2. Therefore, the stream portion within the review area has been determined to be ephemeral and not jurisdictional pursuant to Section 404 of the Clean Water Act.

Stream 8 was not mapped on USGS topographic maps, NWI maps, NHD maps, and aerial photography. Additionally, the provided photos show that Stream 8 consists of a culvert to provide a conveyance for stormwater runoff. Therefore, Stream 8 has been determined not jurisdictional pursuant to Section 404 of the Clean Water Act.