



APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): November 30, 2021

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SWT-2020-322 (AJD-2), TexAmericas Center / Red River Army Depot
Proposed Commercial Development Bowie County TX

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Texas County/parish/borough: Bowie County City: near Hooks
Center coordinates of site (lat/long in degree decimal format): Lat. 33.4566408230135 ° **N**,
Long. -94.2835508884327 ° **W**.

Universal Transverse Mercator: N/A

Name of nearest waterbody: Jones Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Red River

Name of watershed or Hydrologic Unit Code (HUC): 11140106

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: October 13, 2021

Field Determination. Date(s): August 19, 2021

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are and are not** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 7,043 linear feet: 15 width (ft) and/or acres.

Wetlands: 67.42 acres.

c. Limits (boundaries) of jurisdiction based on: **Pick List**

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **The review area contains four aquatic resources which exhibit ephemeral flow (S-10, S-15, S-14-B, S-16).**

These combined features have a total of 8,949 linear feet. The review area also contains eight wetland features (Wet-A-

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

7, Wet-A-8, Wet-A-17, Wet-A-18, Wet-B-17, Wet-B-18, Wet-B-26, Wet-B-27, Wet-B-29). These combined wetland features have a total of 46.66 acres. Based on various factors which will be discussed in Section F, these listed waters are considered either lacking significant nexus, defined as non-jurisdictional (upland ditches), or are geographically isolated and lack a commerce nexus.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 37005 **Pick List**

Drainage area: 535 **acres**

Average annual rainfall: 48 inches

Average annual snowfall: 1 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **3** tributaries before entering TNW.

Project waters are **15-20** river miles from TNW.

Project waters are **1 (or less)** river miles from RPW.

Project waters are **5-10** aerial (straight) miles from TNW.

Project waters are **1 (or less)** aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Jones creek flows into Barkman Creek, then into McKinney Bayou, which flows into the Red River (TNW).

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: Jones creek within the review area is a 2nd order stream.

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain: .
 Manipulated (man-altered). Explain: Jones Creek has been straightened and placed within a ditch like channel when the U.S Military conducted soil grading work in the 1940's within the review area.

Tributary properties with respect to top of bank (estimate):

Average width: 30 feet
Average depth: 5 feet
Average side slopes: **2:1**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Jones Creek appears mostly stable within the constructed channel.

Presence of run/riffle/pool complexes. Explain: No.

Tributary geometry: **Relatively straight**

Tributary gradient (approximate average slope): 1-2 %

(c) Flow:

Tributary provides for: **Seasonal flow**

Estimate average number of flow events in review area/year: **20 (or greater)**

Describe flow regime: Based on the drainage area (535 acres) and the stream likely being influenced by groundwater, the stream has been determined to flow in direct response to rain events and have sustained seasonal flows during the wettest times of the year (RPW).

Other information on duration and volume: none.

Surface flow is: **Discrete and confined**. Characteristics: The flow within Jones Creek is confined within the modified bed/banks. The flow may be discrete when groundwater influence is the primary hydrology source.

Subsurface flow: **Unknown**. Explain findings: N/A.

Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) **Chemical Characteristics:**

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: The water color is somewhat transparent with a brown hue overall, there was no observed surface film or indication of pollutants in the water during my site visit. The drainage area for this waterway is surrounded by forest and abandon ammunition plant buildings.

Identify specific pollutants, if known: During the site visit, I did not identify any potential sources for pollutants.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

Riparian corridor. Characteristics (type, average width): This stream has a continuous riparian buffer surrounding it throughout the review area except for a road crossing where the ROW is cleared/maintained.

Wetland fringe. Characteristics: Due to the soil grading/modification within the overall review area, wetlands were delineated within the forested areas in proximity to Jones Creek.

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: Jones Creek in conjunction with the surrounding forested wetlands function as wildlife habitat.

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties: 11 combined wetlands are adjacent to Jones Creek within the review area.

Wetland size: 67.42 acres

Wetland type. Explain: The wetlands are characterized as mostly being forested wetlands, however, emergent and scrub shrub wetlands are also present.

Wetland quality. Explain: These wetlands are likely created when the military conducted soil grading/modifications in the 1940's, berms were left surrounding many of these features resulting in water being impounded. These wetlands are undisturbed and represent moderate quality due to the lack soil disturbing activities within the several decades.

Project wetlands cross or serve as state boundaries. Explain: No.

(b) General Flow Relationship with Non-TNW:

Flow is: **Ephemeral flow**. Explain: These wetlands may have sheet flow which drains into Jones Creek during the wettest periods of the year.

Surface flow is: **Overland sheetflow**

Characteristics: Sheet flow is the most likely flow from the wetlands surrounding into Jones Creek.

Subsurface flow: **Unknown**. Explain findings: N/A.

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: The wetlands which do not have a direct connection are in very close proximity to Jones Creek and likely exhibit a discrete surface/subsurface connection.

Ecological connection. Explain: The wetlands surrounding Jones Creek likely provide for habitat for various wildlife.

Separated by berm/barrier. Explain: Several of the delineated wetlands were separated by berms left from historic soil grading/modification.

(d) Proximity (Relationship) to TNW

Project wetlands are **15-20** river miles from TNW.

Project waters are **5-10** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters**.

Estimate approximate location of wetland as within the **50 - 100-year** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: No water was observed during my site visit within any wetland areas; however the water quality is expected to be similar to water visible in Jones Creek.

Identify specific pollutants, if known: N/A.

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

Riparian buffer. Characteristics (type, average width): The wetlands are primarily represented by forest, these habitats are large buffers associated with Jones Creek.

Vegetation type/percent cover. Explain: The wetlands are primarily forested; however, some are emergent and scrub shrub.

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: The wetlands likely provide habitat for various wildlife.

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **11**

Approximately (67.42) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Wet-A-9, NO	0.15	Wet-B-20, Yes	0.29
Wet-A-10, NO	0.53	Wet-B-21, Yes	0.88
Wet-A-15, Yes	5.95	Wet-B-22, Yes	0.19
Wet-B-25, Yes	1.37	Wet-B-23, No	0.65
Wet-B-24, Yes	19.24	Wet-B-28, No	5.43
Wet-B-19, Yes	32.74		

Summarize overall biological, chemical and physical functions being performed: The wetlands adjacent to Jones Creek listed above provide various functions. The biological functions include habitat for sleeping, eating, nesting, and traveling. The wetlands provide for both aquatic and terrestrial organisms depending on the time of year. The wetlands provide chemical functions in the form of water quality improvement due to pollutant filtering, and nutrient cycling/transport. The wetlands may aid in slowing down water to reduce peak flood flows within Jones Creek, as well as provide water table recharge.

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: In the Southwest corner of the review area at the headwater of Jones Creek, there are two first order streams (S-14B, S-15) mapped. The USGS Topographic Map only depicts stream S-14B, which is mapped as Jones Creek all the way into the upper extent of the drainage area. Both of these waters are NRPW's due to the limited frequency and duration of flow based on the landscape setting for these ephemeral streams. Both of these features have drainages which are approximately 30 acres in size for each stream. Stream S-14B is best characterized as an upland ditch constructed along a perimeter road for a facility in this military base. Stream S-15 was mapped by the agent and this feature is also very straight and may have been altered or constructed during the original soil disturbances in the 1940's. Stream S-15 occurs within a forested area surrounded by planted pine forest, which may result in this stream providing water quality functions for Jones Creek. The water quality and habitat value these two NRPW's exhibit are not likely insubstantial for the Red River. These features do not result in sufficient frequency and duration of flows to have more than a speculative benefit to the Red River (TNW); thus, they do not meet the significant nexus standard.
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: The combined similarly situated wetlands surrounding Jones Creek (RPW) within the review area represent habitat for various wildlife in the area, as well as providing for water quality functions to Jones Creek. These wetlands likely provide water table recharge, nutrient cycling, and filtration of pollutants. Based on duration and frequency of flow, the wetlands and Jones

Creek are likely to result in more than speculative beneficial affects to the chemical, physical, and biological integrity of the Red River (TNW), which is less than 20 miles from these waters. Thus, these wetlands have been determined to have a significant nexus with the Red River (TNW).

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .
 Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Jones Creek is part of a large drainage area (535 Acres) and surrounded by 67.5 acres of mostly forested wetlands. These factors result in Jones Creek not only having hydrology from direct rain fall, but also sustained seasonal flows due to influence from localized groundwater in the wettest season of the year.

Provide estimates for jurisdictional waters in the review area (check all that apply):

Tributary waters: (S-14A; 7,043) linear feet 20 width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Wetlands (Wet-A15, Wet-B19, Wet-B20, Wet-B21, Wet-B22, Wet-B24, Wet-B25) have all been determined to have a direct physical connection to Jones Creek due to either confined or discrete sheet flow.

Provide acreage estimates for jurisdictional wetlands in the review area: **60.66** acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: **6.76** acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain: .
- Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR). The review area has nine wetlands which are not connected to Jones Creek or its tributaries, these wetlands also do not have any commerce nexus as well.
 - Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: **The review area contains two streams which are NRPW’s (S-14B, S-15), these features did not meet the significant nexus standard.**
 - Other: (explain, if not covered above): **Two ditches constructed in the uplands were mapped within the review area (S-10, S-16). These ditches were likely constructed in the 1940’s when most of the original construction of this military infrastructure was installed/constructed, these features are a total of 6,076 linear feet.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: (Wet-A-7, Wet-A-8, Wet-A-17, Wet-A-18, Wet-B-17, Wet-B-18, Wet-B-26, Wet-B-27, Wet-B-29) 46.66 acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): **(S-14B; 1,984 LF) (S-15; 889 LF)** linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: TexAmericas Center Delineation Report Dated January 7, 2021.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: ORM Data Accessed October 29, 2021.
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Hooks, 1:24,000.
- USDA Natural Resources Conservation Service Soil Survey. Citation: .
- National wetlands inventory map(s). Cite name: ORM Data Accessed October 29, 2021.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth Pro Dated March 2019.
or Other (Name & Date): Site Visit Photos Dated August 19, 2021.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: The review area is approximately 480 acres.