



**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): 11/4/2020
 ORM Number: SWT-2020-322
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: New Boston County/Parish/Borough: Bowie
 Center Coordinates of Review Area: Latitude 33.4575 Longitude -94.2708

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
SWT-2020-0322-09 (INT1)	500 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This intermittent tributary is located within the northwest corner of the review area. This evaluation includes two site visits, a jurisdictional delineation, review of aerial imagery, USGS topographic mapping, and soil data. The stream channel is depicted on the USGS Topographic map as a “blue line” unnamed tributary to Panther Creek, which flows into Barkman Creek, and then into the McKinney Bayou, and finally in the Red River. There is the presence of a visible bed and bank in aerial imagery and confirmed at the site visit, the

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
				<p>average channel width was 5 feet. The stream was modified and straightened from previous development, however, bank erosion and sediment sorting processes are visible within this reach. At the site visit (October 23, 2020), this feature was observed following a minor rain event, however, no flows resulted due to the limited rainfall. The drainage area for this feature is approximately 450 acres. Bowie County rainfall averages 51 inches a year. Based on the Antecedent Precipitation Tool (APT) report, the site has been exhibiting wetter than normal precipitation conditions, the graph for the spring months depicts wetter than average conditions, which was when the site was delineated. Based on the information included in this evaluation, this stream has been determined to have surface water flowing continuously during certain times of the year and more than in direct response to precipitation. This flow regime meets the definition of intermittent flow as defined in 33 CFR Part 328.3(a)(2).</p>

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
SWT-2020-0322-01 (EPH1)	5800	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream channel is depicted on the USGS Topographic map as a blue line stream. There is the presence of a visible bed and bank in aerial and confirmed at the site visit, the average channel width was 3 feet. The stream was modified, straightened, and contained within a ditch like channel, which has erosional processes visible, and herbaceous vegetation is visible within the channel at its headwater. During the site visit (July 22, 2020), this feature was observed during a minor rain event with minimal flow visible. The drainage area for this feature is approximately 450 acres due to the previous development associated with the ammunition plant. Bowie County rainfall averages 51 inches a year. Based on the Antecedent Precipitation Tool (APT) report, the site has been exhibiting wetter than normal precipitation conditions, the graph for the spring months depicts wetter than average conditions, which was when the site was delineated. This feature is surrounded by wetland habitat within the review area. Based on the information included in this evaluation, this stream has been determined to have surface water flowing/pooling only in direct response to precipitation. This flow regime meets the definition of ephemeral flow as defined in 33 CFR Part 328.3(c)(3).
SWT-2020-0322-02 (EPH2)	570	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream channel is depicted on the USGS Topographic map as a blue line stream. This feature was the headwater of the originally mapped channel for this drainage area, before the stream was modified into the current straightened ditch. The feature is not identifiable in review of aerial imagery, however, based on the delineation report, this feature is grass lined and has an average channel width of 2 feet. The drainage area for this feature is approximately 17 acres. Based on the information included in this evaluation, this stream has been determined to have surface water flowing/pooling only in direct response to precipitation.

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWT-2020-0322-03 (EPH3)	2030	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream channel is not depicted on the USGS Topographic map as a blue line stream. There is no presence of a visible natural channel in aerial imagery, aside from a visible culvert for a railway crossing on the most upper extent of the stream reach. The drainage area for this feature is approximately 25 acres. This feature has been mapped through a forested wetland. The delineation report shows the channel full of water, however, the field work was conducted during the spring rain season, which is wetter than normal based on the APT report. The channel is relatively straight and consistent with channelization. Based on the information included in this evaluation, this stream has been determined to have surface water flowing/pooling only in direct response to precipitation.
SWT-2020-0322-04 (PFO1)	120	acre(s)	(b)(1) Non-adjacent wetland.	This wetland was mapped in the jurisdictional delineation report, however, it is not depicted on any resource maps as a wetland habitat. Based on review of USGS Topographic map, this feature is depicted as an undeveloped forested area on relatively flat terrain. The NWI map shows that a smaller wetland habitat occurs within the footprint of this depicted wetland. The delineation approach was a random sampling method, which shows data points taken throughout the mapped review area. There was eight data points taken within this specific feature supporting the inclusion of this feature as a forested wetland. This wetland is adjacent to the ephemeral stream (EPH1) within this review area, which results in this wetland not meeting the A(4) abutting wetland definition. Thus this wetland is considered a non-adjacent wetland.
SWT-2020-0322-05 (PFO2)	14	acre(s)	(b)(1) Non-adjacent wetland.	This wetland was mapped in the jurisdictional delineation report. Based on review of USGS Topographic map, this feature is depicted as an undeveloped area on relatively flat terrain. The NWI map shows no wetland habitat occurs within the footprint of this depicted wetland. There was no data point taken within this specific feature, the inclusion of this feature was likely based on a landscape comparative analysis based on the results of other data points in similar forested habitat in the review area. This wetland is adjacent to the ephemeral



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			stream (EPH1) within this review area, which results in this wetland not meeting the A(4) abutting wetland definition. Thus this wetland is considered a non-adjacent wetland.
SWT-2020-0322-06 (PF03)	19	acre(s)	(b)(1) Non-adjacent wetland. This wetland was mapped in the jurisdictional delineation report. Based on review of USGS Topographic map, this feature is depicted as an undeveloped forested area on relatively flat terrain. The NWI map shows this area as a forested wetland within the footprint of this feature. There was four data points taken within this specific feature supporting the inclusion of this feature as a forested wetland. This wetland is not adjacent to any stream channel within this review area, which result in this wetland not meeting the A(4) abutting wetland definition. Thus this wetland is considered a non-adjacent wetland.
SWT-2020-0322-07 (PFO4)	13	acre(s)	(b)(1) Non-adjacent wetland. This wetland was mapped in the jurisdictional delineation report. Based on review of USGS Topographic map, this feature is depicted as an undeveloped forested area on relatively flat terrain. The NWI map shows this area as a forested wetland within the footprint of this feature. There was no data point taken within this specific feature, the inclusion of this feature was likely based on a landscape comparative analysis based on the results of other data points in similar forested habitat in the review area. This wetland is not adjacent to any stream channel within this review area, which result in this wetland not meeting the A(4) abutting wetland definition. Thus this wetland is considered a non-adjacent wetland.
SWT-2020-0322-08 (PFO5)	13	acre(s)	(b)(1) Non-adjacent wetland. This wetland was mapped in the jurisdictional delineation report. Based on review of USGS Topographic map, this feature is depicted as an undeveloped forested area on relatively flat terrain. The NWI map shows this area as a forested wetland within the footprint of this feature. There was six data points taken within this specific feature supporting the inclusion of this feature as a forested wetland. This wetland is not adjacent to any stream channel within this review area, which result in this wetland not meeting the A(4) abutting wetland definition. Thus this wetland is considered a non-adjacent wetland.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWT-2020-0322-10 (PFO6)	7	acre(s)	(b)(1) Non-adjacent wetland.	This wetland was mapped in the jurisdictional delineation report. Based on review of USGS Topographic map, this feature is depicted as an undeveloped area on relatively flat terrain. The NWI map does not depict this area as a potential wetland. There was two data points taken within this specific feature supporting the inclusion of this feature as a forested wetland. This wetland is adjacent to ephemeral stream (EPH1) within this review area, which results in this wetland not meeting the A(4) abutting wetland definition. Thus this wetland is considered a non-adjacent wetland.
SWT-2020-0322-11 (PFO7)	2.5	acre(s)	(b)(1) Non-adjacent wetland.	This wetland was mapped in the jurisdictional delineation report. Based on review of USGS Topographic map, this feature is depicted as an undeveloped area on relatively flat terrain. The NWI map does not depict this area as a potential wetland. There was two data points taken within this specific feature supporting the inclusion of this feature as a forested wetland. This wetland is adjacent to ephemeral stream (EPH1) within this review area, which results in this wetland not meeting the A(4) abutting wetland definition. Thus this wetland is considered a non-adjacent wetland.
SWT-2020-0322-12 (EPH4)	1600	linear 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).	The stream channel is not depicted on the USGS Topographic map as a blue line stream. There is the presence of a visible natural channel in aerial imagery. The drainage area for this feature is approximately 16 acres. This feature is apparently constructed as a ditch adjacent to a railroad. The channel is straight and consistent with channelization. Based on the information included in this evaluation, this ditch has been determined to have surface water flowing/pooling only in direct response to precipitation.

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: [Revised TexAmericas AJD Report, Dated October 22, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).



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- Photographs: *Aerial and Other: Google Earth Aerial Imagery, Dated March 2019, and Site Photos July 22, 2020 and October 23,2020*
- Corps site visit(s) conducted on: *July 22, 2020, and October 23, 2020*
- 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: *ORM Data accessed September 28, 2020*
- USGS topographic maps: *ORM Data accessed September 28, 2020*

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.
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 tool was ran for April 21, 2020, which corresponds with the delineation report. The results of this report concluded that the site conditions are wetter than normal with a value of 16. The graph depicts conditions for approximately 9 months of the year, and the 30 year rolling average. Based on the comparison of the average rainfall in 2020 compared to the typical year average, the site is likely to have received higher than average rainfall this year, which would result in site conditions that are wetter than normal. The graph shows that the site likely had recent rain events in close proximity, which would support that the streams exhibit ephemeral flow based on minimal observed flowing water during the site visit. Following a site visit on October 23, 2020, a second APT report was ran, which resulted in a value of 12 indicating normal rainfall conditions. However, upon review of the last 3 months, the rainfall is well above average and site conditions would reflect that. These reports both indicate wetter than normal rain conditions throughout much of the year. Based on the analysis of these reports, the site would be wetter than typical years and the mapped aquatic features within the delineation may appear more prominent than during typical year.

C. Additional comments to support AJD: This evaluation was based on two site visits, a jurisdictional delineation report, aerial imagery, various resource maps, and rainfall data. This site has experienced extensive grading and drainage modification associated with the review area being part of the historic Red River Army Depot. The four ephemeral features and the seven forested wetlands have been determined above to meet the definitions as non-jurisdictional (excluded) waters. The intermittent unnamed tributary identified within the review area meets the requirements of an (a)(2) water, thus it is jurisdictional.