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): 7/2/2020
ORM Number: SWT-2020-00047
Associated JDs: SWT-2020-00047 PJD dated January 27, 2020
Review Area Location[1]: State/Territory: Texas City: Haynesville County/Parish/Borough: Wilbarger & Wichita
Center Coordinates of Review Area: Latitude 34.159536 Longitude -98.971739

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
ST-01	7,504	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The tributary (Adams Creek) flows directly into the Red River, a TNW approximately 10 river miles east of the project area.

[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
ST-02	5,250	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The unnamed tributary flows into Adams Creek which flows directly into the Red River, a TNW approximately 14 river miles east of the project area.
ST-04	2,787	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The unnamed tributary flows into Adams Creek which flows directly into the Red River, a TNW approximately 11.5 river miles east of the project area.
ST-05	3,578	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The unnamed tributary flows into Adams Creek approximately 0.50 river miles downstream which flows directly into the Red River, a TNW.
ST-06	1,873	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The unnamed tributary flows into Adams Creek approximately 3.15 river miles downstream which flows directly into the Red River, a TNW.

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
OW-01	0.03	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This impoundment is adjacent to Adams Creek and is connected to WL-01 by a culvert installed for a road crossing.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
WL-01	0.98	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	This feature is separated from Adams Creek by a culvert installed for what appears to be a road crossing. The emergent wetland would otherwise directly abut Adams Creek which flows into the Red River, a TNW.
WL-06	0.82	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts feature ST-06, a jurisdictional (a)(2) tributary. This wetland is inundated by flooding from the (a)(2) water in a typical year as observed in the provided delineation and aerial imagery.
WL-07	0.02	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts feature ST-06, a jurisdictional (a)(2) tributary. This wetland is inundated by flooding from the (a)(2) water in a typical year as observed in the provided delineation and aerial imagery.
WL-08	0.02	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts feature ST-06, a jurisdictional (a)(2) tributary. This wetland is inundated by flooding from the (a)(2) water in a typical year as observed in the provided delineation and aerial imagery.
WL-09	1.02	acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts feature ST-06, a jurisdictional (a)(2) tributary. This wetland is inundated by flooding from the (a)(2) water in a typical year as observed in the provided delineation and aerial imagery.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
ST-03	58	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The drainage channel only conveys storm water during and immediately following a rain event.

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
ST-07	3,311	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The ephemeral drainage is located between two agriculture fields and only conveys storm water during and immediately following a rain event.
ST-08	625	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The ephemeral drainage channel only conveys storm water during and immediately following a rain event.
OW-02	0.02	acres	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories.	This erosional feature is connected to a crop field by culvert. This feature collects water from the crop field and forms a small pool in the eroded area beneath the culvert.
OW-03	0.55	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This impoundment was likely the original ST-05 stream channel. ST-05 has naturally altered its course over time and OW-03 was formed. Based on aerial imagery, this feature has not contributed surface water flow directly or indirectly for more than 20 years.
OW-05	.08	acres	(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).	This feature is an artificial pond constructed entirely in the uplands.
OW-06	0.19	acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional	This feature is an artificial pond constructed entirely in the uplands.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
OW-07	0.64	acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This pond is located entirely in the uplands with no surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
OW-08	0.10	acres	(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)	This roadside ditch collects and holds water during and immediately after a rain event. The roadside ditch is not a relocated tributary, is not constructed in a tributary, and is not constructed within an adjacent wetland.
WL-02 WL-03 WL-04 WL-11 WL-12 WL-13 WL-14	0.61 0.25 0.05 0.19 0.57 0.06 9.59	acres	(b)(1) Water or water feature that is not identified in (a)(1)(a)(4) and does not meet the other (b)(1) sub-categories	The depressional features are situated in low areas of pasture and crop fields. The features are not adjacent to jurisdictional waters of the U.S. and do not contribute surface flow directly or indirectly to an (a)(1) water in a typical year.
WL-05	0.51	acres	(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)	This roadside ditch collects and retains water during and immediately after a rain event. The roadside ditch is not a relocated tributary, is not constructed in a tributary, and is not constructed within an adjacent wetland.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
WL-10	0.40	acres	(b)(1) Non-adjacent wetland.	The emergent wetland directly abuts ST-07, an excluded (b)(3) ephemeral feature.
WL-15	0.09	acres	(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)	This roadside ditch collects and retains water during and immediately after a rain event. The roadside ditch is not a relocated tributary, is not constructed in a tributary, and is not constructed within an adjacent wetland.

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: Wetland and Waterbody Delineation Report - September 19, 2019

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: Select. Google Earth & Digital Globe 1995-2020 and photographs included in submitted delineation

☐ Corps site visit(s) conducted on: Date(s).

☒ Previous Jurisdictional Determinations (AJDs or PJDs): SWT-2020-00047; The applicant had previously requested a PJD. The PJD was completed on January 27, 2020.

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

☒ USDA NRCS Soil Survey: Soil Web, Web Soil Survey, 30 June 2020

☒ USFWS NWI maps: USFWS NWI Map, 30 June 2020

☒ USGS topographic maps: USGS 7.5 Minute Cowboy Springs, OK/TX Quadrangle

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS 8, 10, 12 digit HUC maps	111301020202 China Creek - Red River
USDA NRCS WETS tables	Wichita Falls Municipal Airport WETS Station
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The Wichita Falls Municipal Airport WETS Station was the closest WETS station with complete data for a 20 year period of annual precipitation. The minimum annual rainfall from 2000 to 2020 was 12.97 inches with a maximum of 47.38 inches. The wetland delineation was completed in June of 2019. According to the referenced data source there was approximately 4.09 inches of rainfall at this station in the month of June 2019. The year 2019 is recorded as receiving 27.49 inches of precipitation resulting in a slightly lower than average year of rainfall with a 20 year average of 29.40 inches received at this station.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.