



**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): 5/12/2021

ORM Number: SWT-2020-00596

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Wichita Falls County/Parish/Borough: Wichita

Center Coordinates of Review Area: Latitude 33.876135 Longitude -98.597781

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
- 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
S1	2,495	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S1 is mapped as an intermittent stream on USGS topographic map, NWI maps, and aerial photographs. S1 was observed to contain flow bed and bank, clear and natural line impressed on the bank, and destruction of terrestrial vegetation. S1 flows directly into the Wichita River, an a(2) water, which flows into the Red River, an a(1) water. Therefore, it has been determined that the portion of S1 within the review area exhibits no less than intermittent flow.

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
S4	1,014	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S4 was observed to contain flow, bed and bank, clear and natural line impressed on the bank, and destruction of terrestrial vegetation. Therefore, it has been determined that the portion of S4 within the review area is a re-routed (channelized) 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
P1	0.23	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.	P1 flows into S4, which flows into S1, the Wichita River, an a(2) water, and finally the Red River, an a(1) water. Therefore, P1 has been determined to contribute surface water flow indirectly into an a(1) water.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W1	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W1 directly abuts both banks of the eastern portion of S1, an a(2) water. Therefore, W1 has been determined to meet the definition of adjacent.
W7	0.21	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W7 was observed to directly abut S4, an a(2) water. Therefore, W7 has been determined to meet the definition of adjacent.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
W2	0.09	acre(s)	(b)(1) Non-adjacent wetland.	W2 is separated from S1 by an artificial berm (side cast material from the channelization of S1) with no direct hydrologic connection between W2 and an a(1)-a(3) water. Therefore, W2 has been determined not to meet the definition of adjacent.
W3	0.03	acre(s)	(b)(1) Non-adjacent wetland.	W3 is located 1,000 linear feet from a jurisdictional water with no direct hydrologic connectivity or presence of berms. Therefore,

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	
				W3 has been determined not to meet the definition of adjacent.
W4	0.01	acre(s)	(b)(1) Non-adjacent wetland.	W4 is located 850 linear feet from a jurisdictional water with no direct hydrologic connectivity or presence of berms. Therefore, W4 has been determined not to meet the definition of adjacent.
W5	0.02	acre(s)	(b)(1) Non-adjacent wetland.	W5 is located 400 linear feet from a jurisdictional water with no direct hydrologic connectivity or presence of berms. Therefore, W5 has been determined not to meet the definition of adjacent.
W6	0.01	acre(s)	(b)(1) Non-adjacent wetland.	W6 is located 400 linear feet from a jurisdictional water with no direct hydrologic connectivity or presence of berms. Therefore, W6 has been determined not to meet the definition of adjacent.
S2	128	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S2 is not mapped on USGS topographic map, NWI map, and is not evident on aerial imagery. Additionally, S2 does not contribute flow to any downstream WOTUS. Therefore, S2 has been determined to be an ephemeral erosional feature.
S3	955	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S3 is not mapped on USGS topographic map or NWI map. Aerial imagery indicates a feature, which does not hold water with the same frequency as S1 and S4. Therefore, S3 has been determined to be an ephemeral erosional feature.

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: **“Wichita Falls High School West-Approved Jurisdictional Determination Request”**, dated October 15, 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)**.
- Photographs: **Aerial: Google Earth 1995, 2005, 2008, 2009, 2011, 2013, 2015, 2018**
- Corps site visit(s) conducted on: **3-23-2021**
- 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 II**
- USGS topographic maps: **ORM II**

Other data sources used to aid in this determination:



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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 indicated that the site was experiencing a mild drought with normal conditions. Since the S1 and S4 were observed to contain flowing water, indications of OHWM, and the APT shows the site is within a mild drought, the streams have been determined to contain no less than intermittent flow.

C. Additional comments to support AJD: [N/A](#)