



**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): 4/7/2021
 ORM Number: SWT-2021-00163
 Associated JDs: N/A
 Review Area Location¹: State/Territory: TX City: Phillips County/Parish/Borough: Hutchinson
 Center Coordinates of Review Area: Latitude 35.715229 Longitude -101.354877

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.

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
SP7014	378 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	SP7014 is an unnamed tributary that is mapped on USGS topographic maps, USFWS NWI Wetlands Mapper, and NHD maps as an intermittent stream that contributes flow to Dixon Creek which flows into the Canadian River, an (a)(1) water. Photos taken of the stream during a wetland delineation show the presence of water within the stream channel.

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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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.	

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.	

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
SP7006	890	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	SP7006 is an ephemeral stream channel that is not mapped on USGS topographic maps, NWI Wetlands Mapper, or NHD maps. The ephemeral stream was also absent of flow in Google Earth aerial imagery (1996-2019). An on-site wetland delineation concluded the stream to be ephemeral, only contributing flow in response to rain events.
SP7015	590	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	SP7015 is an ephemeral stream channel that is not mapped on USGS topographic maps, NWI Wetlands Mapper, or NHD maps. The ephemeral stream was also absent of flow in Google Earth aerial imagery (1996-2019). An on-site wetland delineation concluded the stream to be ephemeral, only contributing flow in response to rain events.
SP7016	250	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	SP7016 is an ephemeral stream channel that is not mapped on USGS topographic maps, NWI Wetlands Mapper, or NHD maps. The ephemeral stream was also absent of flow in Google Earth aerial imagery (1996-2019). An on-site wetland delineation concluded the stream to be ephemeral, only contributing flow in response to rain events.
SP7017	480	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	SP7017 is an ephemeral stream channel that is not mapped on USGS topographic maps, NWI Wetlands Mapper, or NHD maps. The ephemeral stream was also absent of flow in Google Earth aerial imagery (1996-2019). An on-site wetland delineation concluded the stream to be ephemeral, only contributing flow in response to rain events.

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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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: [Rocky Station PCN Application Package, 4 March 2021](#); [SWT-2021-00163 AJD Request, 30 March 2021](#); [Rocky Station Seep Photos, 5 April 2021](#)

This information **is** sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps:
- Photographs: [Aerial and Other: Google Earth Aerial 1996-2019](#); [Rocky Station Seep Photos, 5 April 2021](#)
- Corps site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey:
- USFWS NWI maps: [USFWS NWI Wetlands Mapper](#)
- USGS topographic maps: [USGS 7.5 Minute Phillips, TX Quadrangle](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD
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): [N/A](#)

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