



**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): 11/30/2020

ORM Number: SWG-2020-00068

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Premont County/Parish/Borough: Jim Wells

Center Coordinates of Review Area: Latitude 27.36431° N Longitude -98.11590° W

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	
N/A.	N/A.	N/A.	N/A.	

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.	

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wet_1	10.34	acre(s)	(b)(1) Non-adjacent wetland.	The subject wetland does not abut, nor is it otherwise directly connected to, an (a)(1) through (a)(3) water. The subject wetland also does not lie within the typical year floodplain of an (a)(1) through (a)(3) water. <input type="checkbox"/>

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: Mr. Will P. Wright, Jim Wells County, Texas prepared by VRX, Inc. 28 May 2020
This information is sufficient for purposes of this AJD.
Rationale: The datasheets contained some minor errors; however, they would have changed if they were conducted utilizing the problematic section of the regional supplement.
- ☒ Data sheets prepared by the Corps: Delineation dated 6/22/2020
- ☒ Photographs: Other: Site photos taken by the Corps on 6/22/2020
- ☒ Corps site visit(s) conducted on: 6/22/2020
- ☐ 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: Web Soil Survey Hydric Rating Map for Jim Wells County, Texas (NRCS website accessed 5/1/2020)
- ☒ USFWS NWI maps: USFWS website accessed 5/1/2020
- ☒ USGS topographic maps: USGS Topographic Map Series 1882-2006 ESRI 4/15/2010.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD database
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): Water features were analyzed using APT calculating for base delineation map aerial photograph date of 18 OCT 17. The APT is a tool that affords the user the capability to look at rainfall in the recent past, cumulative for the last 3 months as well and climatological review for the past 30 years. The WETs score (last 3 mths) for that date was 14 on a scale of 7-18 with a score of 15-18 being wetter than normal precipitation for the previous 3 months, which indicates that the measurements or

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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observations made are reflective of normal climatic conditions. It uses climatic data collected from numerous nearby weather stations and produces the most reliable source with a full 30 years of precipitation data. The site coordinates are located at an appx 150.91 ft elevation.

Date	Rain prior 72 hours	WETS (3 mth) score:	APT	Season	PDSI
22 May 2020 (Delineation Date)	3.29-4.65	14 (N)	Normal	Dry	Moderate drought
22 June 2020 (Corps Site Visit)	3.59-4.43	14 (N)	Normal	Dry	Moderate drought

Climatic data was collected from Kingsville, which is the closest station (19.92 mi) and is within the appropriate geographic region and is the most reliable source with a full 30 years of data. Furthermore, the precipitation assessment did deviated from the 30th to 70th percentile of precipitation totals for the periodic range used. For each period, the 30-day precipitation total, 3 March 2020 was below the 30th percentiles, 22 April 2020, was within the 30th and 70th percentile, and 22 May 2020, was above the 70th percentile from the same date range over the preceding 30 years.

- C. Additional comments to support AJD:** The review area contains a 10.34-acre depressional wetland that is not connected to any (a)(1-4) or navigable water. Therefore, the water features within the review area are not considered waters of the U.S., as defined in 33 CFR 328.3(a).



SWG-2020-00068

Approved Jurisdictional Determination



Legend

- Wright_Parcel (31.7 acres)
- Wet_1

SWG-2020-00068, Ebanito Creek

Date: 12/07/2020

Notes: The project location is situated towards the south side of the Ebanito Creek drainage area. Parcel shape is due to HWY 281 bypass right-of-way. For planning purposes only.

Figure: 1 of 1