

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 3/22/2022

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Fort Worth District, SWF-2021-00573; Walburg Tract

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: **Texas** County: **Williamson** City: **Georgetown**

Center coordinates of site (lat/long in degree decimal format): Lat. **30.711178 N**, Long. **-97.642111 W**.

Universal Transverse Mercator:

Name of nearest waterbody: **Dry Berry Creek**

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: **Granger Reservoir**

Name of watershed or Hydrologic Unit Code (HUC): **120702050302**

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): **3/4 & 14/2022**

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are No** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are and Are Not** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

☐ TNWs, including territorial seas

☐ Wetlands adjacent to TNWs

☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

☒ Non-RPWs that flow directly or indirectly into TNWs

☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

☐ Impoundments of jurisdictional waters

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: **4,209 linear feet total for 4 distinct streams (Stream 1 eph. - 322 lf; stream 2 eph. - 587 lf; stream 3 per. - 3245 lf; stream 4 int. - 55 feet). All streams flow into stream 3.**

Wetlands: **1.471 acres for 6 distinct wetlands (Wetlands 1, 2 and 4 are shown as a single wetland on the map as wetland 4 and are contiguous with stream 3. Wetland 3 is at the headwaters of an intermittent stream (stream 4). Wetlands 5 & 6 are small features contiguous with stream 3).**

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual and OHWM indicators.

Elevation of established OHWM (if known): **Unknown.**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

2. **Non-regulated waters/wetlands (check if applicable):³**

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to not be jurisdictional. Explain: Two erosional features were identified on the tract marked as erosional features 1 and 2 totaling 432 and 126 linear feet respectively.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**

Identify TNW: .

Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met. The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4. A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law. If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs tributaries that flow directly or indirectly into TNW**

(i) **General Area Conditions:**

Watershed size: **1425 acres** for stream 3, 34 acres for stream 4 (intermittent due to releases from stock tank/wetland), 15 acres for stream 1 (defined bed and banks with scour and sediment sorting), and 2 acres for stream 2 (channel and non-wetland pool areas that convert to wetlands down slope).

Drainage area: **acres**

Average annual rainfall: **36.1 inches**

Average annual snowfall: **0.2 inches**

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

☐ Tributary flows directly into TNW.

☒ Tributaries **1, 2 and 4 all flow into tributary 3 which flows through 2 tributaries before entering a**

TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **15.7** aerial (straight) miles from TNW (Granger Reservoir).

Project waters are **0.59** aerial (straight) miles from RPW (Dry Berry Creek) as confirmed via aerial photo review.

Project waters cross or serve as state boundaries. **No** Explain: .

Identify flow route to TNW⁵: **Tribs 1, 2 and 4 flow into Tributary 3 which flows into Dry Berry Creek (RPW) which flows in Berry Creek (RPW) which flows into the San Gabriel River (RPW) which flows into Granger Reservoir (TNW).**

Tributary stream order, if known: **All are first order except tributary 3 which is 2nd.**

³ Supporting documentation is presented in Section III.F.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☒ Natural. Explain: **All tributaries are naturally occurring features.**
☐ Artificial (man-made). Explain:
☒ Manipulated (man-altered). Explain: **A portion of tributaries 2 and 3 were once captured by an impoundment on site which was breached between 1997 and 2002.**

Tributary properties with respect to top of bank (estimate):

Average width: **Stream 1 – 4, stream 2 – 9, stream 3 10, and stream 4 3 feet.**

Average depth: **Stream 1 – 1, stream 2 – 1.5, stream 3 – 3.5 feet, and stream 4 – 2 feet.**

Average side slopes: **2:1.**

Primary tributary substrate composition (check all that apply):

☒ Silts ☒ Sands ☐ Concrete
☒ Cobbles ☒ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: **All tributaries are stable except stream 3 which has reaches of erosion and deposition of sands and gravel.**

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: **All are relatively straight.**

Tributary gradient (approximate average slope): **1-2 %**

(c) Flow:

Tributary provides for: **Stream 1 – ephemeral, stream 2 - ephemeral, stream 3 - perennial, stream 4 - intermittent.**

Estimate average number of flow events in review area/year: **20 or greater for ephemeral, 1 for perennial and 10-20 for intermittent**

Describe flow regime: **See definitions for each category.**

Other information on duration and volume: .

Surface flow is: **Discrete and confined.** Characteristics:.

Subsurface flow: **Unknown.** Explain findings: .

☐ Dye (or other) test performed: .

Tributary has (check all that apply):

☒ Bed and banks

☒ OHWM⁶ (check all indicators that apply):

<input checked="" type="checkbox"/> clear, natural line impressed on the bank	<input type="checkbox"/> the presence of litter and debris
<input checked="" type="checkbox"/> changes in the character of soil	<input checked="" type="checkbox"/> destruction of terrestrial vegetation
<input checked="" type="checkbox"/> shelving	<input type="checkbox"/> the presence of wrack line
<input checked="" type="checkbox"/> vegetation matted down, bent, or absent	<input checked="" type="checkbox"/> sediment sorting
<input checked="" type="checkbox"/> leaf litter disturbed or washed away	<input checked="" type="checkbox"/> scour
<input checked="" type="checkbox"/> sediment deposition	<input type="checkbox"/> multiple observed or predicted flow events
<input type="checkbox"/> water staining	<input type="checkbox"/> abrupt change in plant community
<input type="checkbox"/> other (list):	

☐ Discontinuous OHWM.⁷ Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

<input type="checkbox"/> High Tide Line indicated by:	<input type="checkbox"/> Mean High Water Mark indicated by:
<input type="checkbox"/> oil or scum line along shore objects	<input type="checkbox"/> survey to a available datum;
<input type="checkbox"/> fine shell/debris deposits (foreshore)	<input type="checkbox"/> physical markings;
<input type="checkbox"/> physical markings/characteristics	<input type="checkbox"/> vegetation lines/changes in vegetation types.
<input type="checkbox"/> tidal gauges	
<input type="checkbox"/> other (list):	

(iii) **Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.). Explain: **Water observed in stream 3 was clear on 2 occasions as well as pooled**

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

areas from stream 1. Groundwater seepage was observed feeding into stream 3 and was generally clear but iron reducing bacteria discharge associated with it.

Identify specific pollutants, if known: **Standard agricultural sources of E. coli from cattle.**

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☒ Riparian corridor. Characteristics (type, average width): Stream 1 contained within forested area while stream 3 had shrub areas along its banks ranging from 2-10 feet wide in places.
- ☒ Wetland fringe. Associated with stream 2 and 3. Characteristics: Emergent wetlands present.
- ☒ Habitat for:
 - ☐ Federally Listed species. Explain findings: .
 - ☒ Fish/spawn areas. Explain findings: **Perennial stream has adequate connectivity, flow conditions and structure to support small non-game species.**
 - ☒ Other environmentally-sensitive species. Explain findings: **Stream 3 and all other stream reaches provide water sources for game and non-game wildlife.**
 - ☒ Aquatic/wildlife diversity. Explain findings: **Given the lack of aquatic habitat in the region and on site (only 3% of the 95 acres tract is aquatic.), water sources are critical to aquatic diversity in their reaches as well as their contributions to RPWs and their function and diversity, including use by wildlife.**

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties: **1.471 acres for 6 distinct wetlands (Wetlands 1, 2 and 4 are shown as a single wetland on the map as wetland 4 and are contiguous with stream 3. Wetland 3 is at the headwaters of an intermittent stream (stream 4). Wetlands 5 & 6 are small features contiguous with stream 3).**

Wetland size: **See above** acres

Wetland type. Explain: **All wetlands are emergent.**

Wetland quality. Explain: **While TXRAM was not conducted, wetlands would rate average scores in the 50s due to being emergent and with some vegetative diversity.**

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **See previous descriptions of flow regimes.** Explain:.

Surface flow is: **Discrete and confined. Banks are clear in all stream reaches.**

Characteristics: .

Subsurface flow: **Unknown.** Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

☒ **Directly abutting – all wetlands are touching streams.**

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain:

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: **There is an earthen berm east of the wetland.**

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **the same distance as described above for streams** aerial (straight) miles from TNW.

Flow is from: **wetland to non-RPW and RPW tributaries to TNW.**

Estimate approximate location of wetland as within the **2-10 year** floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: **Wetlands are grazed by cattle except wetland 6 which is outside fencing. Wetlands were ponded or flowing and water was clear other than wetland 6 which contained iron reducing bacteria discharge.**

Identify specific pollutants, if known: **E. coli from cattle.**

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

☐ Riparian buffer. Characteristics (type, average width): .

- ☒ Vegetation type/percent cover. **100%** Explain: **Emergent species only.**
- ☐ Habitat for:
- ☐ Federally Listed species. Explain findings: .
- ☐ Fish/spawn areas. Explain findings: .
- ☒ Other environmentally-sensitive species. Explain findings: .
- ☒ Aquatic/wildlife diversity. Explain findings: **Given the lack of aquatic habitat in the region and on site (less than 2% of the 95 acres tract is wetland), such features are critical to aquatic diversity (i.e., crayfish burrows exist only in the wetlands) as well as their water quality contributions to RPWs and their function and diversity, including use by shorebirds & waterfowl as well as non-game wildlife.**

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **6**

Approximately **(1.5)** acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Wet 1 – Y	0.017	Wet 2 – Y	0.15
Wet 3 – Y	0.81	Wet – 4	0.47
Wet 5 – Y	0.009	Wet – 6	0.015

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: **Stream 1 has no adjacent wetlands. Given the lack of aquatic resources on the tract as well as the region, its contributions of flow, organic matter from primary productivity due to hydrologic connectivity to the TNW rises to the level of significance.**
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **Stream 2 and 3 have wetlands that directly abut them. These features have greater contributions to the downstream TNW well above those for stream 1. The diversity of habitats associated with wetlands as well as water quality contributions in a watershed that has such limited resources supports a determination of significance.**
2. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

- ☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

- ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: **See above concerning stream 3. Aerials show continuous flow in tributary as well as the 2 RPWs it contributes into.**
- ☐ Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .
Provide estimates for jurisdictional waters in the review area (check all that apply):
☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- ☒ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☒ Tributary waters: **(Stream 1 eph. - 322 lf x 4; stream 2 eph. - 587 lf x 9; stream 4 int. - 55 feet x 3).**
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- ☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☒ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, a above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetlands 1, 2 and 4 are actually one feature and are the connection between stream 2 and 3. Stream 3 is perennial as previously described.**
- ☐ Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, a above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide a creage estimates for jurisdictional wetlands in the review area: **0.661** acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide a creage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- ☒ Wetlands adjacent to such waters and have, when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: **0.81** acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from “waters of the U.S.,” or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain: .
- ☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
- ☐ Other non-wetland waters: acres.
- Identify type(s) of waters: .
- ☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - ☐ Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- ☐ Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain:
- ☒ Other: (explain, if not covered above): **Two erosional features. These are excluded water features totaling 432 and 126 lineal feet each.**

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- ☐ Lakes/ponds: acres.
- ☐ Other non-wetland waters: acres. List type of aquatic resource: .
- ☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - ☒ Office concurs with data sheets/delineation report.
 - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps: .
- ☐ Corps navigable waters’ study: .
- ☒ U.S. Geological Survey Hydrologic Atlas: .
 - ☒ USGS NHD data. On site USGS National Map viewer.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Georgetown TX and Weir TX.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Williamson County.
- ☒ National wetlands inventory map(s). Cite name: Georgetown TX.
- ☐ State/Local wetland inventory map(s): .
- ☒ FEMA/FIRM maps: Online viewer. 48491C0285F
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): All Google Earth Imagery.
or ☒ Other (Name & Date): Consultants on site photos 12/3/21.
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☒ Other information (please specify): Sites visit revealed that additional wetlands exist due to 10+ days of ponded soil conditions in drought conditions as well as seep wetlands. APT executed to confirm normal/drought precipitation conditions.

B. ADDITIONAL COMMENTS TO SUPPORT JD: .