



**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): 7/19/2021

ORM Number: SWF-2020-00250

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Texas City: Praesel County/Parish/Borough: Milam

Center Coordinates of Review Area: Latitude 30.608891°N Longitude -97.044410°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 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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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	
SB001	4,314	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	SB001 is a portion of a relatively permanent water and a second order stream within this relevant reach, which is approximately 5,800 linear feet long within the subject property, intersects with East Yegua Creek approximately 4 miles from the subject property. East Yegua Creek then flows southeastward approximately 45 miles downstream where it intersects with Yegua Creek. Yegua Creek then flows eastward approximately 31 miles downstream to Brazos River, an (a)(1) water.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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
SB007	1,486	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	SB007 is a portion of a relatively permanent water and a second order stream within this relevant reach, which is approximately 5,800 linear feet long within the subject property, intersects with East Yegua Creek approximately 4 miles from the subject property. East Yegua Creek then flows southeastward approximately 45 miles downstream where it intersects with Yegua Creek. Yegua Creek then flows eastward approximately 31 miles downstream to Brazos River, an (a)(1) water.
SB004B	984.271	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	SB004B is a portion of a relatively permanent water and a second order stream within this relevant reach, which is approximately 5,800 linear feet long within the subject property, intersects with East Yegua Creek approximately 4 miles from the subject property. East Yegua Creek then flows southeastward approximately 45 miles downstream where it intersects with Yegua Creek. Yegua Creek then flows eastward approximately 31 miles downstream to Brazos River, an (a)(1) water.
SB005A	66.151	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	SB005A is a portion of a relatively permanent water and a third order stream within this relevant reach, which is approximately 5,800 linear feet long within the subject property, intersects with East Yegua Creek approximately 4 miles from the subject property. East Yegua Creek then flows southeastward approximately 45 miles downstream where it intersects with Yegua Creek. Yegua Creek then flows eastward approximately 31 miles downstream to Brazos River, an (a)(1) water.

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
PA010	7.859	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.	Alcoa Lake (PA010) flows indirectly into associated tributaries to East Yegua Creek during heavy rain events. East Yegua Creek then flows into Yegua Creek, which then connects to the Brazos River, an (a)(1) water, approximately 31 miles downstream.
PB002	5.954	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water	PB002 is an impoundment of a jurisdictional water, SB004B, which is an (a)(2) intermittent tributary that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. SB004B intersects with East Yegua Creek approximately 4 miles from



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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
			flow directly or indirectly to an (a)(1) water in a typical year.	the subject property. East Yegua Creek then flows southeastward approximately 45 miles downstream where it intersects with Yegua Creek. Yegua Creek then flows eastward approximately 31 miles downstream to Brazos River, an (a)(1) water.
PB003	0.101	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.	PB003 is an impoundment of a jurisdictional water, SB001, which is an (a)(2) intermittent tributary that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. SB001 intersects with East Yegua Creek approximately 4 miles from the subject property. East Yegua Creek then flows southeastward approximately 45 miles downstream where it intersects with Yegua Creek. Yegua Creek then flows eastward approximately 31 miles downstream to Brazos River, an (a)(1) water.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
WA011_PSS	0.783	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts and is inundated by PA010, an (a)(3) water, when heavy rain events occur.
WA011_PEM	0.074	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts and is inundated by PA010, an (a)(3) water, when heavy rain events occur.
WA012_PSS	0.312	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts and is inundated by PA010, an (a)(3) water, when heavy rain events occur.
WA012_PEM	0.615	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts and is inundated by PA010, an (a)(3) water, when heavy rain events occur.
WB001	3.800	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts and is inundated by PB002, an (a)(3) water, when heavy rain events occur.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
WA001_PFO	1.031	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			<p>“adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA001_PFO abuts non-jurisdictional ephemeral stream SA006.</p>	
WA001_PSS	0.996	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA001_PSS abuts non-jurisdictional ephemeral stream SA006.</p>
WA001_PEM	1.356	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA001_PEM abuts non-jurisdictional ephemeral stream SA006.</p>
WA002	0.633	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA002 is landlocked and isolated from features.</p>
WA003	0.033	acre(s)	(b)(1) Non-adjacent wetland.	<p>Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii):</p>



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA003 is landlocked and isolated from features. Wetland abuts no-jurisdictional pond PA006.	
WA004	0.310	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA004 is landlocked and isolated from features. Wetland abuts non-jurisdictional stream SA004 and non-jurisdictional pond PA006.
WA005	0.128	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA005 is landlocked and isolated from features. Wetland abuts non-jurisdictional pond PA007.
WA006_PFO	0.155	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA006_PFO is landlocked and isolated from features. Wetland abuts non-jurisdictional streams SA004 and SA005 and non-jurisdictional pond PA007.
WA006_PEM	0.023	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
				(b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA006_PFO is landlocked and isolated from features. Wetland abuts non-jurisdictional streams SA004 and SA005 and non-jurisdictional pond PA007.
WA007	0.018	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA007 is landlocked and isolated from features.
WA008_PSS	0.017	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA008_PSS is landlocked and isolated from features.
WA008_PEM	0.086	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA008_PEM is landlocked and isolated from features.
WA009	0.964	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not





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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA009 is landlocked and isolated from features.	
WA010	0.982	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA010 is landlocked and isolated from features.
WA013	0.043	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA013 is landlocked and isolated from features.
WA014	0.057	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WA014 is landlocked and isolated from features.
WB002	0.309	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii):



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WB002 is landlocked and isolated from features. Wetland abuts non-jurisdictional SB009.	
WB003	0.023	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WB003 is landlocked and isolated from features.
WB004	0.802	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands that meet the definition of paragraph (c)(16) and are not (a)(4) waters are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. The subject water does not meet the definition of “adjacent wetlands.” 33CFR328.3(c)(1)(iii): Adjacent wetlands include wetlands that are physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. WB004 is landlocked and isolated from features.
SA001	3,521	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SA001 is identified as an ephemeral stream.
SA002	2,465	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SA002 is identified as an ephemeral stream.
SA003	269	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SA003 is identified as an ephemeral stream.
SA004	1,415	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SA004 is identified as an ephemeral stream.





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SA005	1,470	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SA005 is identified as an ephemeral stream.
SA006	2,765	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SA006 is identified as an ephemeral stream.
SA007	502	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SA007 is identified as an ephemeral stream.
SA007a	1,039	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SA007a is identified as an ephemeral stream.
SB002	75	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB002 is identified as an ephemeral stream.
SB003	436	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB003 is identified as an ephemeral stream.
SB004A	604	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB004 is identified as an ephemeral stream.
SB005B	138	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB005 is identified as an ephemeral stream.
SB006	383	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB006 is identified as an ephemeral stream.
SB008	295	linear feet	(b)(3) Ephemeral feature, including	Ephemeral features that meet the definition described in paragraph (c)(3) are not



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Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			an ephemeral stream, swale, gully, rill, or pool.	jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB008 is identified as an ephemeral stream.
SB009	267	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB009 is identified as an ephemeral stream.
SB010	2,728	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB010 is identified as an ephemeral stream.
SB011	752	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. SB011 is identified as an ephemeral stream.
PA001	2.561	acre(s)	(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.	PA001 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PA002	0.057	acre(s)	(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.	PA002 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PA003	0.049	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an	PA003 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	
PA004	0.427	acre(s)	(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.	PA004 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PA005	0.121	acre(s)	(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.	PA005 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PA006	0.334	acre(s)	(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.	PA006 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PA007	0.404	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an	PA007 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	
PA008	0.286	acre(s)	(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.	PA008 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PA009	0.453	acre(s)	(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.	PA009 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PA011	0.061	acre(s)	(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.	PA011 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PA012	0.007	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an	PA012 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	
PB001	0.059	acre(s)	(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.	PB001 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB002	5.954	acre(s)	(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.	PB002 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB004	0.396	acre(s)	(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.	PB004 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB005	0.235	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an	PB005 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	
PB006	0.069	acre(s)	(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.	PB006 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB007	0.452	acre(s)	(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.	PB007 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB008	0.101	acre(s)	(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.	PB008 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB009	0.140	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an	PB009 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.





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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			(a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	
PB010	0.375	acre(s)	(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.	PB010 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB011	0.249	acre(s)	(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.	PB011 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB012	0.300	acre(s)	(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.	PB012 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.
PB013	0.129	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an	PB013 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size		Rationale for Exclusion Determination
			(a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
PB014	0.026	acre(s)	(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.  PB014 is a feature that does not contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year.

### 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: [SWCA Wetland delineation report dated December 2019, "Wetland Delineation Report for the Sandow Solar 1 Project in Milam County, Texas."](#)

This information is sufficient for purposes of this AJD.

Rationale: [Provides information on baseline data and delineated aquatic features.](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Aerial and Other: 1951 B&W Agricultural Stabilization & Conservation Service, 1953 B&W Army Mapping Service, 1960-1963 B&W United States Geological Survey, 1972 B&W National Aeronautics and Space Administration, 1981 B&W United States Geographical Survey, 1990 B&W United States Geographical Survey, 1995 Color United States Geographical Survey, 2004 Infrared United States Department of Agriculture, 2008 Color United States Department of Agriculture, 2012 Color United States Department of Agriculture, 2018 Color United States Department of Agriculture. See Attachment A for historical aerials photographs.](#)

☒ Corps site visit(s) conducted on: [May 24, 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: [Soil Survey of Milam County, TX \(2001\)](#)

☒ USFWS NWI maps: [Alcoa Lake, Texas and Rockdale West, Texas Quadrangle](#)

☒ USGS topographic maps: [2016, 7.5' Alcoa Lake, Texas, 1:24,000 and 2016, 7.5' Rockdale West, Texas, 1:24,000. See Attachment A for the topographic maps.](#)

**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	USGS NHD data, USGS HUC 8 (12070102)
USDA Sources	See above in Section III.A.
NOAA Sources	N/A.
USACE Sources	APT Calculations (See Attachment B)
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** APT uses climatic data collected from numerous nearby weather stations and produces the most reliable source with a full 30 years of precipitation data. Hydrologic and climatic conditions were evaluated using the HUC-8 Yegua watershed (HUC 12070102). According to the APT, the wetland delineation in October 14-18 and 21-23, 2019 was performed during the wet season and the project area's corresponding climatological division was experiencing moderately wet conditions. At the project area scale, the rainfall condition at the time of the wetland delineation was calculated to be drier than normal. The APT analysis output is provided in Attachment B.

All subject tributaries, ponds, and wetlands are located at approximately 420 to 500 feet in elevation

- C. Additional comments to support AJD:** Based on a wetland delineation conducted on October 14-18 and 21-23, 2019, and a USACE verification site visit on May 24, 2021, SB001, SB007, SB004B, and SB005A are portions of a relatively permanent water within the subject property that eventually intersects with East Yegua Creek approximately 4 miles from the subject property. East Yegua Creek then flows southeastward approximately 45 miles downstream where it intersects with Yegua Creek. Yegua Creek then flows eastward approximately 31 miles downstream to the Brazos River, an (a)(1) water.

Alcoa Lake (PA010) is another RPW located within the southwestern portion of the subject property which also flows indirectly via other unnamed associated tributaries to East Yegua Creek. There are four distinct wetlands (WA011\_PSS, WA011\_PEM, WA012\_PSS, and WA012\_PEM) abutting PA010 within this relevant reach that are located within the subject property and total approximately 1.784 acres, with 1.095 acre classified as palustrine scrub-shrub (PSS) wetlands and 0.689 acres are classified as palustrine emergent (PEM) wetlands. Per federal regulations 33 CFR 328 3 (b)1 these aquatic features are considered jurisdictional water and are subject to Section 404 of the Clean Water Act.

PB002 is another RPW located within the eastern portion of the subject property which flows indirectly via other unnamed associated tributaries to East Yegua Creek. There is one distinct wetland (WB001) abutting PB002 within this relevant reach that are located within the subject property and totals approximately 3.800 acres classified as PEM wetland. Per federal regulations 33 CFR 328 3 (b)1 these aquatic features are considered jurisdictional water and are subject to Section 404 of the Clean Water Act.

PB003 is another RPW located within the central portion of the subject property which flows indirectly via SB001 into other unnamed associated tributaries to East Yegua Creek.

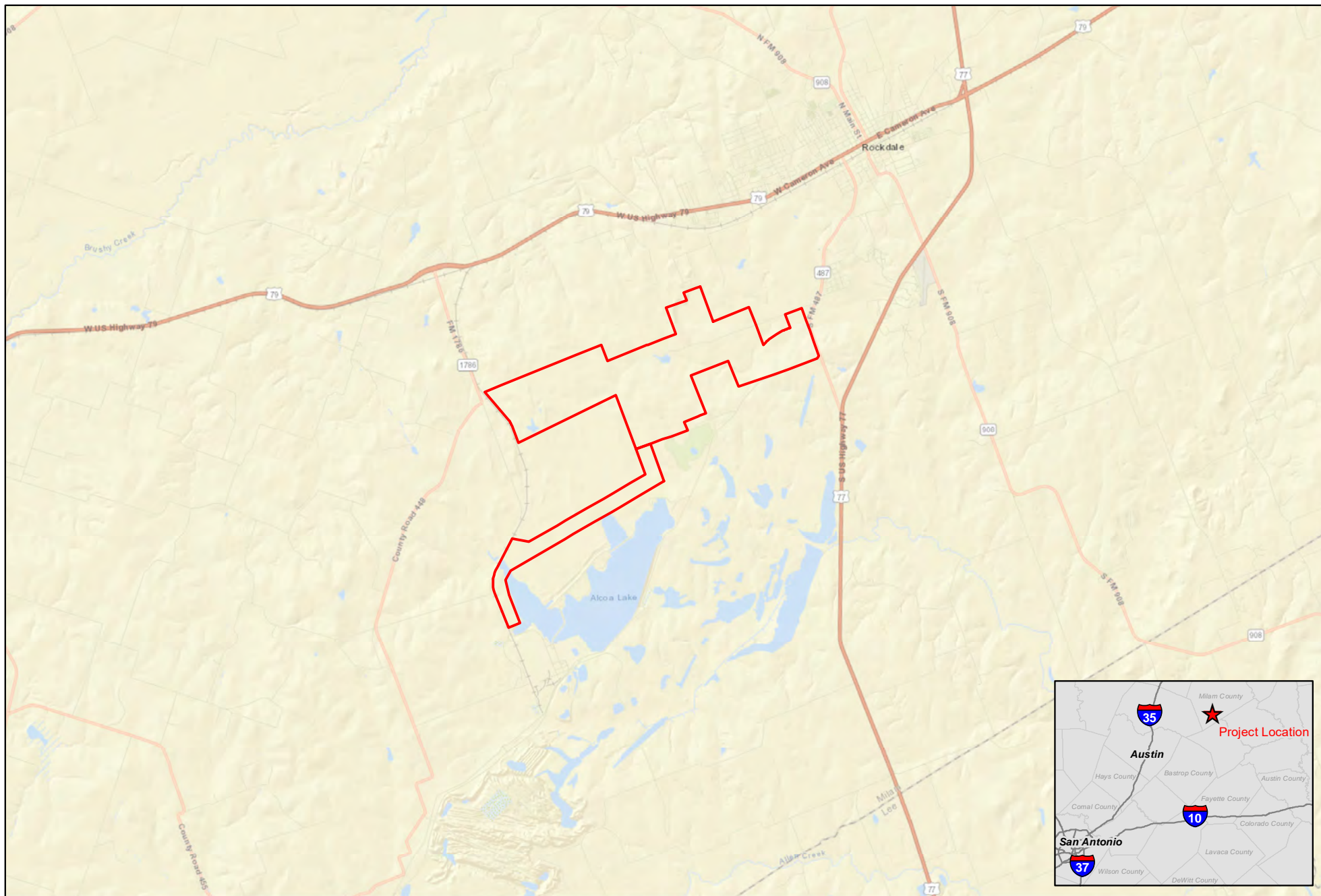
20 of the delineated wetlands are non-abutting, physically separated from the identified (a)(2) waters by a natural berm or upland that has no break, and are not located in a geomorphic position that would be inundated by the flood waters of the identified (a)(2) waters in a typical year; as such per federal regulations 33 CFR 328 3 (b)1 these aquatic features are non-jurisdictional waters and not subject to Section 404 of the Clean Water Act.



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23 ponds were delineated that do not appear to contribute to surface water flow either directly or indirectly to an (a)(1)-(a)(3) water in a typical year and are not considered impoundments of jurisdictional waters. Therefore These aquatic features are non-jurisdictional and are not subject to Section 404 of the Clean Water Act.

Additionally, 17 ephemeral streams were identified within the survey area. Ephemeral features that meet the definition described in paragraph (c)(3) are not jurisdictional according to this specific type of (b)(1) exclusion for documentation purposes. Therefore, per federal regulations 33 CFR 328.3 (b)(1) these aquatic feature are non-jurisdictional waters and are not subject to Section 404 of the Clean Water Act.



**SWCA**  
ENVIRONMENTAL CONSULTANTS

**SANDOW SOLAR 1  
PROJECT**  
PROJECT VICINITY MAP  
MILAM COUNTY, TEXAS  
Figure 1

Project Boundary

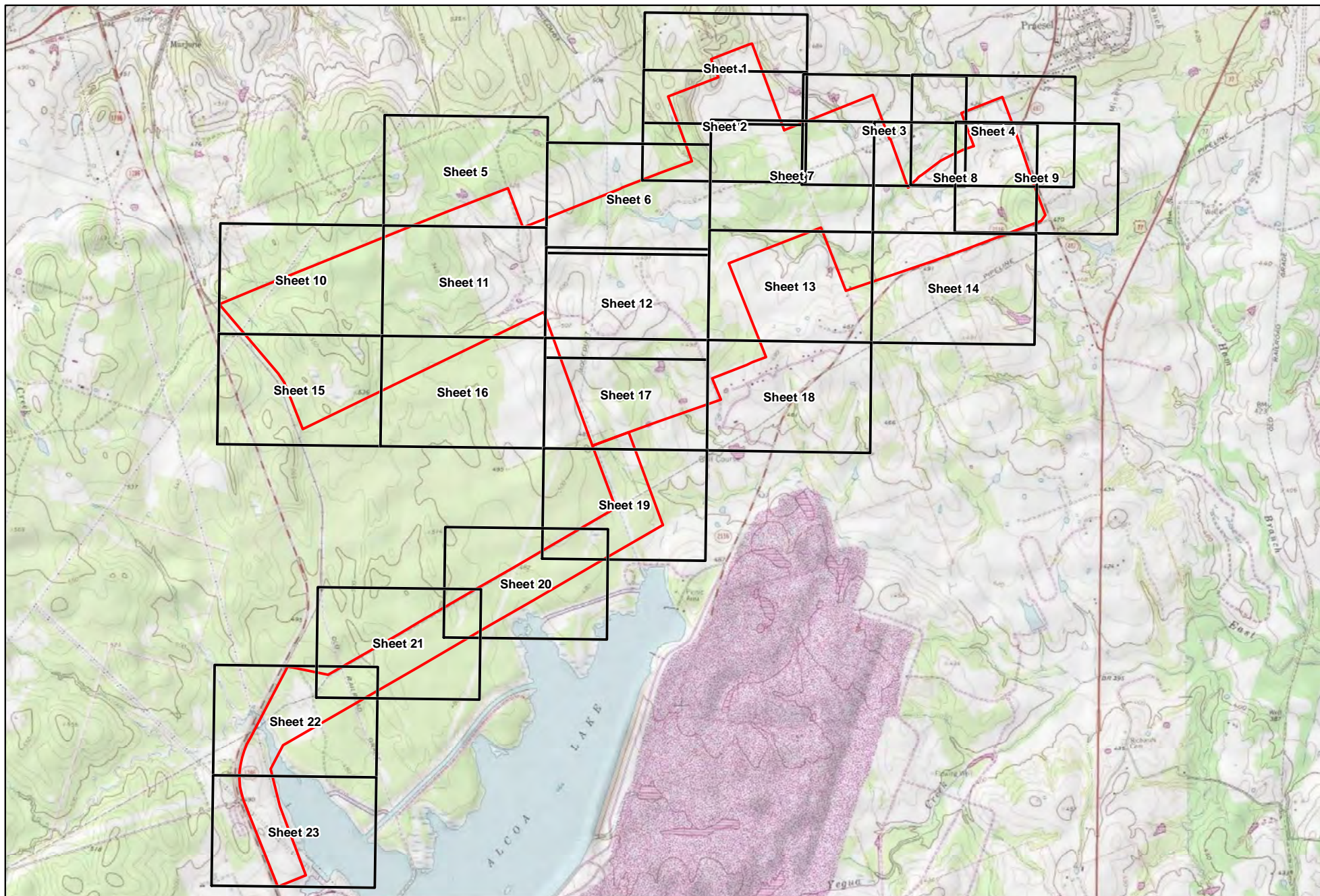


1:100,000

Created By: C. McConnell  
Project Number: 58007  
Date: 11/22/2019  
NAD 1983 StatePlane Texas South Central FIPS 4204 Feet

0 0.5 1 Miles  
0 0.5 1 1.5 Kilometers





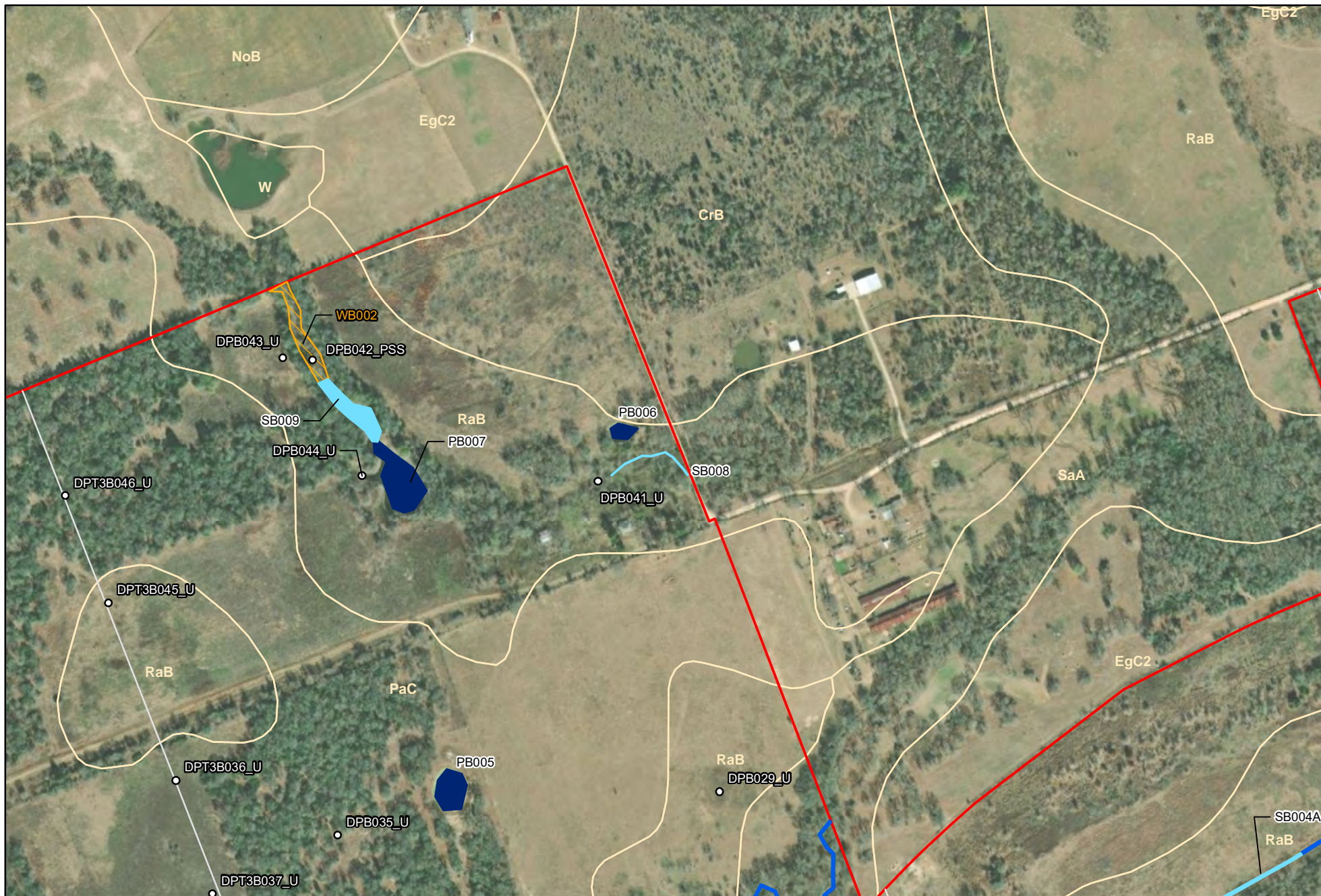




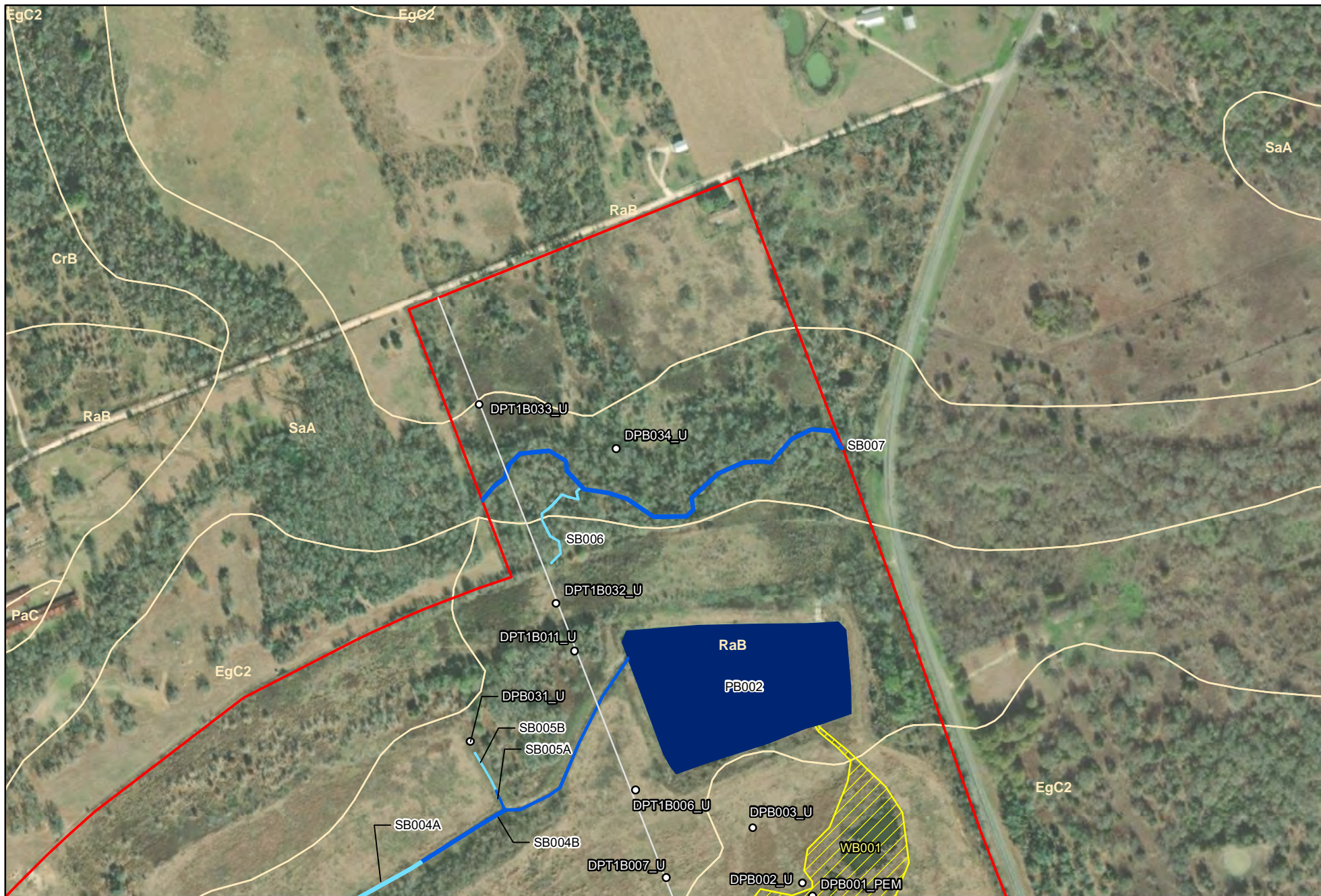








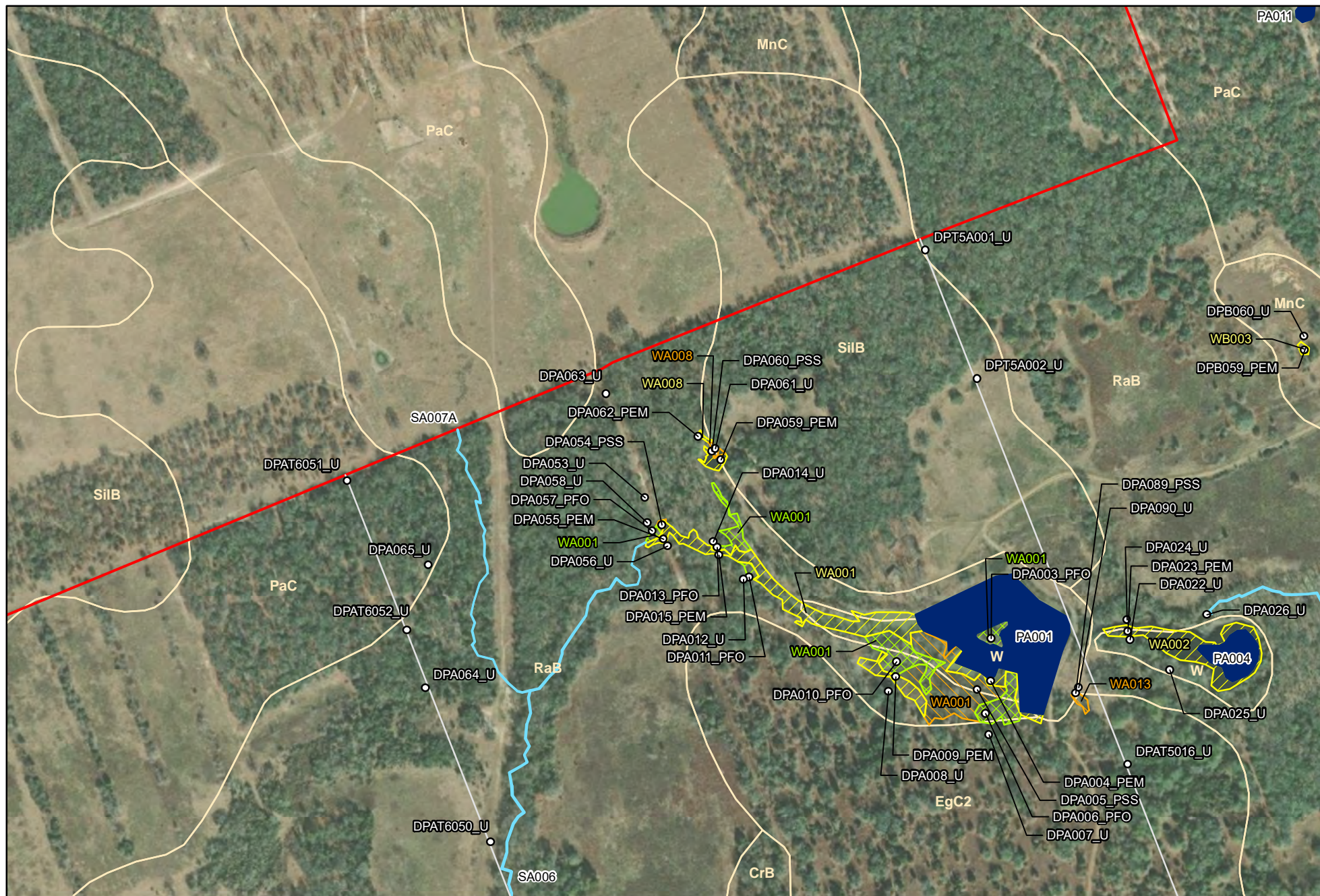












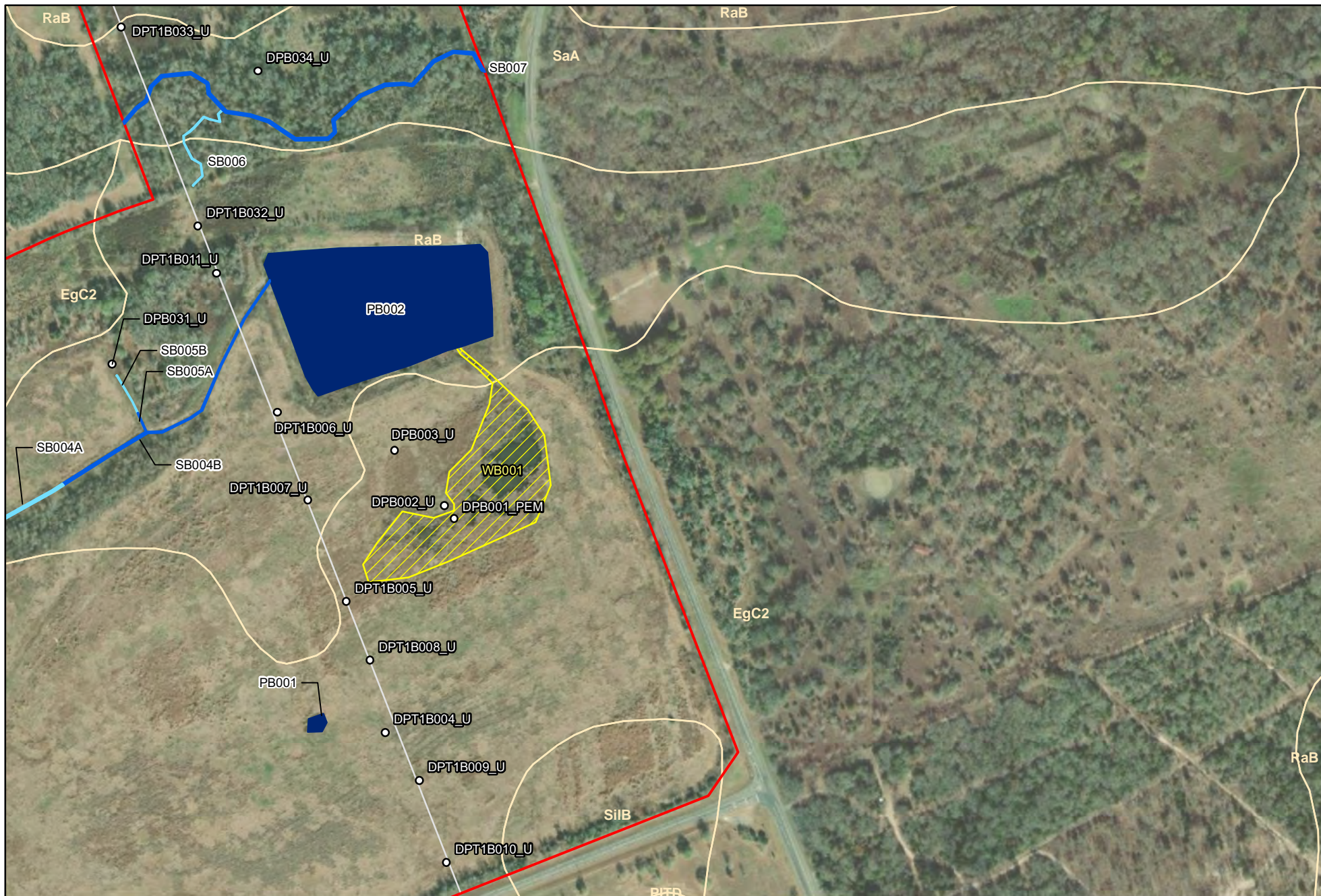










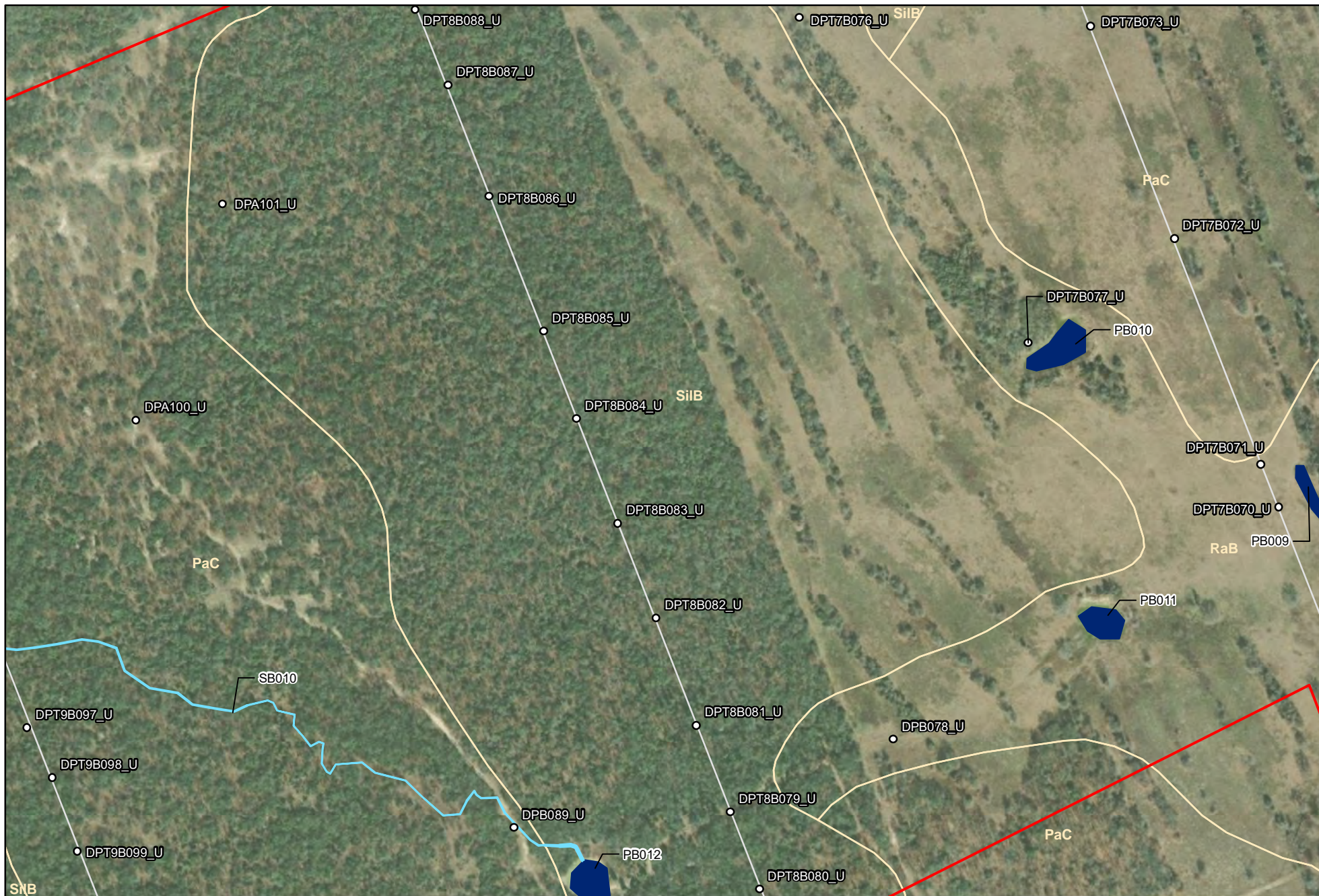


	<b>SANDOW SOLAR 1 PROJECT</b> <b>WETLAND DELINEATION MAP</b> <b>MILAM COUNTY, TEXAS</b> Figure 3 - Sheet 9 of 23		Project Boundary Transect Soil Unit Boundary	Data Point Ephemeral Stream Intermittent Stream	Pond Lake Emergent Wetland	Scrub-Shrub Wetland Forested Wetland	 1:5,000 Created By: CM Project Number: SB007 Date: 5/2/2021 NAD 1983 StatePlane Texas Central FIPS 4203 Feet 

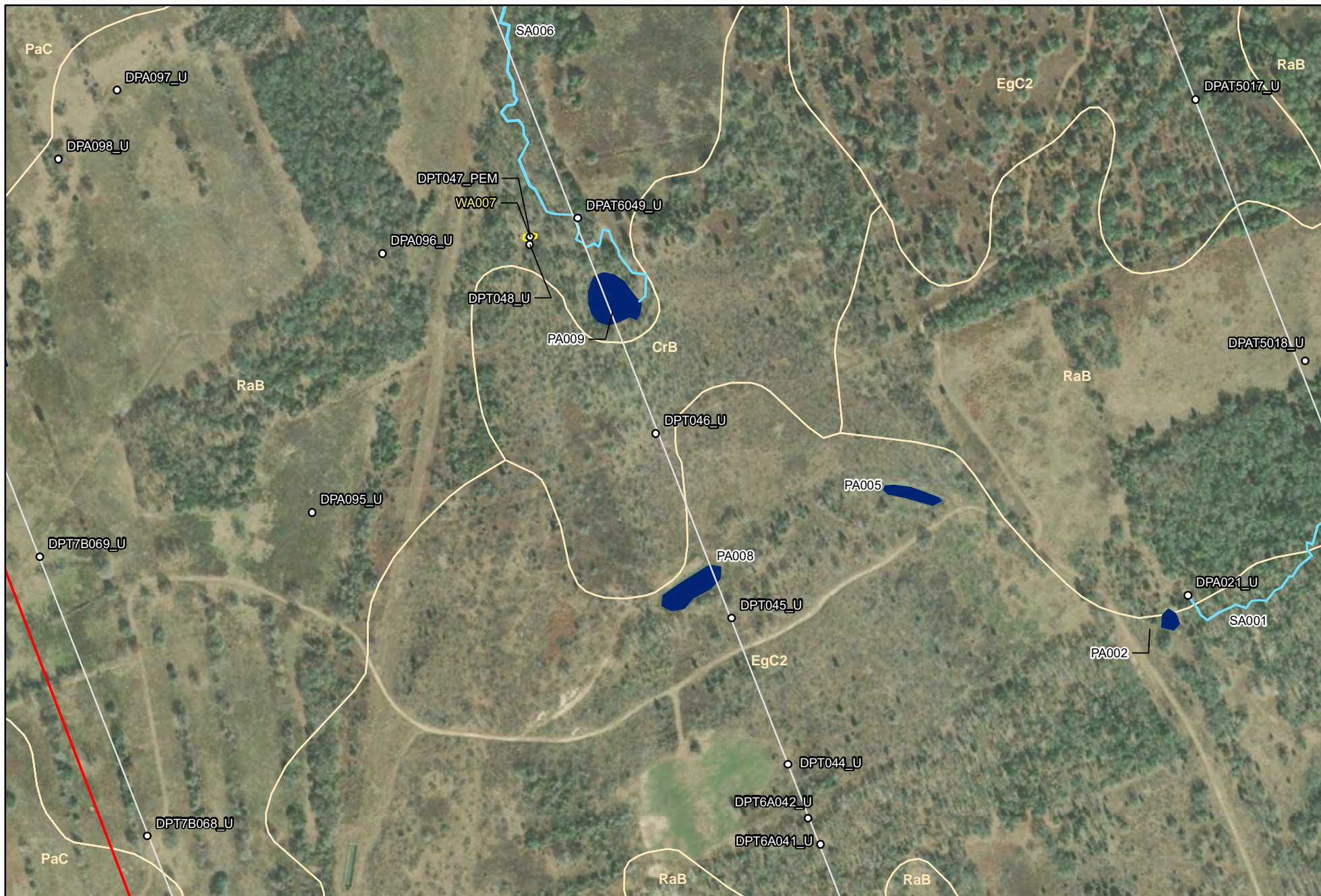
















Project Boundary



Transect



Soil Unit Boundary



Data Point



Ephemeral Stream



Intermittent Stream



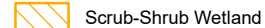
Pond



Lake



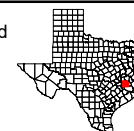
Emergent Wetland



Scrub-Shrub Wetland

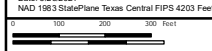


Forested Wetland



1:5,000

Created By: CM  
Project Number: 58007  
Date: 5/2/2021  
NAD 1983 StatePlane Texas Central FIPS 4203 Feet















Project Boundary



Transect



Soil Unit Boundary



Data Point



Ephemeral Stream



Intermittent Stream



Pond



Lake



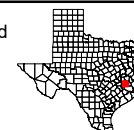
Emergent Wetland



Scrub-Shrub Wetland



Forested Wetland



1:5,000

Created By: CM  
Project Number: 58007  
Date: 5/2/2021  
NAD 1983 StatePlane Texas Central FIPS 4203 Feet

