



**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): 1/28/2021

ORM Number: SWF-2020-00307

Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: Manor County/Parish/Borough: Travis County

Center Coordinates of Review Area: Latitude 30.371914 Longitude -97.543333

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)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
SWF-2020-00307 Pond 3	0.28	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond 3 is a stock pond excavated in uplands that is not an impoundment of a waters of the U.S. Data appears to show pond constructed at top of watershed above stream channel.

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: **Photographs and Maps, dates provided are not dates of imagery.**

This information is **not** sufficient for purposes of this AJD.

Rationale: **No, photos did not show the “upstream” end clearly.**

- Data sheets prepared by the Corps: **Title(s) and/or date(s).**
- Photographs: **Aerial and Other: Google Earth Imagery, HistoricAerials.com - numerous years. Field Photos from 1 October 2020.**
- Corps site visit(s) conducted on: **1 October 2020**
- Previous Jurisdictional Determinations (AJDs or PJDs):
- Antecedent Precipitation Tool: ***provide detailed discussion in Section III.B.***
- USDA NRCS Soil Survey: **ORM Maps and Regulatory Viewer 28 January 2021**
- USFWS NWI maps: **ORM Maps and Regulatory Viewer 28 January 2021**
- USGS topographic maps: **7.5-Minute, Manor Quad, 1988**

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	ORM Maps and Regulatory Viewer 28 January 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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.

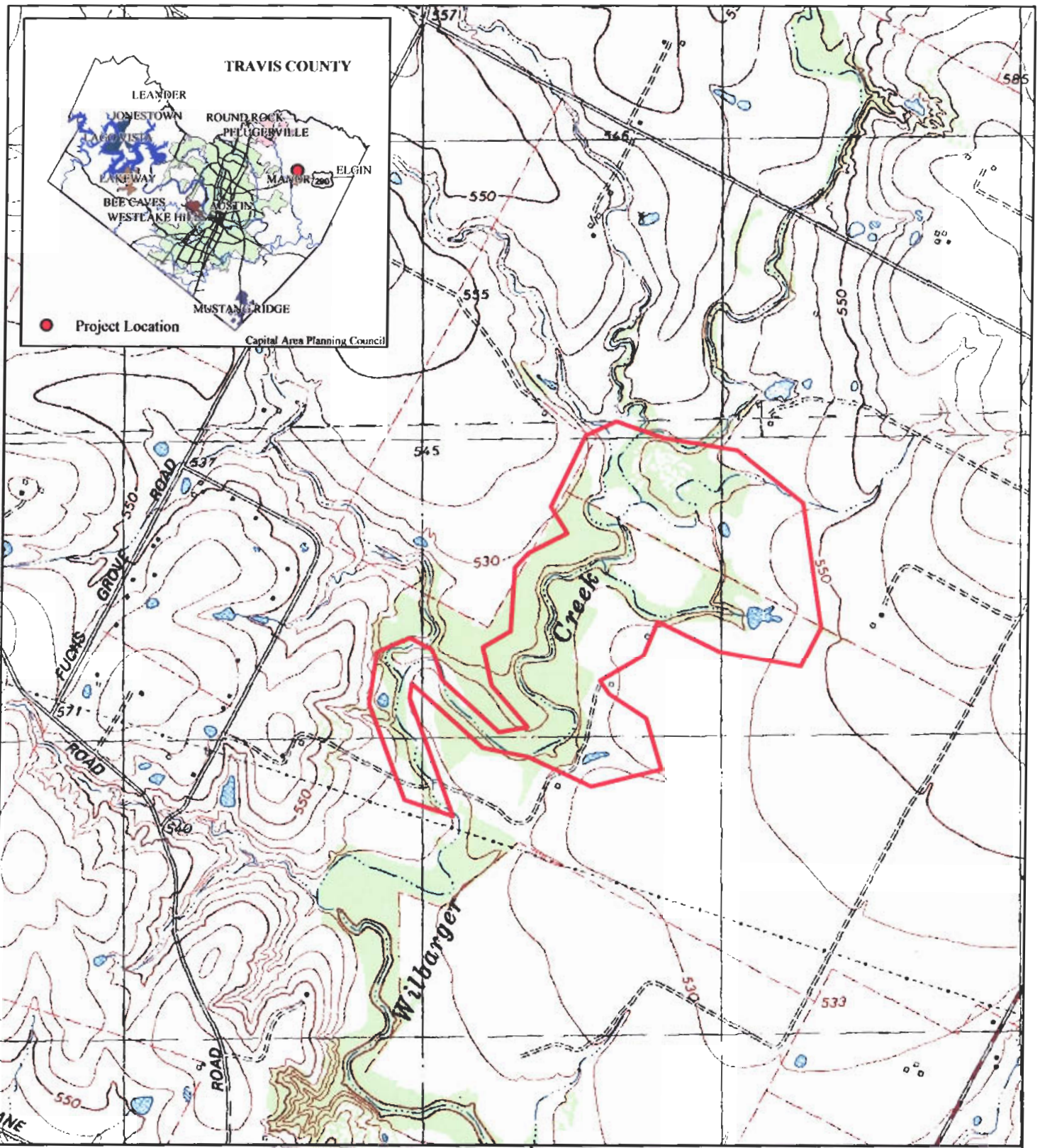
⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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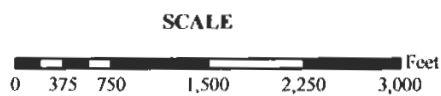
B. Typical year assessment(s): *N/A*

C. Additional comments to support AJD: *A site visit was conducted by Regulatory Division on 1 Oct 2020. The project setting was in uplands at the top of the watershed and did not have any connecting channel "upstream" of the pond, concluding that the pond was not constructed "on-channel" but was dug in uplands.*



 Study Area

FIGURE 1
1988 USGS TOPOGRAPHIC MAP
SHADOWGLEN DEVELOPMENT
MANOR, TEXAS



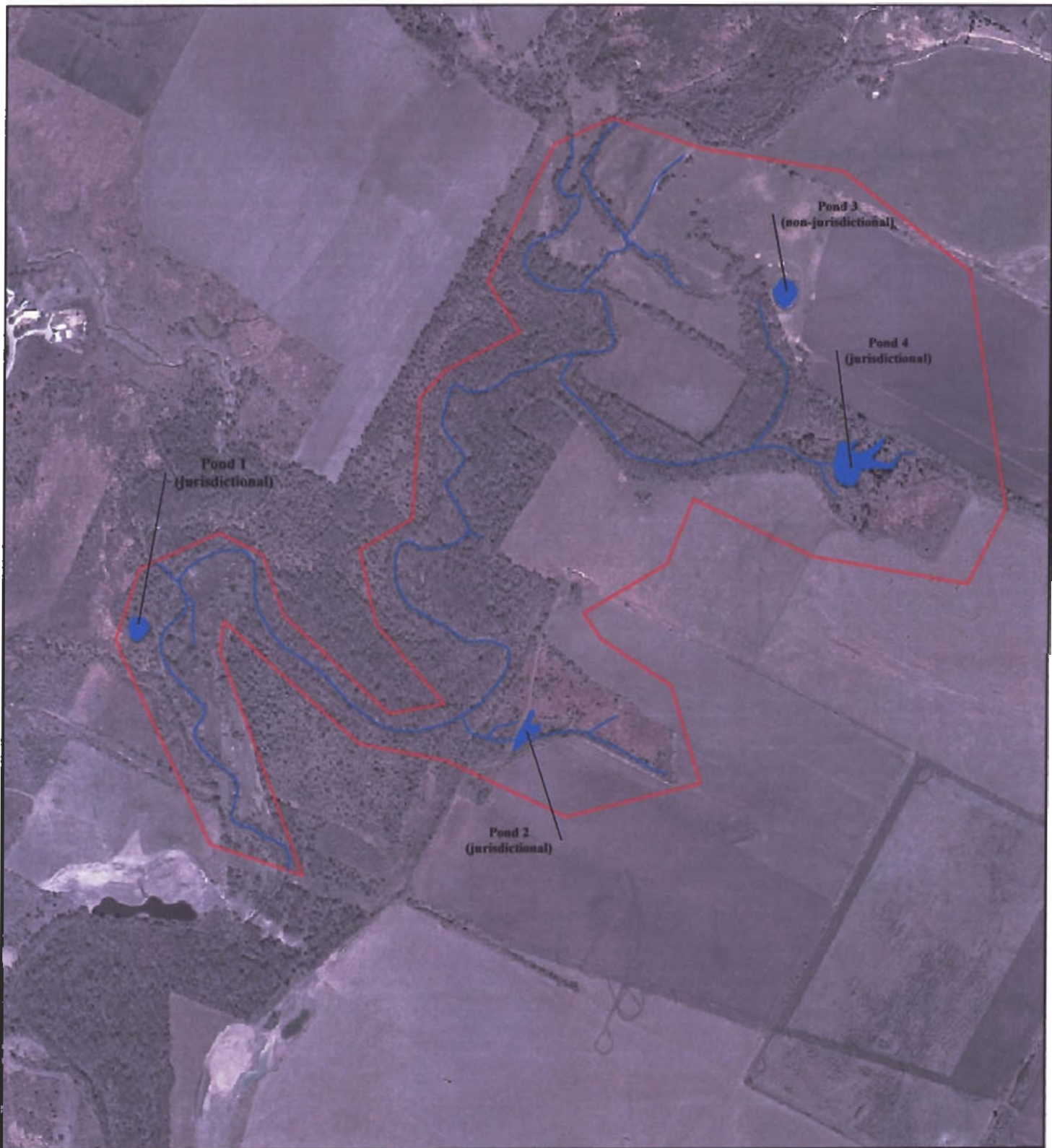
T C B Turner Collie & Braden Inc.
 Engineers • Planners • Project Managers

PROJECT NO. 052222068.0001

DATE: OCTOBER 2004

E:\Land-development\Shadowglen\GIS\topo.mxd

Note: Turner Collie & Braden does not warrant the accuracy of this map, either to scale, accuracy or completeness. Study Area approximate. Source: USGS topographic map of quadrangles Manor (1988) and Pflugerville East (1987).






-  Study Area
-  Potential Waters of the US
-  Pond

FIGURE 2
POTENTIAL WATERS OF THE UNITED STATES
SHADOWGLEN DEVELOPMENT
MANOR, TEXAS

SCALE



T C B

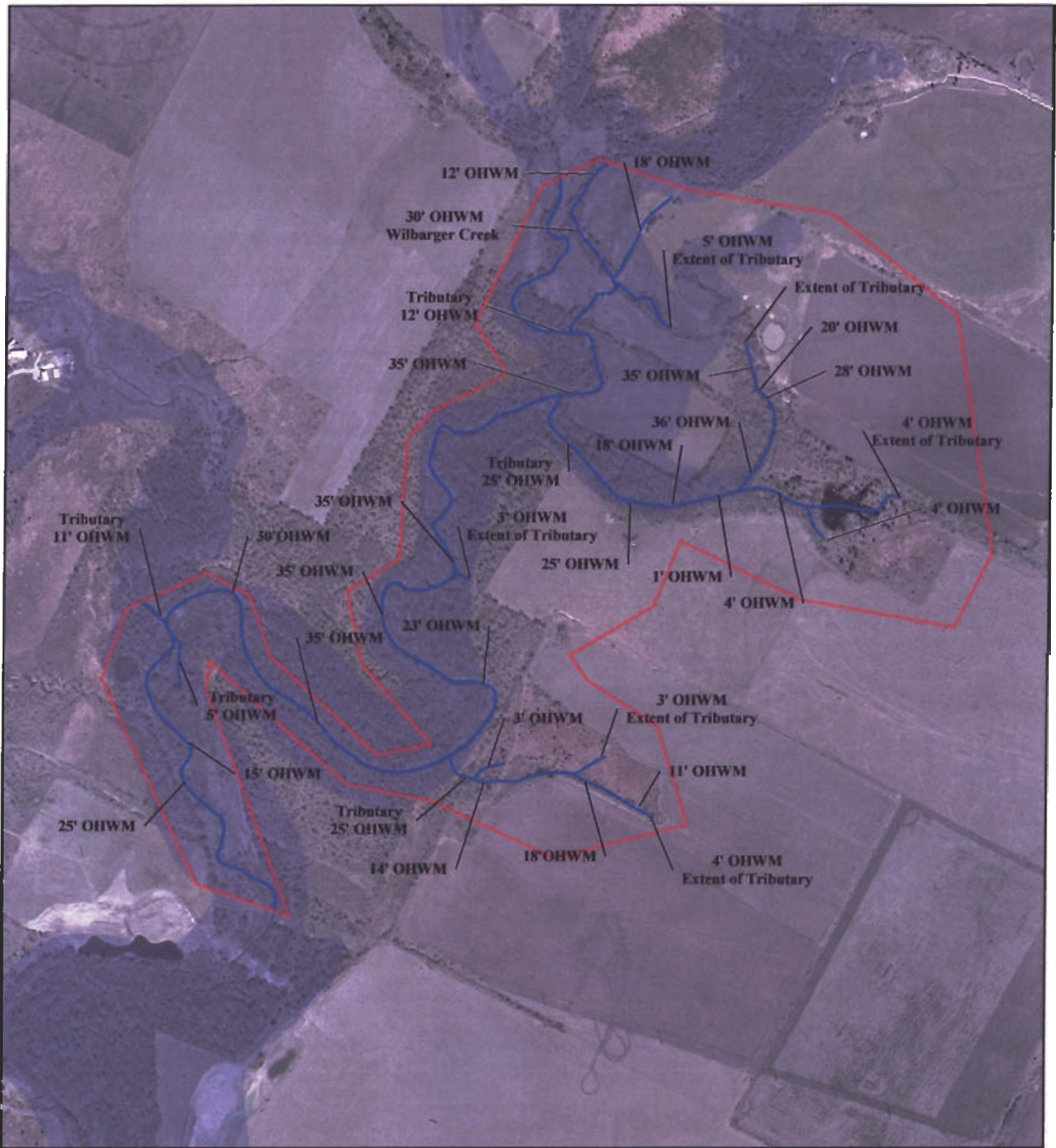
TurnerCollie&Braden Inc.
Engineers • Planners • Project Managers

PROJECT NO. 05222068.0001

DATE: OCTOBER 2004

Note: Turner Collie & Braden does not warrant the accuracy of this map, either to scale, accuracy or completeness. Study Area approximate. Source: Capital Area Planning Council (CAPCO) February 2002 color aerial photograph of USGS quarter quad Manor NE. CAPCO Travis County hydro line shape file, March 2002 (Modified with field data collected on 9/22/04 and 9/27/04 to reflect potential USACE jurisdictional extent within Study Area).

E:\Land-development\Shadowglen\GIS\data_waters.mxd



- Study Area
- 100-Year Floodplain
- Potential Waters of the US

FIGURE 3
DATA ON POTENTIAL WATERS OF THE UNITED STATES
SHADOWGLEN DEVELOPMENT
MANOR, TEXAS



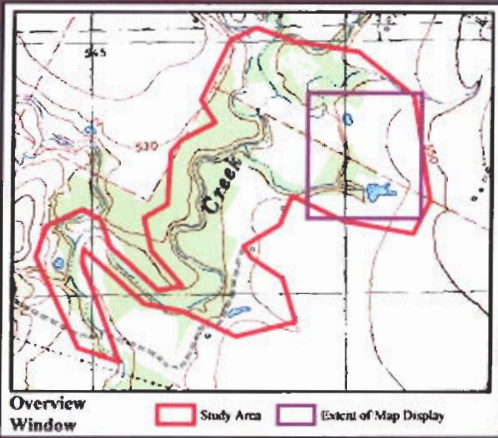
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Wetland 4

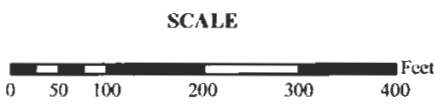
Wetland 1

Wetland 2

Wetland 3

 Potential Jurisdictional Wetlands

FIGURE 4
POTENTIAL JURISDICTIONAL WETLANDS
SHADOWGLEN DEVELOPMENT
MANOR, TEXAS



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Note: Turner Collie & Braden does not warrant the accuracy of this map, either to scale, accuracy or completeness. Study Area approximate. Field data collected on 9/27/04 and 10/1/04.
Source: USGS digital orthophoto quarter quad of Manor NE (1996).

Site Photographs



Photograph 1: Typical view of Wilbarger Creek.



Photograph 2: Another typical view of Wilbarger Creek.



Photograph 3: Typical view of a tributary to Wilbarger Creek.



Photograph 4: View of pond 2.



Photograph 5: View of pond 4.



Photograph 6: View of wetland 2 adjacent to pond 4.



Photograph 7: View of wetland 4.



Photograph 8: Another view of wetland 4.