



**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): [2/22/2021](#)
 ORM Number: [SWF-2020-00491](#)
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [Texas](#) City: [Laredo](#) County/Parish/Borough: [Webb](#)
 Center Coordinates of Review Area: Latitude [27.68043°](#) Longitude [-99.67403°](#)

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
SWF-2020-00491 (wetland)	0.195	acre(s)	(b)(1) Non-adjacent wetland.	Project information provided by the consultant and supporting data indicate that the wetland was constructed and presently exists within upland (i.e., dry land). Aerial imagery shows a linear, human-constricted berm, approximately 525 feet in length, was placed across an ephemeral drainage prior to 1964 (oldest assessed image), which impounded water creating the wetland over time. NWI identifies the wetland as PUSAx. The landscape of the project area (historically and presently) is rangeland pasture. Topography indicates that water flows south from the wetland for approximately 1200 feet through an ephemeral drainage into a human-constructed pond that is outside of the project boundary. Based on photographs from the consultant and aerial imagery (including LiDAR), an OHWM is not discernable within the ephemeral drainage. References listed in Part IIIA provide evidence that water moves within the ephemeral drainage as unconfined sheet flow. The Corps has determined that the impoundment meets the criteria of a (b)(1) excluded, non-adjacent wetland.

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: [Preliminary WOTUS Delineation Report, 2020-09-24, submitted by Terracon \(Project #90207398\)](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: Imagery from Google Earth, HistoricAerials.com, and Digital Globe – all available years; enclosed photographs provided by the consultant \(2020-09-09\).](#)

Corps site visit(s) conducted on: [N/A](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- USFWS NWI maps: [ESRI managed imagery, SWF Regulatory Viewer, 2021-02-22](#); NWI map provided by consultant (enclosed).
- USGS topographic maps: [Delores Ranch, TX - 1:24,000](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset, SWF Regulatory Viewer, 2021-02-22
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	LiDAR, SWF Regulatory Viewer, 2021-02-22
State/Local/Tribal Sources	N/A.
Other Sources	Location and topographic maps provided by the consultant

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [Enclosures: Site Map \(exhibit 2\), Topographic Map \(exhibit 3\), NWI Map \(exhibit 4\), Non-JD Wetland Map \(exhibit 7\), and Photo Log provided by the consultant.](#)