



**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): 3/9/2021

ORM Number: SWF-2021-00098

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: TX City: Christoval County/Parish/Borough: Tom Green and Schleicher Counties

Center Coordinates of Review Area: Latitude 31.101141 Longitude -100.408061

**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: Since there are no jurisdictional water features on the tract that meet the definition of waters of the US that is effectively the same as being dry land.
- 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>**

t§ 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
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.

<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.



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

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.	N/A.

**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
Swale 1	16786	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See description in report and results of APT execution and site visit notes described below.
Swale 2	14797	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See description in report and results of APT execution and site visit notes described below.
Swale 3	3502	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See description in report and results of APT execution and site visit notes described below.
Swale 4	1099	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See description in report and results of APT execution and site visit notes described below.
Swale 5	3082	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See description in report and results of APT execution and site visit notes described below.
Swale 6	589	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See description in report and results of APT execution and site visit notes described below.
Swale 7	13597	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See description in report and results of APT execution and site visit notes described below.
Swale 8	4120	linear feet	(b)(3) Ephemeral feature, including an ephemeral	See description in report and results of APT execution and site visit notes described below.

<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.



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

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		stream, swale, gully, rill, or pool.	
Swale 9	2607	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. See description in report and results of APT execution and site visit notes described below.
Swale 10	4582	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. See description in report and results of APT execution and site visit notes described below.
Swale 11	933	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. See description in report and results of APT execution and site visit notes described below.
Swale 12	694	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. See description in report and results of APT execution and site visit notes described below.
Swale 13	247	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. See description in report and results of APT execution and site visit notes described below.
Pond 1	0.25	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). See description in report and results of APT execution and site visit notes described below.
Pond 2	0.09	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake See description in report and results of APT execution and site visit notes described below.



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

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
Pond 3	0.45	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).	See description in report and results of APT execution and site visit notes described below.
Pond 4	0.17	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).	See description in report and results of APT execution and site visit notes described below.

**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: [See the file.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The delineation report contains adequate initial information to document that there are water features contained in the site. Whether they all qualify for exclusion warranted a site visit to confirm what appeared to be the status of the site.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Review of Google Earth and Digital Globe photos as well as on-site photographs taken March 5, 2021 of most water features.](#)
- Corps site visit(s) conducted on: [3/5/2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)



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

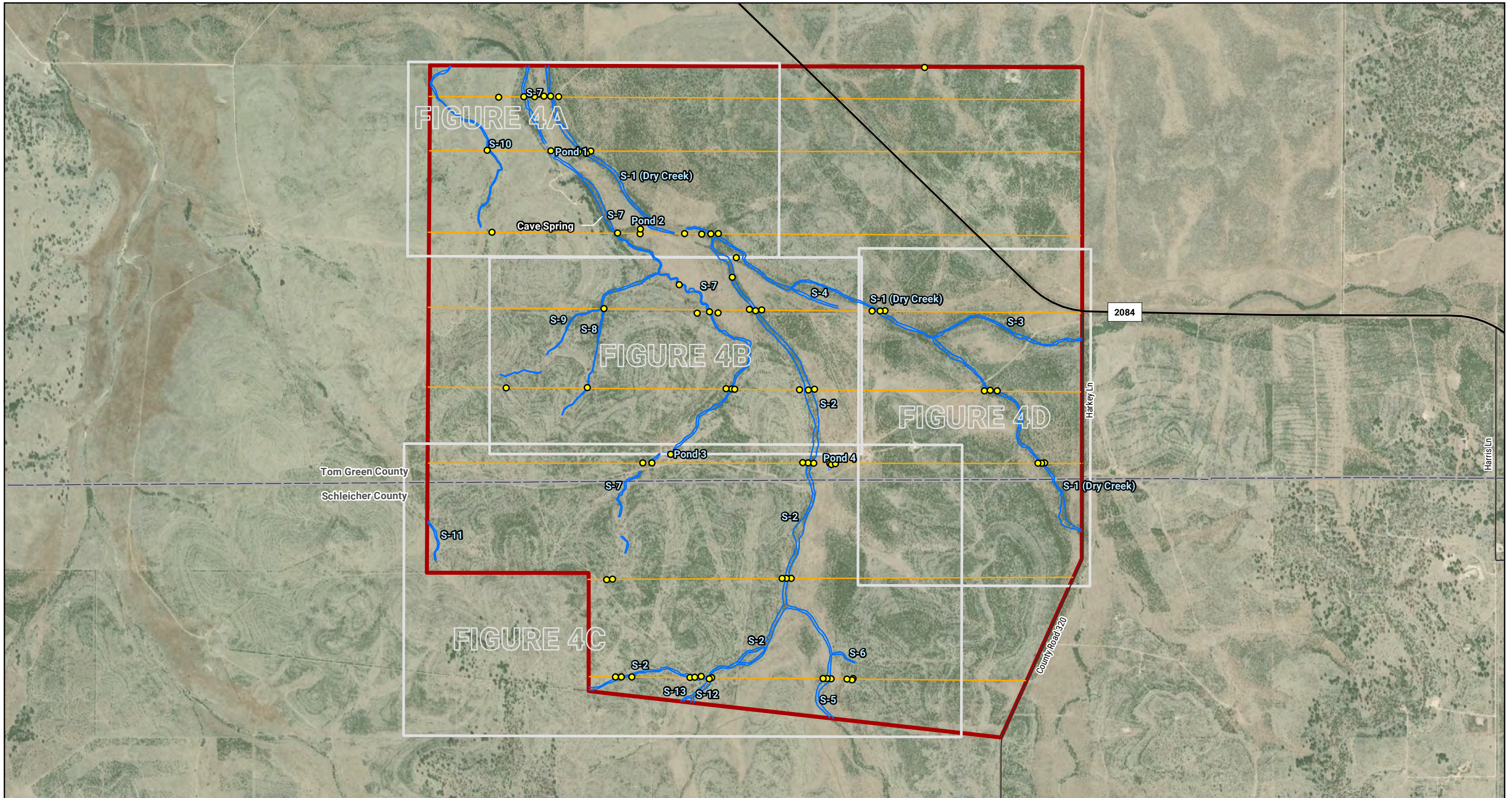
- USDA NRCS Soil Survey: [See applicant report](#)
- USFWS NWI maps: [See applicant report](#)
- USGS topographic maps: [See applicant report](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	N/A.

**B. Typical year assessment(s):** The APT was executed for the day the consultant conducted their site visit 1/6-14/2021 by the Applicant. The APT was also executed by the Corps for 3/4/2021 to assist in setting context of site conditions for Corps 3/5/2021 site visit. For the January APT outputs, normal conditions (12) were indicated during the “dry season.” The 30 day rolling total of precipitation on 1/13/2021 was well above the typical year range for that period of time. A precipitation event of approximately 1 inch occurred about 1 week prior to that site visit as well as another event of a half inch the day before their visit. While the APT states that the H2O balance is the wet season the typical year 30 year normal range of precipitation contradicts that showing that this is the driest part of the year. For the 3/4/2021 APT output, the 30 day precipitation rolling total was at the lower end of Typical Year range near the 30th percentile. Normal conditions (13) were indicated via the APT. The Corps site visit of 3/5/2021 confirmed there are no defined OHWM in the swales and drainage features on the tract. All ponds were dry except one area that appears to be a dugout pond at or near a spring source toward the west side of the tract. That feature has water in it in all aerial photographs reviewed. However, the drainage feature it exists in is a swale upstream and downstream from it.

**C. Additional comments to support AJD:** [N/A](#) or provide additional discussion as appropriate.



1221 South MoPac Expressway, Suite 225  
 Austin, Texas 78746 | 512-222-1125  
 www.energyrenewalpartners.com

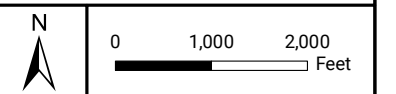


**LEGEND**

- Project Area (~4,130 acres)
- Data Point
- Transect
- Potentially Non-Jurisdictional Stream Segment
- Potentially Non-Jurisdictional Pond

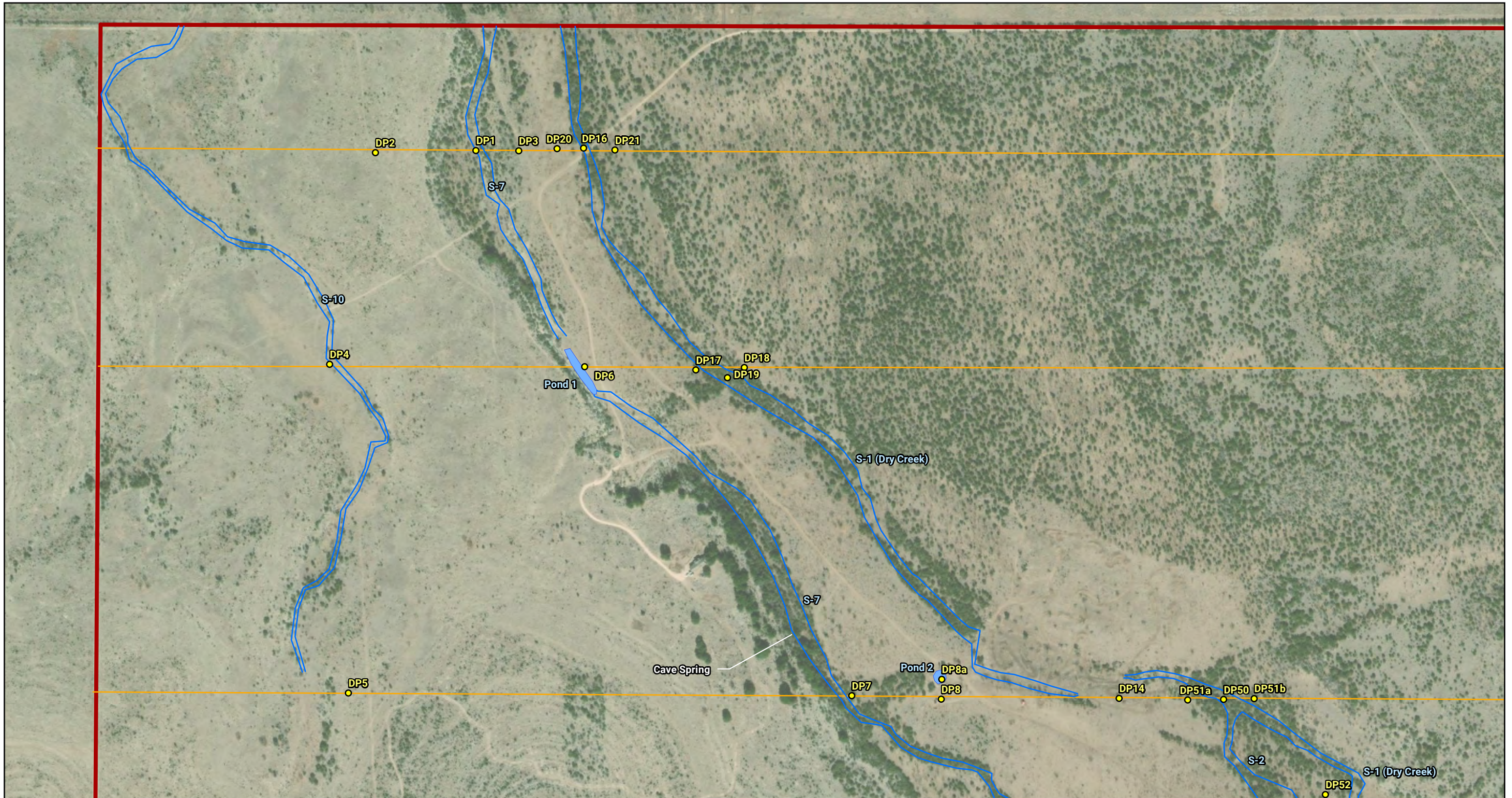
Bridgelink Investments  
**Christoval Solar Project**  
 Field-Identified Waters  
 (Index)

Project Location: Tom Green and Schleicher Counties, TX



**FIGURE 4**

Prepared by: L. Kauffman      Date: 2021-01-28



1221 South MoPac Expressway, Suite 225  
 Austin, Texas 78746 | 512-222-1125  
 www.energyrenewalpartners.com



**LEGEND**

- Project Area (~4,130 acres)
- Data Point
- Transect
- Potentially Non-Jurisdictional Stream Segment
- Potentially Non-Jurisdictional Pond

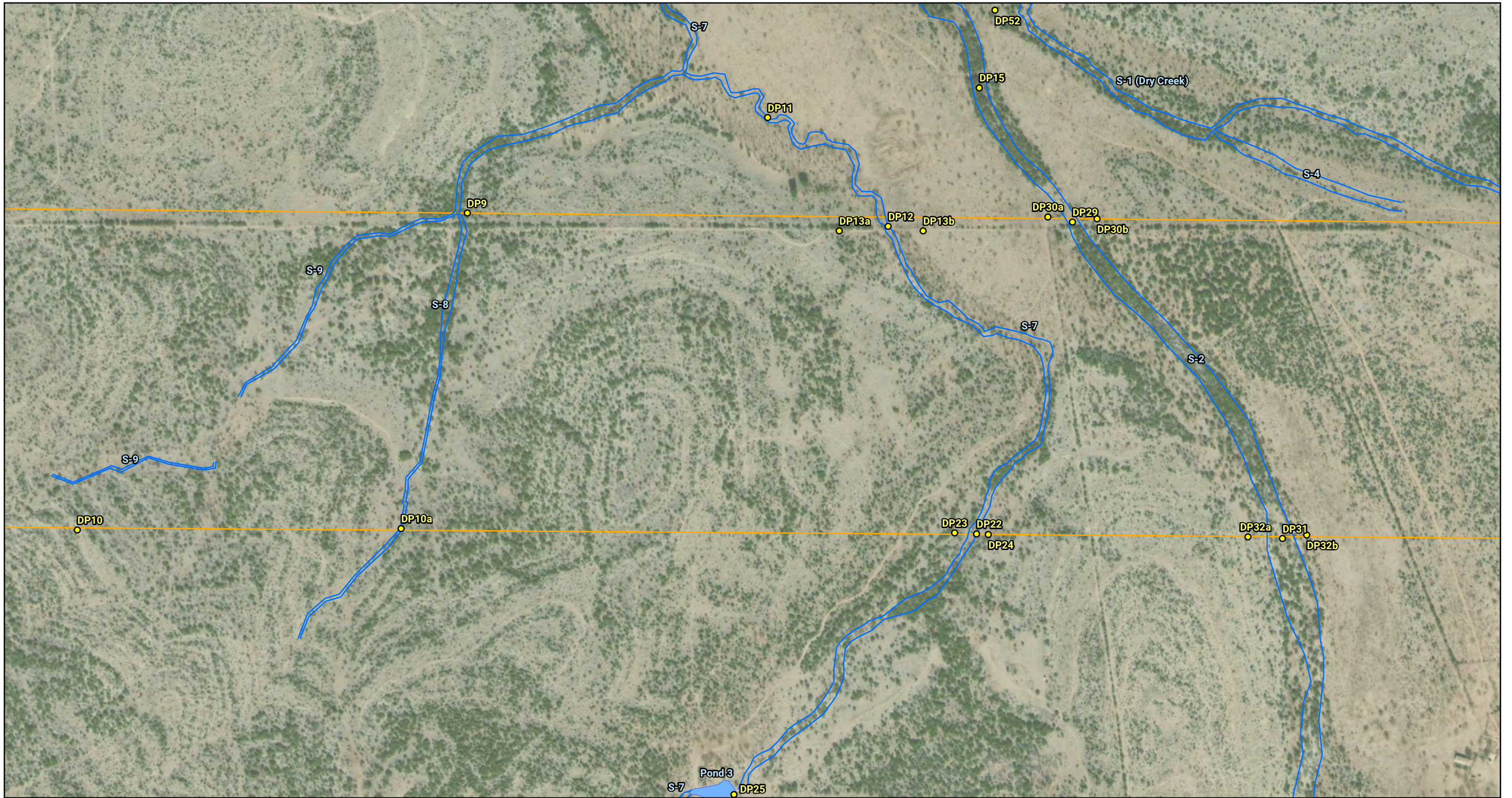
Bridgelink Investments  
**Christoval Solar Project**  
 Field-Identified Waters

Project Location: Tom Green and Schleicher Counties, TX



**FIGURE 4A**

Prepared by: L. Kauffman      Date: 2021-01-28



1221 South MoPac Expressway, Suite 225  
 Austin, Texas 78746 | 512-222-1125  
 www.energyrenewalpartners.com

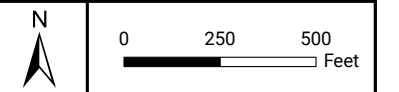


**LEGEND**

- Project Area (~4,130 acres)
- Data Point
- Transect
- Potentially Non-Jurisdictional Stream Segment
- Potentially Non-Jurisdictional Pond

Bridgelink Investments  
**Christoval Solar Project**  
 Field-Identified Waters

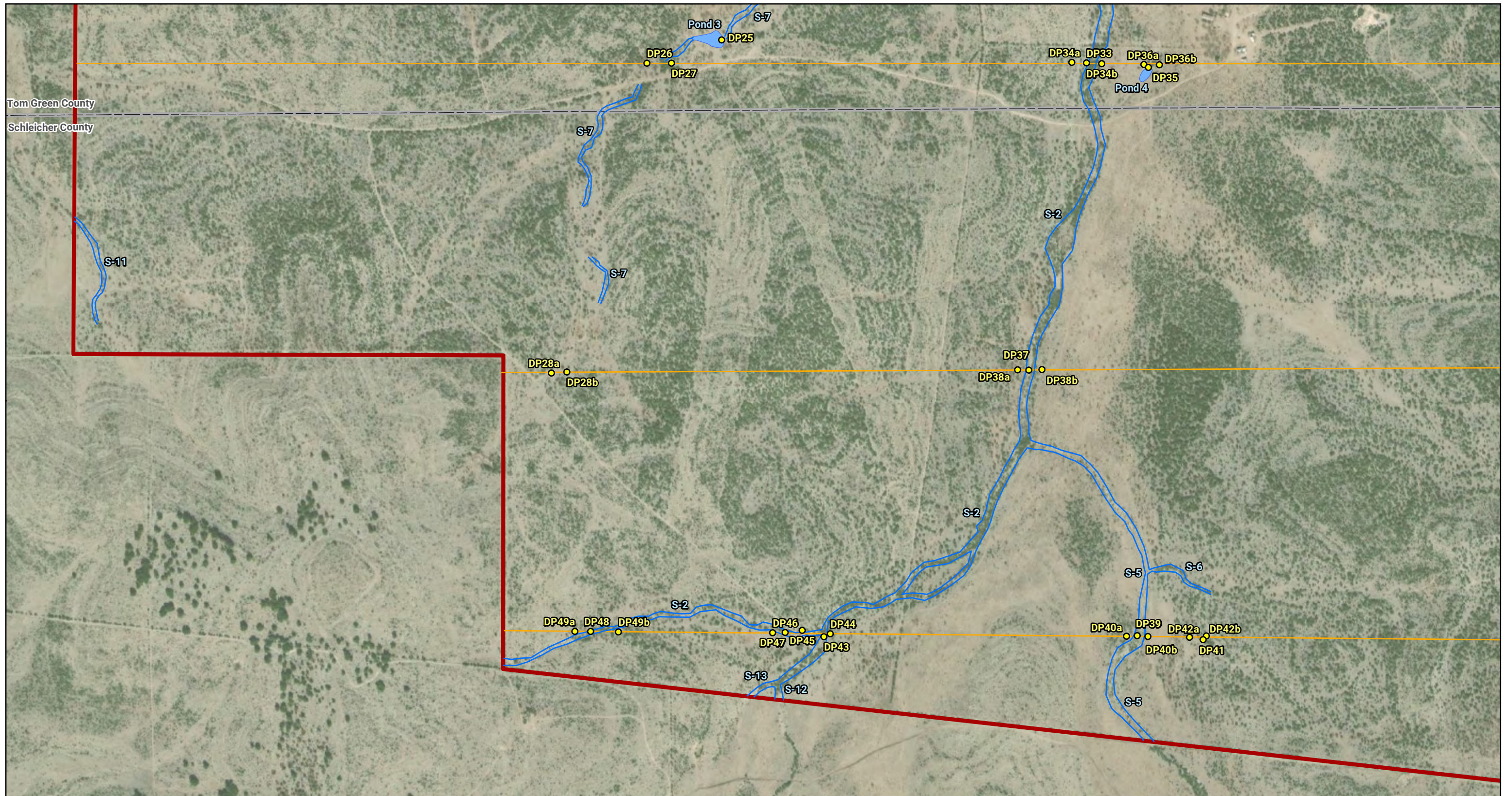
Project Location: Tom Green and Schleicher Counties, TX



**FIGURE 4B**

Prepared by: L. Kauffman      Date: 2021-01-22





1221 South MoPac Expressway, Suite 225  
 Austin, Texas 78746 | 512-222-1125  
 www.energyrenewalpartners.com



**LEGEND**

- Project Area (~4,130 acres)
- Data Point
- Transect
- Potentially Non-Jurisdictional Stream Segment
- Potentially Non-Jurisdictional Pond

Bridgelink Investments  
**Christoval Solar Project**  
 Field-Identified Waters

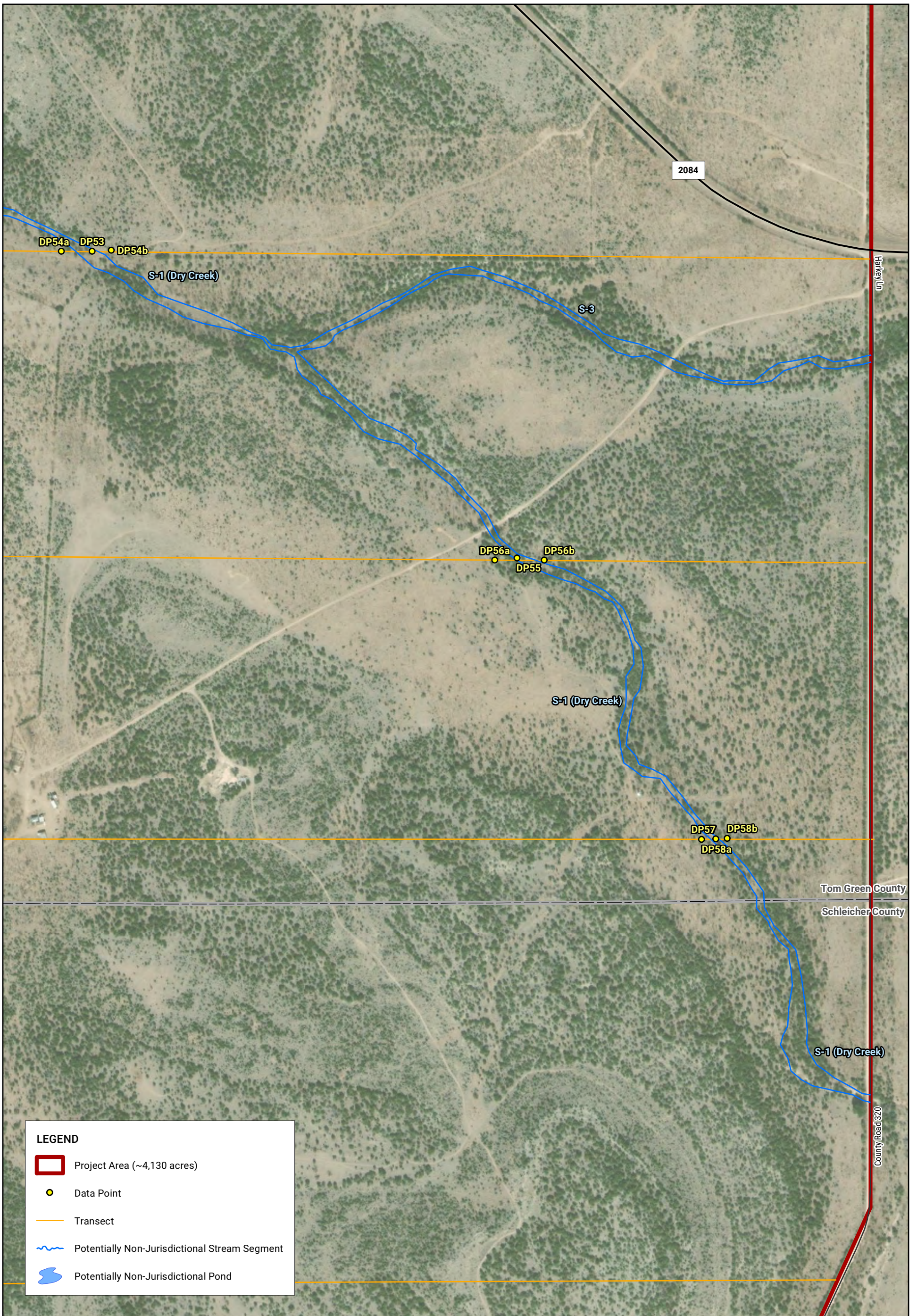
Project Location: Tom Green and Schleicher Counties, TX



0 250 500 750  
 Feet

**FIGURE 4C**

Prepared by: L. Kauffman      Date: 2021-01-22



**LEGEND**

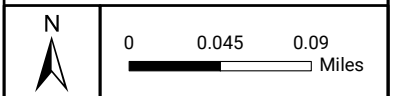
- Project Area (~4,130 acres)
- Data Point
- Transect
- ~ Potentially Non-Jurisdictional Stream Segment
- ☪ Potentially Non-Jurisdictional Pond

1221 South MoPac Expressway, Suite 225  
 Austin, Texas 78746 | 512-222-1125  
 www.energyrenewalpartners.com



Bridgeline Investments  
**Christoval Solar Project**  
 Field-Identified Waters

Project Location: Tom Green and Schleicher Counties, TX



**FIGURE 4D**

Prepared by: L. Kauffman

Date: 2021-01-22