



**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): 15-OCT-2020

ORM Number: SWF-2017-00148

Associated JDs: N/A

State/Territory: Texas City: Royse City County: Rockwall County

Center Coordinates of Review Area: Latitude: 32.9679, Longitude: -96.31

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 independent 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-2017-00148 Pond 1	1.26-acres	(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).	Project information provided by the consultant and supporting data indicate the water feature (Pond 1) is a (b)(8) exclusion of a pond completely excavated in uplands. The pond drains water from upland areas and from a culvert installed under FM 2456 that drains a separate upland pond that is outside the project review area.
SWF-2017-00148 Trib 1	345 LF	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant and supporting data indicate that the stream (Trib 1) is an ephemeral tributary. The channel immediately draining from the pond only carries overflow water from the pond in direct response to precipitation events. Trib 1 does not provide sufficient flow duration to constitute sustained flows beyond a direct response to precipitations events. Trib 1 connects hydrologically to Sabine Creek, a perennial water (a)(2).

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: *Figure 8, Delineation Map.*
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *N/A*
- Photographs: (*aerial and other*) *Figure 6, Aerial Photograph, Figure 7, Aerial Photograph - 2018, Figure 9 - Photo Location Map, & Photographic Log, photos #7-10.*
- Corps Site visit conducted on: *April 25, 2017 – site visit was not associated with the resources summarized in this report.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- Antecedent Precipitation Tool: *detailed discussion provided in Section III.B.*
- USDA NRCS Soil Survey: *N/A*
- USFWS NWI maps: *Figure 4, Wetlands Map*
- USGS topographic maps: *Figure 1, Topographic Map, TX 2016*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	USDA NRCS Web Soil Survey Map, Figure 3 "Soils Map"
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.



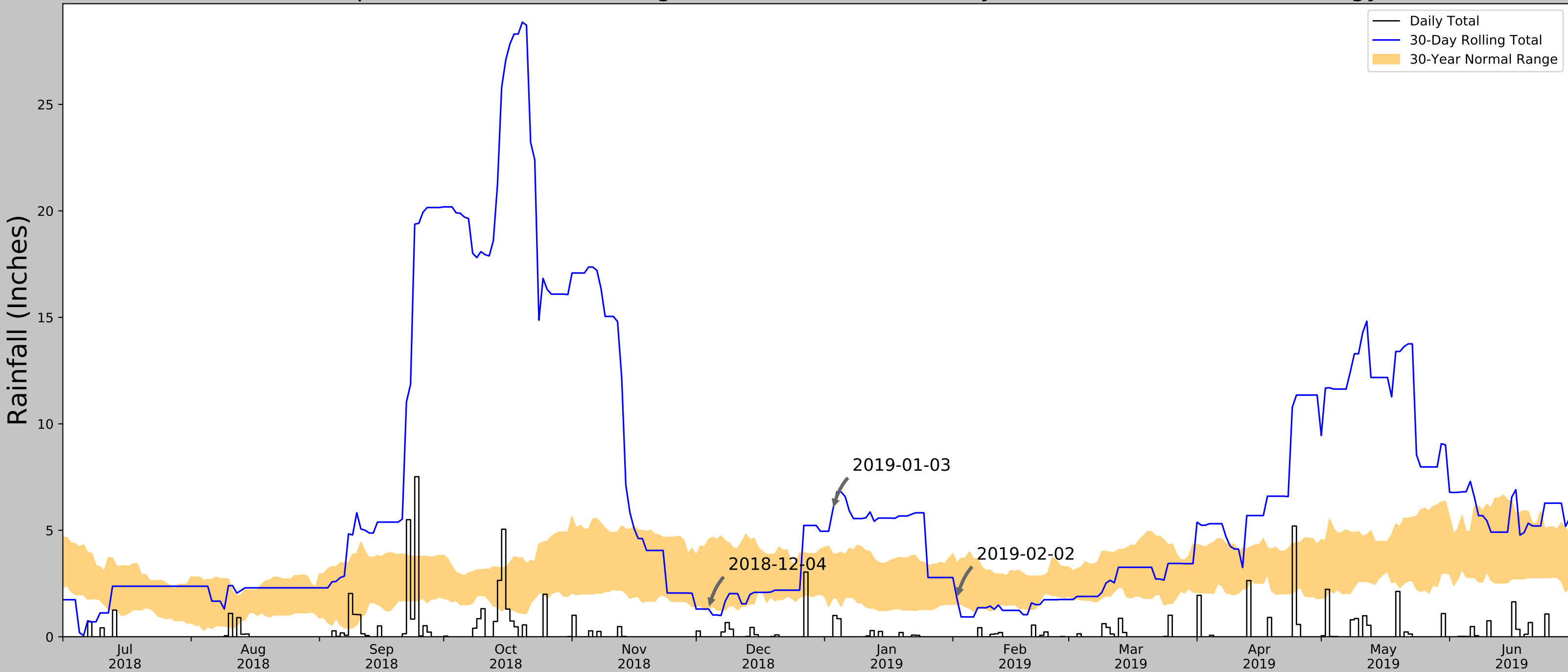
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- B. Typical year assessment(s):** The APT tool was run for February 2, 2019, when the consultant performed a site visit to delineate the resources on site and take photographs, and conditions were drier than normal during the wet season. It is the Corps' determination through an assessment of all available information that Pond 1 and Trib 1 are non-jurisdictional and only exhibit surface water flowing or pooling in direct response to precipitation.
- C. Additional comments to support AJD:** Evidence of the presence of water within the confined drainage area of Trib 1 by using Google Earth Imagery was observed during more recent years (years viewed: 1996, 2005, 2010, 2012, 2014, and 2018), but appears only when the pond has been filled, indicating overflow into an ephemeral drainage.

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.

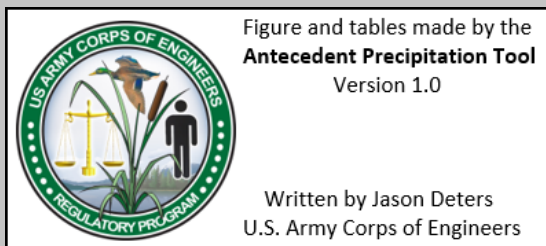
Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network

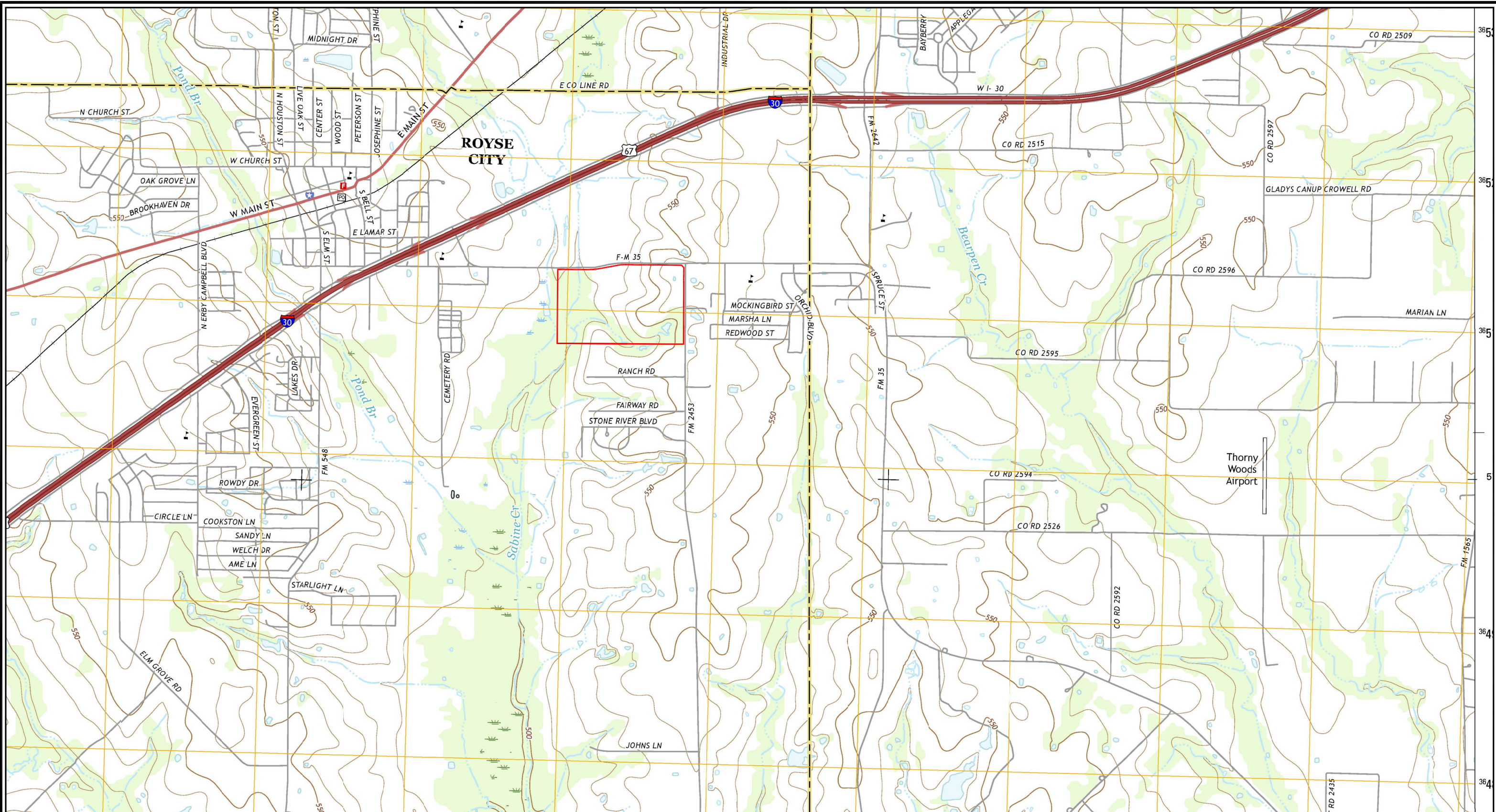


Coordinates	32.9679, -96.31
Observation Date	2019-02-02
Elevation (ft)	542.53
Drought Index (PDSI)	Severe wetness
WebWIMP H ₂ O Balance	Wet Season

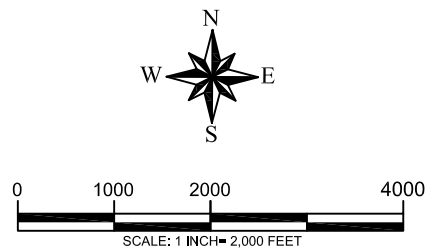
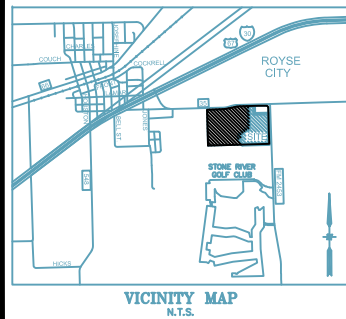
30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2019-02-02	1.526378	3.464961	1.783465	Normal	2	3	6
2019-01-03	1.818898	3.885039	5.956693	Wet	3	2	6
2018-12-04	1.326772	4.559843	1.30315	Dry	1	1	1
Result							Normal Conditions - 13

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
LAVON DAM	33.0353, -96.4861	509.843	11.217	32.687	5.414	11072	72
ROCKWALL 1.6 NNE	32.9427, -96.4469	514.108	8.126	28.422	3.888	84	16
LAVON 0.7 NNW	33.0359, -96.441	546.916	8.927	4.386	4.056	2	2
ROCKWALL	32.9331, -96.4647	542.979	9.286	0.449	4.183	86	0
ROCKWALL 0.8 WNW	32.927, -96.4701	479.003	9.703	63.527	4.983	96	0
ROCKWALL 3.1 SSW	32.8832, -96.4843	450.131	11.68	92.399	6.335	9	0
WYLIE 2.6 SW	33.0171, -96.5463	550.853	14.11	8.323	6.467	1	0
ROWLETT 2.3 NW	32.9321, -96.5769	541.011	15.671	1.519	7.076	3	0





SOURCE: USGS 7.5 MINUTE TOPOGRAPHIC MAP; ROYSE CITY QUADRANGLE, ROYSE CITY, TX 2016.

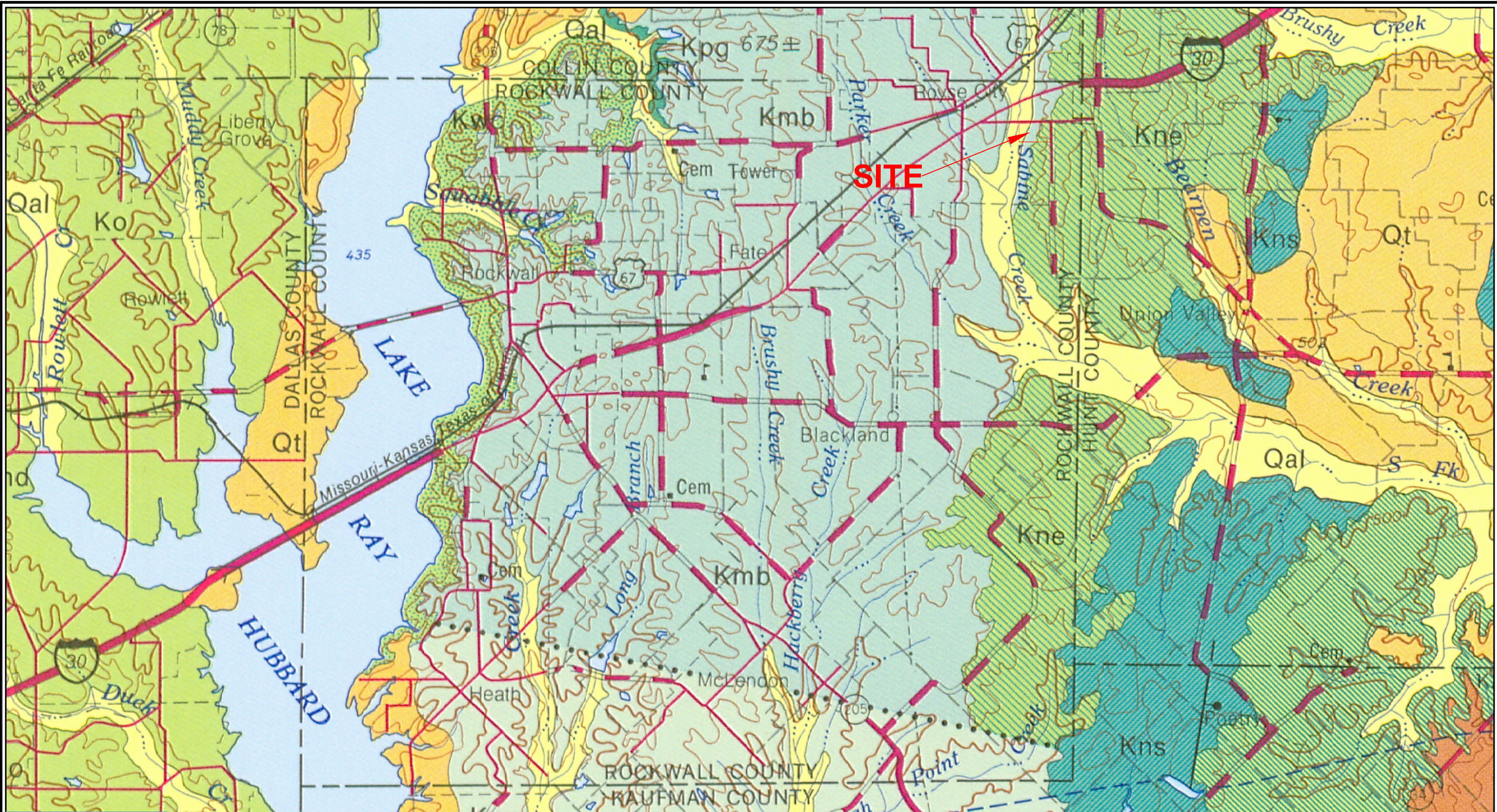


LEGEND	
	WOODLAND
	WOODED MARSH OR SWAMP
	LAND SUBJECT TO INUNDATION
	PERENNIAL LAKE/POND
	INTERMITTENT LAKE/POND
	PERENNIAL STREAM
	INTERMITTENT STREAM
	TOPOGRAPHIC CONTOURS
	AREA CONTAINING SUBJECT PROPERTY

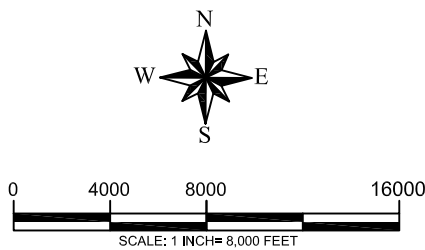
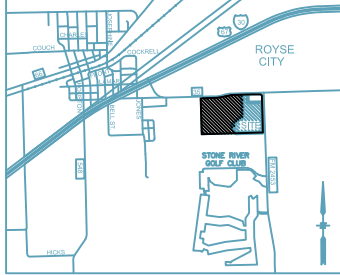
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FIGURE 1

TOPOGRAPHIC MAP
MEADOWS AT MORGAN CREEK
SW CORNER OF FM 35 AND FM 2453
CITY OF ROYSE CITY, ROCKWALL COUNTY, TEXAS



SOURCE: UNIVERSITY OF TEXAS AT AUSTIN; GEOLOGIC ATLAS OF TEXAS, DALLAS SHEET; REVISED 1987.

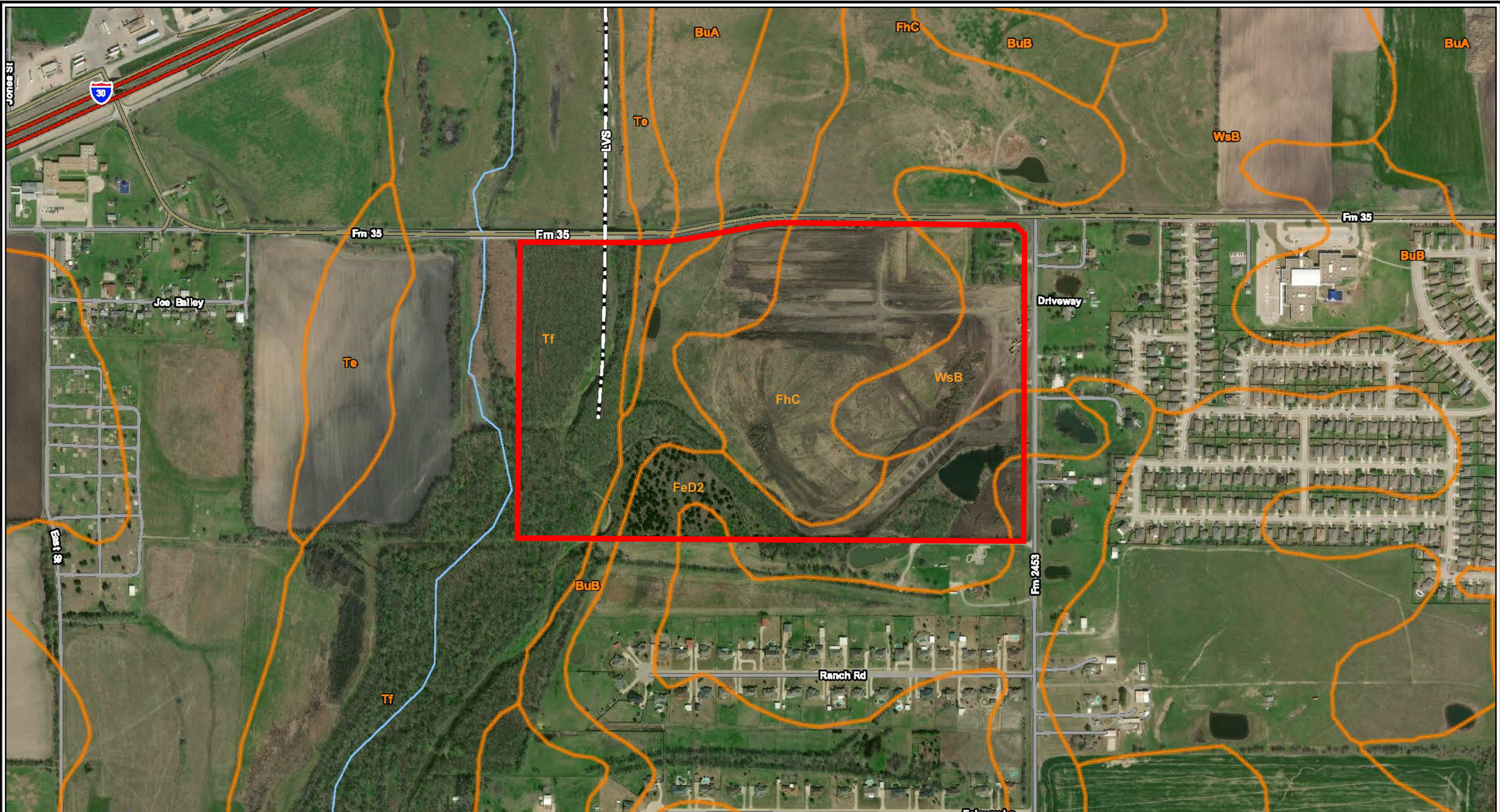


MAP UNIT SYMBOL	MAP UNIT NAME
KNE	NEYLANDVILLE MARL
KAU	AUSTIN CHALK
QT	QUATERNARY TERRACE DEPOSITS
QAL	QUATERNARY ALLUVIAL DEPOSITS
KMB	MARLBROOK MARL
KPG	PECAN GAP CHALK

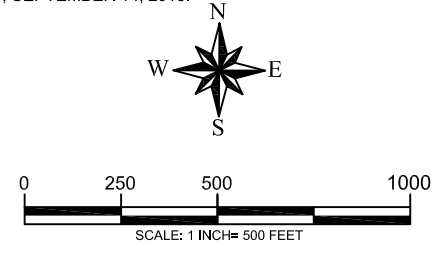
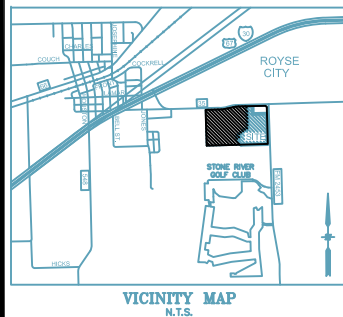
BARRON ENVIRONMENTAL ASSESSMENT & REMEDIATION SERVICES, LLC

FIGURE 2

GEOLOGIC MAP
 MEADOWS AT MORGAN CREEK
 SW CORNER OF FM 35 AND FM 2453
 CITY OF ROYSE CITY, ROCKWALL COUNTY, TEXAS



SOURCE: USDA NATURAL RESOURCE CONSERVATION SERVICE; WEB SOIL SURVEY, SOIL MAP - HUNT COUNTY, TEXAS, VERSION 17, SEPTEMBER 14, 2018 & KAUFMAN AND ROCKWALL COUNTIES, TEXAS, VERSION 15, SEPTEMBER 14, 2018.



MAP UNIT SYMBOL	MAP UNIT NAME
BUB	BURLESON CLAY, 0 TO 1 PERCENT SLOPES
FED2	FERRIS CLAY, 5 TO 12 PERCENT SLOPES, ERODED
FHC	FERRIS-HEIDEN COMPLEX, 2 TO 5 PERCENT SLOPES, ERODED
TF	TRINITY CLAY, 0 TO 1 PERCENT SLOPES, OCCASSIONALLY FLOODED
TF	TRINITY CLAY 0 TO 1 PERCENT SLOPES, FREQUENTLY FLOODED
WSB	WILSON SILTY LOAM, 1 TO 3 PERCENT SLOPES

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BEAR SERVICES, LLC

FIGURE 3

SOILS MAP
MEADOWS AT MORGAN CREEK
SW CORNER OF FM 35 AND FM 2453
CITY OF ROYSE CITY, ROCKWALL COUNTY, TEXAS



Royse City Cemetery

FEW

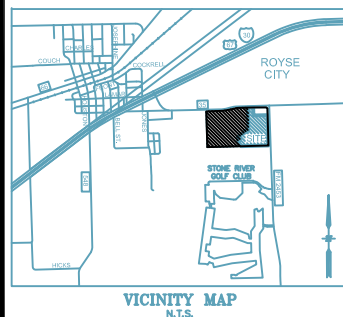
IS

IS

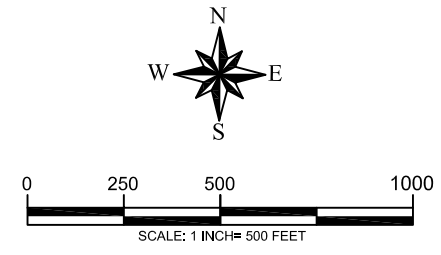
FP

ES

FP



SOURCE: US DEPARTMENT OF INTERIOR, NATIONAL WETLANDS INVENTORY; ROYSE CITY, TEXAS; 1992.



MAP UNIT SYMBOL	MAP UNIT NAME
FP	FRESHWATER POND
ES	EPHEMERAL STREAM
IS	INTERMITTENT STREAM
PS	PERENNIAL STREAM
FEW	FRESHWATER EMERGENT WETLAND
FFSW	FRESHWATER FORESTED/SHRUB WETLAND

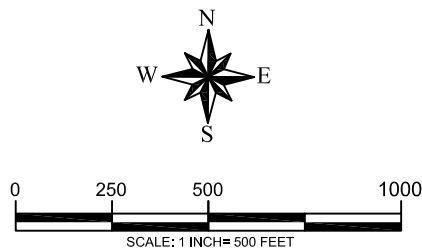
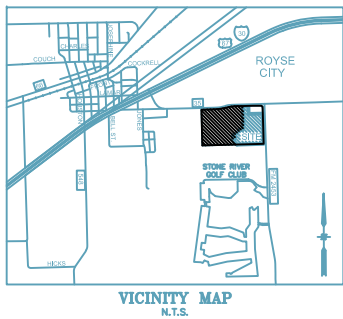
BARRON ENVIRONMENTAL ASSESSMENT & REMEDIATION SERVICES, LLC

FIGURE 4

WETLANDS MAP
MEADOWS AT MORGAN CREEK
SW CORNER OF FM 35 AND FM 2453
CITY OF ROYSE CITY, ROCKWALL COUNTY, TEXAS



SOURCE: TEXAS NATURAL RESOURCE INFORMATION SYSTEM; TEXAS ORTHOIMAGERY PROGRAM; 1/4 USGS QUADRANGLE; 1996.



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FIGURE 6

AERIAL PHOTOGRAPH - 1996
MEADOWS AT MORGAN CREEK
SW CORNER OF FM 35 AND FM 2453
CITY OF ROYSE CITY, ROCKWALL COUNTY, TEXAS

Altura Homes
Meadows at Morgan Creek – 100.879 Acres
Farm to Market Road 2453
Royse City, Rockwall County, TX



Engineering Concepts & Design, L.P.
201 Wincoo Circle, Suite 200
Wylie, TX 75098
Office: (972) 941-8400

Appendix B

Photographic Log



Photo 1 - View of discharge location into Sabine Creek. See Photo Location Map



Photo 2 - View of T-1 Location. See Photo Location Map for location.



Photo 3 - View of T-2 Location. See Photo Location Map.



Photo 4 - View of T-2 Location. See Photo Location Map.



Photo 5 - View of T-3 Location. See Photo Location Map for location.



Photo 6 - View of T-4 Location, below Pond-2. See Photo Location Map for location.

Photographic Log



Photo 7 - View of drainage channel from Pond-1. See Photo Location Map for location.



Photo 8 - View of Pond-1 during removal of silt. See Photo Location Map.



Photo 9 - View of Pond-1 during removal of silt. See Photo Location Map for location.



Photo 10 - View of Pond-1 during removal of silt. See Photo Location Map.