

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 11/10/2020 ORM Number: SWF-2020-0019 Associated JDs: N/A

Review Area Location¹: State/Territory: Texas City: San Marcos County/Parish/Borough: Hays County Center Coordinates of Review Area: Latitude 29.888314 Longitude -97.910182

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. | 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 |
| None | 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 |
| Perennial | 69 | linear | (a)(2) Perennial | PS-1 (Blanco River) is a category (a)(2) water since |
| Stream 1 | | feet | tributary | it has a clearly defined bed and bank and is tributary |
| (Blanco | | | contributes | to the San Marcos River. San Marcos River flows |
| River, PS-1) | | | surface water | directly into the Guadalupe River, approximately |
| | | | flow directly or | 72.8 miles south of the project area, thence to San |
| | | | indirectly to an | Antonio Bay and the Gulf of Mexico. The lower |
| | | | (a)(1) water in a | Guadalupe River, San Antonio Bay, and the Gulf of |
| | | | typical year. | Mexico are category (a)(1) waters. |

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.



| 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. | N/A. |

| Adjacent wetlands ((a)(4) waters): | | | | | |
|------------------------------------|-------------|---------|---|---|--|
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination | |
| Emergent Wetland 1 (EW-1) | 0.005 | acre(s) | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature. | EW-1 is a category (a)(4) water. The feature is flooded by an (a)(2) water, the Blanco River (PS-1), during a typical year and is separated from that (a)(2) water by a natural levee. | |

D. Excluded Waters or Features



| Excluded waters ((b)(1) – (b)(12)):4 | | | | | |
|--------------------------------------|-----------|----------------|--|---|--|
| Exclusion Name | Exclusior | n Size | Exclusion ⁵ | Rationale for Exclusion Determination | |
| Ephemeral Stream 1 (ES-1) | 3,135 | linear feet | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | ES-1 is a generally linear, trapezoidal channel with vegetated bed and banks. The channel does not appear on USGS topographic maps, NHD maps, or NWI maps. Historic aerial imagery from 1953 does not show the channel. 1965 Right-of-Way plan schematics from the Texas Department of Transportation show a proposed drainage easement in the location of the channel. Aerial imagery from 1973 shows the channel in its current location. The referenced aerial images and plan set are included here as an attachment. The channel discharges to what appears to be an excavated depression adjacent to the Union Pacific Railroad tracks. The excavated depression pre-dates the 1950's imagery and is presumably a borrow pit associated with the construction of the railroad. Water apparently leaves the depression via infiltration and via diffuse outflow routes that are generally high on the banks (i.e., activated when the depression is near capacity). One of these routes is an excavated channel that connects to a drainage ditch parallel to the railroad tracks. Flow in this ditch discharges to the Blanco River at the existing culvert where improvements are proposed. Wetland determination data points were completed along the channel and within the depression. No wetlands were identified. | |
| Ephemeral Stream 2 (ES-2) | 53 | linear feet | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | ES-2 is an excavated drainage ditch that discharges to ES-1. The ditch does not appear on USGS topographic maps, NHD maps, or NWI maps. The ditch parallels Davis Lane, which crosses ES-1 approximately at its mid-point. No wetlands or other potentially jurisdictional features were identified in the vicinity of ES-2. | |

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

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.



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: Delineation Report: Midtown Drainage Improvements, San Marcos, Hays County, Texas. Prepared for USACE-Fort Worth District and City of San Marcos on September 19, 2020 by Cox|McLain Environmental Consulting, Inc.

This information is sufficient for purposes of this AJD. Rationale: N/A

Data sheets prepared by the Corps: Title(s) and/or date(s).

Photographs: Aerial and Other: The attached Delineation Report contains general site photos and photos of wetland determination points. Historic aerial photos are attached to this document and excerpted in the Delineation Report.

- □ Corps site visit(s) conducted on: Date(s).
- □ Previous Jurisdictional Determinations (AJDs or PJDs): None available
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.

USDA NRCS Soil Survey: The attached Delineation Report includes soil summary and Figure 4 provides a map of soil map units in the project area.

USFWS NWI maps: See Figure 5 of the attached Delineation Report.

☑ USGS topographic maps: Delineation Report Figure 2 sourced from the USGS National Map; Attached excerpts are from San Marcos North, Texas 1964 and 2019.

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|---|
| USGS Sources | National Map, 2020; Topographic Quads, 1964 & 2019; EarthExplorer Historic Aerial Imagery 1953 & 1973 |
| USDA Sources | Natural Resources Conservation Service (NRCS). 2020. WETS data. http://agacis.rcc-acis.org/. Accessed on August 7, 2020 |
| NOAA Sources | N/A. |
| USACE Sources | Antecedent Precipitation Tool |
| State/Local/Tribal Sources | N/A. |
| Other Sources | Federal Emergency Management Agency (FEMA). 2020. Federal Insurance Rate Maps (FIRMs) – Map # 48209C0393F. Accessed August 27, 2020. See also, Delineation Report Figure 5 |

- B. Typical year assessment(s): To determine the normality of rainfall at the time of the field investigations, the USACE Antecedent Precipitation Tool was queried for the March and June delineation dates. Conditions were wetter than normal at both times. The Antecedent Precipitation Tool output exhibits are included as Attachment C of the Delineation Report.
- **C.** Additional comments to support AJD: A delineation of waters of the U.S., including wetlands, was conducted within the project area for the proposed stormwater improvements associated with the Midtown Drainage Improvements project in the City of San Marcos, Hays County, Texas. The wetland delineation



resulted in the identification of four aquatic features, including one perennial stream, two ephemeral streams, and one emergent wetland within the project area during the field investigations performed in March and June 2020.

Of the four aquatic features, two meet the current definition of a water of the U.S., one as a category (a)(2) water and the other as a category (a)(4) water. Aquatic feature PS-1 (Perennial Stream-1, the Blanco River) is a presumed to be a jurisdictional water of the U.S. (category (a)(2) waters), and EW-1 (emergent wetland-1) is also presumed to be a jurisdictional water of the U.S. (category (a)(4) waters).

Additionally, the two aquatic features that are presumed to not meet the definition of waters of the U.S. (ES-1 and ES-2) are located within the project area. Aquatic features ES-1 and ES-2 are apparently ephemeral, upland, constructed drainage ditches that convey diffuse stormwater runoff and directional sheet flow over uplands from nearby areas. Additionally, these constructed drainage ditches are non-jurisdictional stormwater control features excavated in uplands to convey stormwater runoff. Neither ES-1 or ES-2 flow continuously year-round and neither flow continuously during certain times of the year. Both ES-1 and ES-2 only flow in response to multiple and repeated precipitation events.

The project proposes construction of additional ditches in uplands that would convey stormwater.











