



**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): 12/11/2020
 ORM Number: SWF-2020-00352
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Manor County/Parish/Borough: Travis
 Center Coordinates of Review Area: Latitude 30.371802 Longitude -97.554541

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
Wilbarger Creek	300 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Wilbarger Creek can be viewed on the USGS topographic map and NWI map as a potential perennial feature. Field data further reflects perennial classification by having constant stream flow throughout the majority of the stream channel during a typical year.
T1	295.4 linear feet	(a)(2) Intermittent tributary contributes	The intermittent stream can be viewed on the USGS topographic map and NWI as a potential intermittent tributary. The channel had flowing to standing water

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	within the stream bed on all of the Horizon's field visits. The intermittent tributary has seasonal flows throughout the typical year.
T2	5331.2	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The intermittent stream can be viewed on the USGS topographic map and NWI as a potential intermittent tributary. The channel had flowing to standing water within the stream bed on all of the Horizon's field visits. The intermittent tributary has seasonal flows throughout the typical year.

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
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
T3	1424.5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibited an OHWM and a dry stream bed. No flowing water or pooling was observed within the channel during Horizon's multiply site visits. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
T4	1035.3	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibited an OHWM and a dry stream bed. No flowing water or pooling was observed within the channel during Horizon's multiply site visits. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
T5	809.0	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibited an OHWM and a dry stream bed. No flowing water or pooling was observed within the channel during Horizon's multiply site visits. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			following a period of heavy rainfall in the immediate locality.
S1	463.4	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. The drainage did not exhibit an OHWM but is a low-lying, depressional area/swale that is often wet and not having aquatic vegetation or hydric soils.
S2	287.3	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. The drainage did not exhibit an OHWM but is a low-lying, depressional area/swale that is often wet and not having aquatic vegetation or hydric soils.
P1	0.3	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). A depressional, lentic system this can be view on topographic and NWI maps. The pond was man-made in an upland area with an earthen berm for the purpose of livestock watering.
P2	0.4	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). A depressional, lentic system this can be view on topographic and NWI maps. The pond was man-made in an upland area with an earthen berm for the purpose of livestock watering.
P3	0.02	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 depressional, lentic system this can be view on topographic and NWI maps. The pond was man-made in an upland area with an earthen berm for the purpose of livestock watering.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		a jurisdictional water that meets (c)(6).	
P4	1.5	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). A depressional, lentic system this can be view on topographic and NWI maps. The pond was man-made in an upland area with an earthen berm for the purpose of livestock watering.

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: [Shadowglen Phase 3; 24 Aug 2020](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Website accessed 10 Aug 2020](#)
- USFWS NWI maps: [Website accessed 10 Aug 2020](#)
- USGS topographic maps: [Manor, Texas 1987, 1988](#)

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	Soil survey website access 10 Aug 2020
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

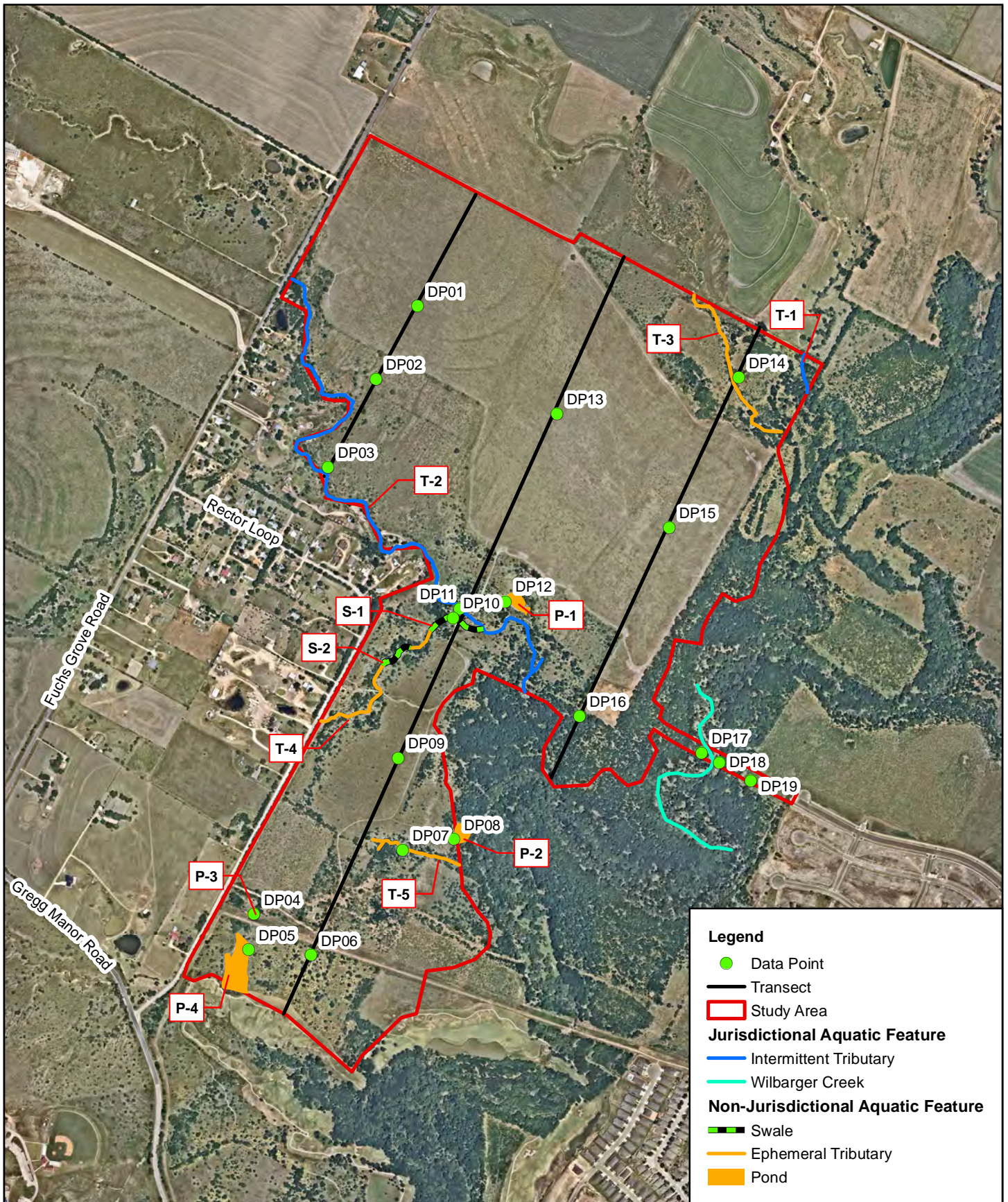
B. Typical year assessment(s): [Horizon has conducted several site visits in Dec 2018, Apr 2019, and Aug 2020 to view the hydrology of the aquatic features. Horizon visited the site on 14 December 2018, 6 days after an approximate 3 inches rainfall in the area. Horizon visited the site on 12 April 2019, 3 days after an](#)



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approximate 1 inches rainfall in the area. Horizon visited the site on 4 August 2020, 3 days after an approximate 0.5 inches rainfall in the area.

C. Additional comments to support AJD: [Please see provided Jurisdictional Delineation Report](#)





Legend

- Data Point
- Transect
- Study Area
- Jurisdictional Aquatic Feature**
- Intermittent Tributary
- Wilbarger Creek
- Non-Jurisdictional Aquatic Feature**
- Swale
- Ephemeral Tributary
- Pond

Horizon
Environmental Services, Inc.

Date:	08/10/2020
Drawn:	SBF
HJN NO:	200148.001 JD
Source:	Nearmap, 2020

Figure 8
Jurisdictional Delineation Map
Shadowglen Phase 3
Fuchs Grove Road and Rector Loop
Manor, Travis County, Texas


 0 500 1,000

 Feet