



**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): 11/23/2020

ORM Number: SWF-2020-00424

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Texas City: Liberty Hill County/Parish/Borough: Williamson

Center Coordinates of Review Area: Latitude N 30.674859 Longitude W 97.855139

**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)<sup>2</sup>**

§ 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.

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.

<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.



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**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
SWF-2020-00424-1 (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).	Topographic maps identify pond 1 constructed within stream; however, additional project information provided by the consultant, USACE site visit, and other supporting data indicate that pond 1 was constructed within a vegetated swale (i.e., a defined channel, bed, or bank and ordinary high-water mark was not observed or visible on aerial imagery). It was observed during the site visit that the channel of the on-site tributary (SWF-2020-00424-2) begins at a lower elevation in the drainage to Sowes Creek (i.e., "below" pond 1). Also, a defined channel does not exist at a higher elevation in the drainage "above" pond 1. This indicates that pond 1 is not merely a break in a stream channel, but likely originally was constructed within a vegetated swale. The Corps has determined that the pond meets the criteria of a (b)(8) excluded water feature.
SWF-2020-00424-2 (Trib. to Sowes Creek)	~1,500	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, USACE site visit, and supporting data indicate that the tributary is ephemeral. This drainage transitions from vegetated swale to ephemeral tributary. The erosional feature indicating there is enough concentrated flow to create scour begins at a point below pond 1 in the drainage (reference page 5 within the mapped photo log). Indicators of an ordinary high-water mark and defined bed and bank were weak. Other stream characteristics (e.g., runs, riffles, pools) were not observed. The influence of groundwater was not observed. Evidence of aquatic organisms was not observed. See Section C for drainage area comment. Thus, it is unlikely that the stream provides sufficient flow duration more than in direct response to a precipitation event. The first-order tributary connects hydrologically to a tributary to Sowes Creek. The Corps has determined the tributary meets the criteria of a (b)(3) excluded water feature.

<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.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
SWF-2020-00424-3 (Pond 2)	0.20 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).	Topographic maps identify pond 2 constructed within stream; however, additional project information provided by the consultant, USACE site visit, and other supporting data indicate that pond 2 was constructed within a vegetated swale (i.e., a defined channel, bed, or bank and ordinary high-water mark was not observed). The Corps has determined that the pond meets the criteria of a (b)(8) excluded water feature.

**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: [Reference documents within the electronic project file provided by Horizon Environmental Services, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Google Earth Imagery, HistoricAerials.com - numerous years. Photographs provided by Horizon \(within electronic file\) and Brian C. Bartels, Nov. 20, 2020 \(enclosed\).](#)
- Corps site visit(s) conducted on: [Nov. 20, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [N/A](#)
- USFWS NWI maps: [ESRI managed imagery – SWF Regulatory Viewer – Nov. 23, 2020](#)
- USGS topographic maps: [Leander NE, TX – 1:24,000](#)

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

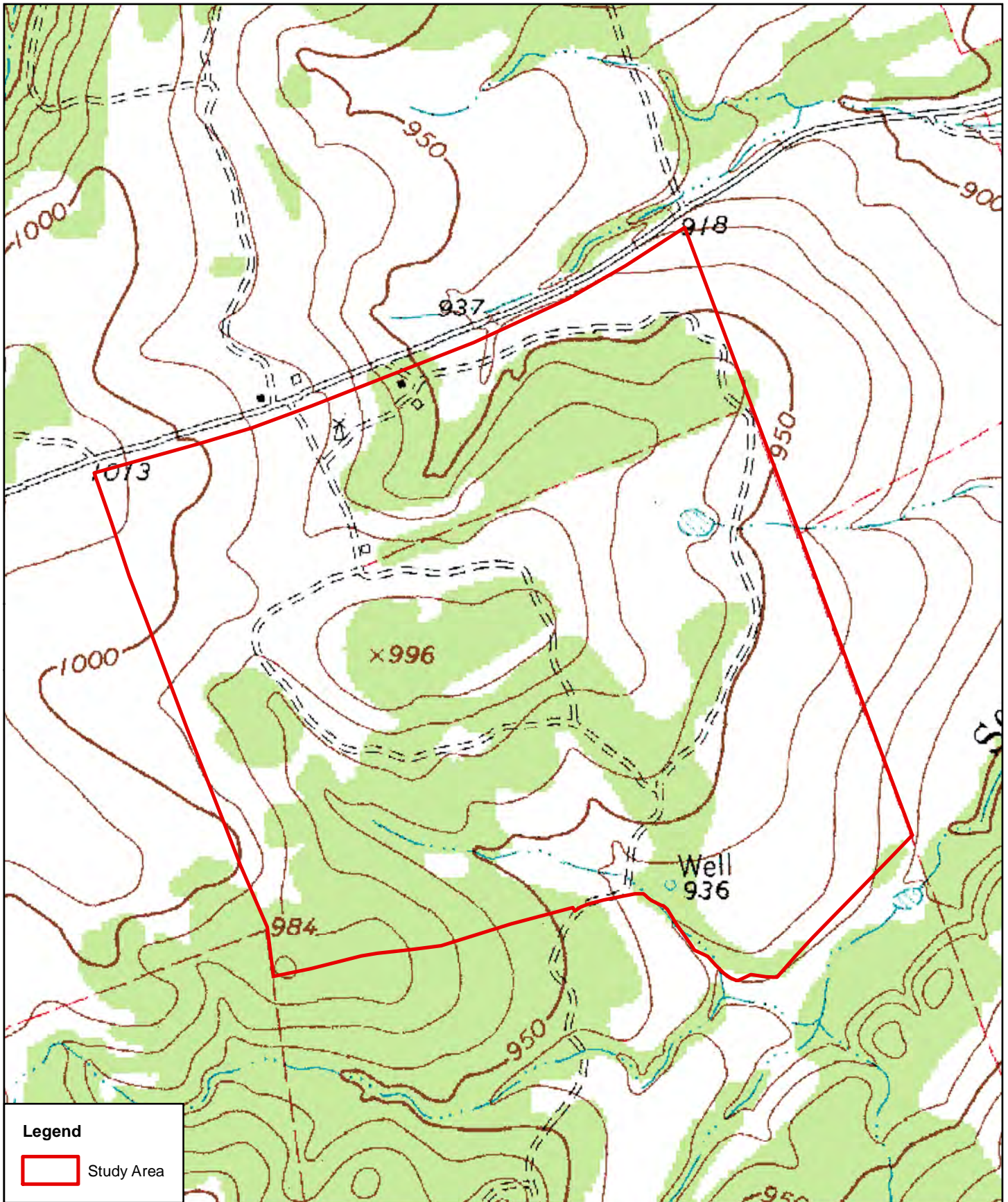
Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">National Hydrography Dataset – SWF Regulatory Viewer – Nov. 23, 2020</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">Location and topographic maps provided by Horizon</a>

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



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**C. Additional comments to support AJD:** The drainage area for pond 1 and the tributary approximately is 200 acres. The drainage area for pond 2 is less than 50 acres. Enclosures include location map and photographs.



**Legend**

 Study Area

**Horizon**  
Environmental Services, Inc.

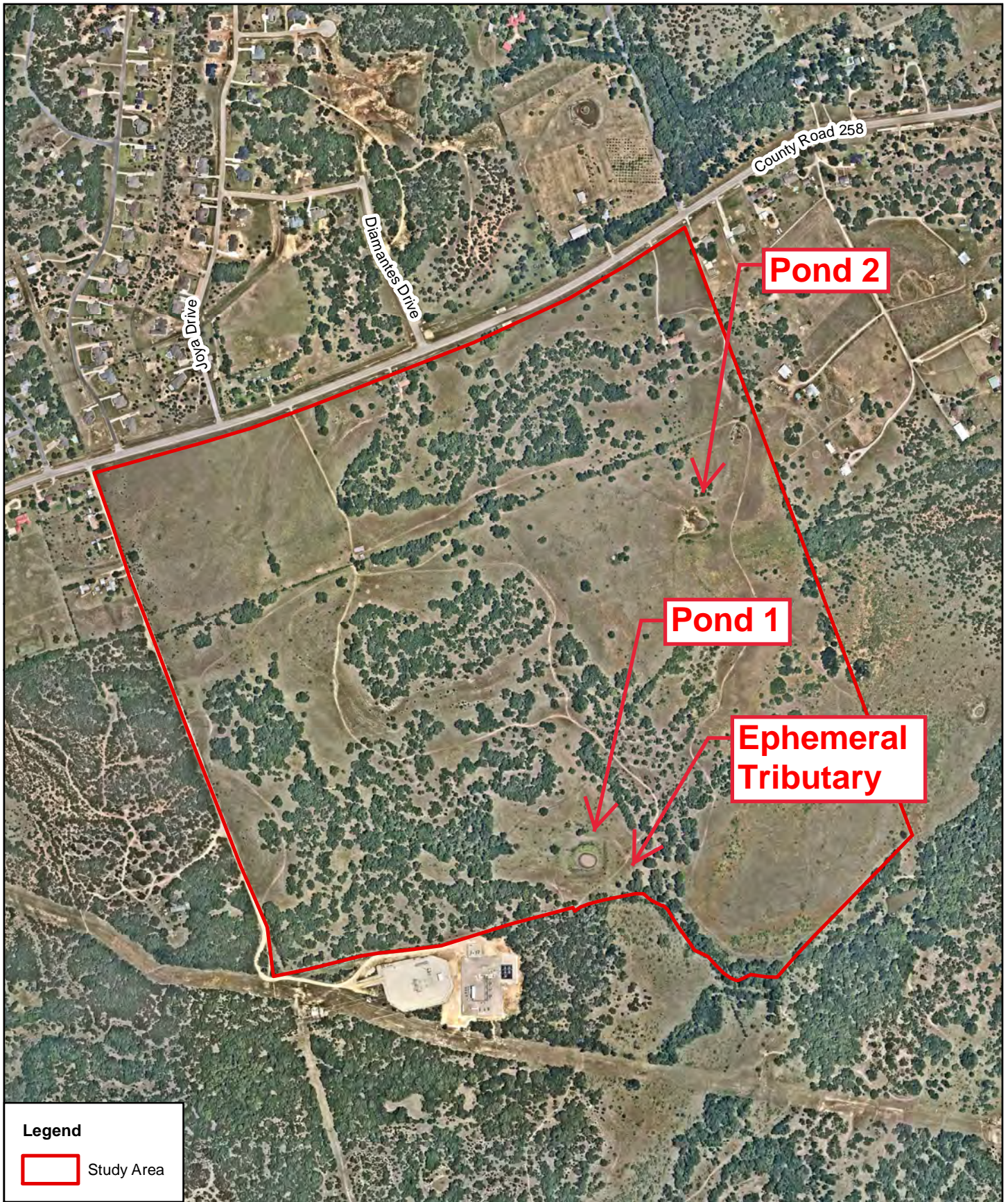
Date:	09/03/2020
Drawn:	TED
HJN NO:	200187.001 JD
Source:	USGS, 1976

**Figure 2**

Topographic Map  
Saddleback at Santa Rita Ranch  
2130 County Road 258  
Liberty Hill, Williamson County, Texas



0 400 800  
Feet



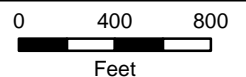
**Legend**

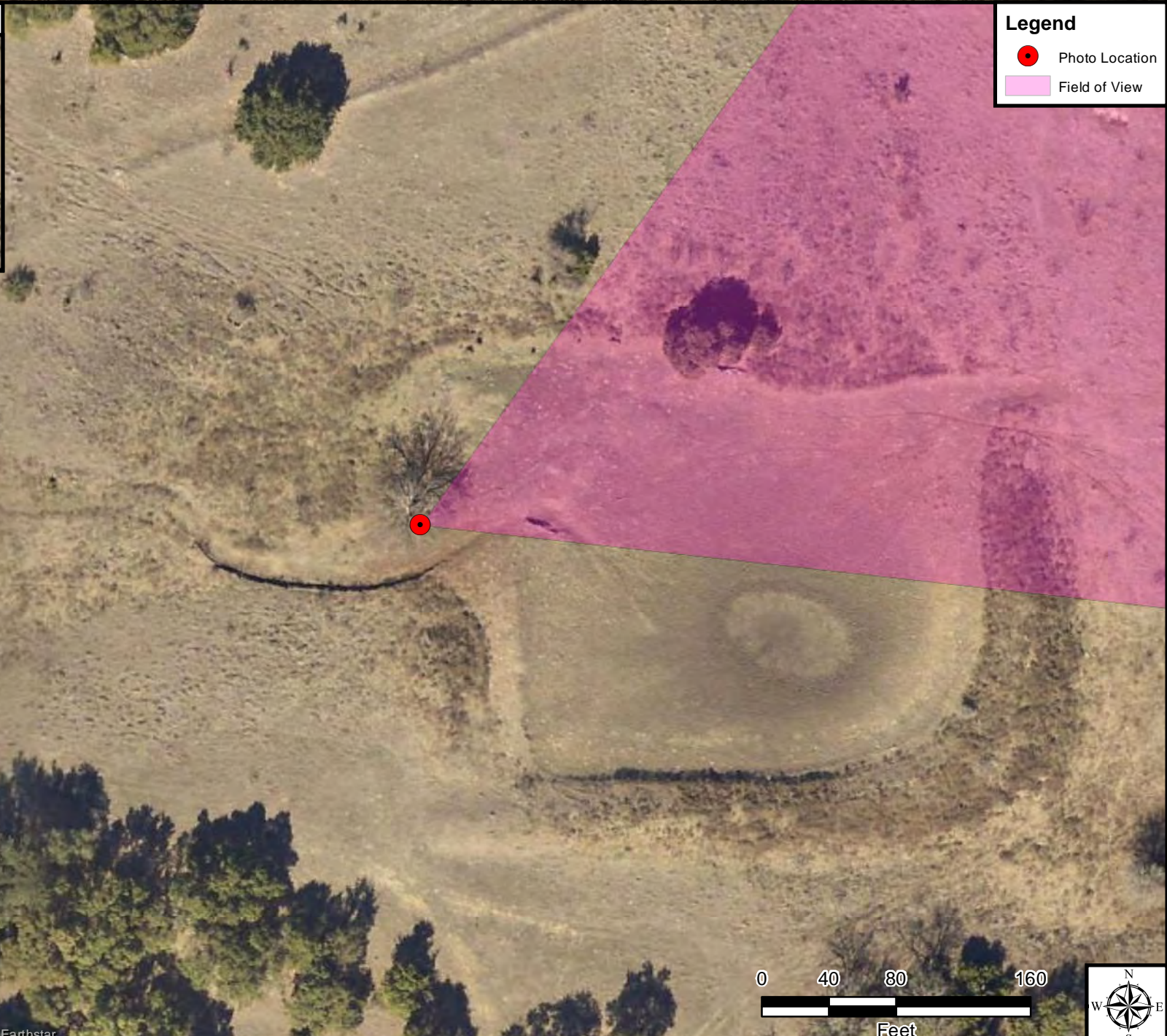
 Study Area

**Horizon**  
Environmental Services, Inc.

Date:	09/03/2020
Drawn:	TED
HJN NO:	200187.001 JD
Source:	FEMA, 2008; Nearmap, 2020

**Figure 3**  
Flood Hazard Map  
Saddleback at Santa Rita Ranch  
2130 County Road 258  
Liberty Hill, Williamson County, Texas





**Legend**  
 ● Photo Location  
 ■ Field of View

Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.854439 30.671419  
 Upper Left Corner: -97.855657 30.672272  
 Lower Right Corner: -97.853221 30.670557  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

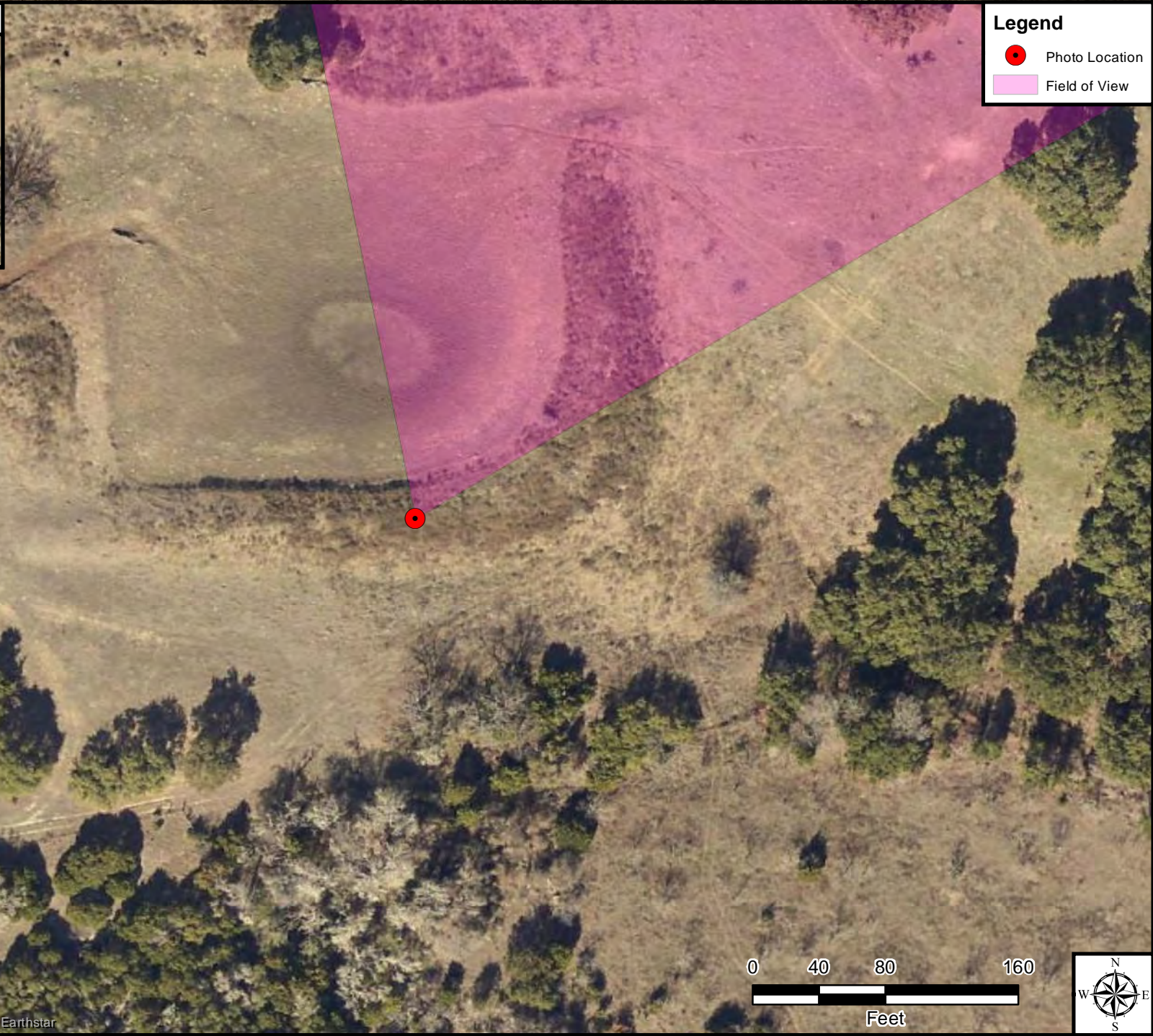
0 40 80 160  
 Feet



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 1 of 16

Description:  
 View of the swale above the pond.

Photographed by bcbartels  
 on 11/20/2020 at 1:01:09 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.853767 30.670953  
 Upper Left Corner: -97.854985 30.671805  
 Lower Right Corner: -97.852548 30.670100  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 2 of 16

Description:  
 View of pond 1.

Photographed by bcbartels  
 on 11/20/2020 at 1:02:54 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



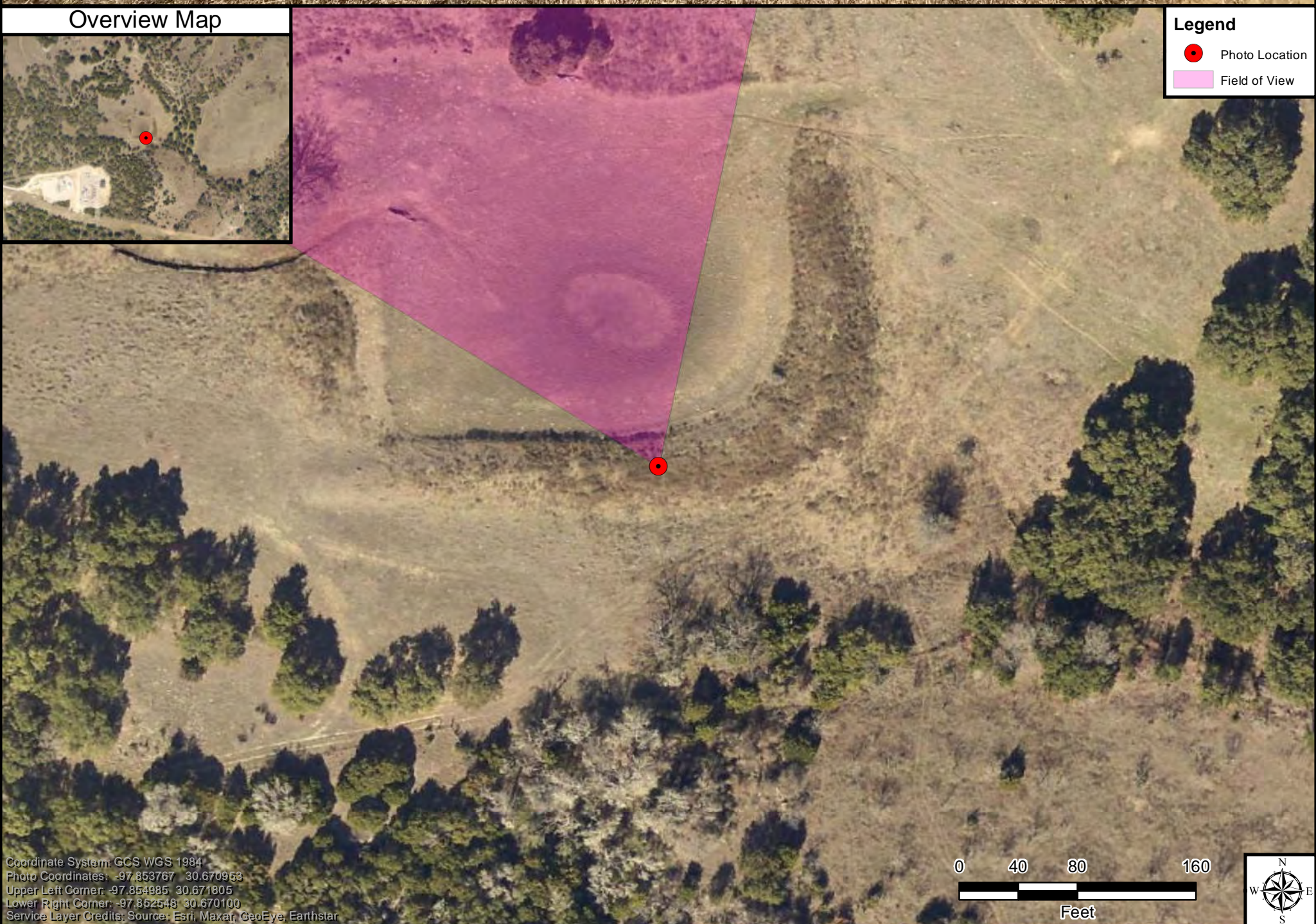


Overview Map



**Legend**

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.853767 30.670953  
 Upper Left Corner: -97.854985 30.671805  
 Lower Right Corner: -97.852548 30.670100  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

0 40 80 160  
 Feet



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 3 of 16

Description:  
 View of pond 1.

Photographed by bcbartels  
 on 11/20/2020 at 1:02:56 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters

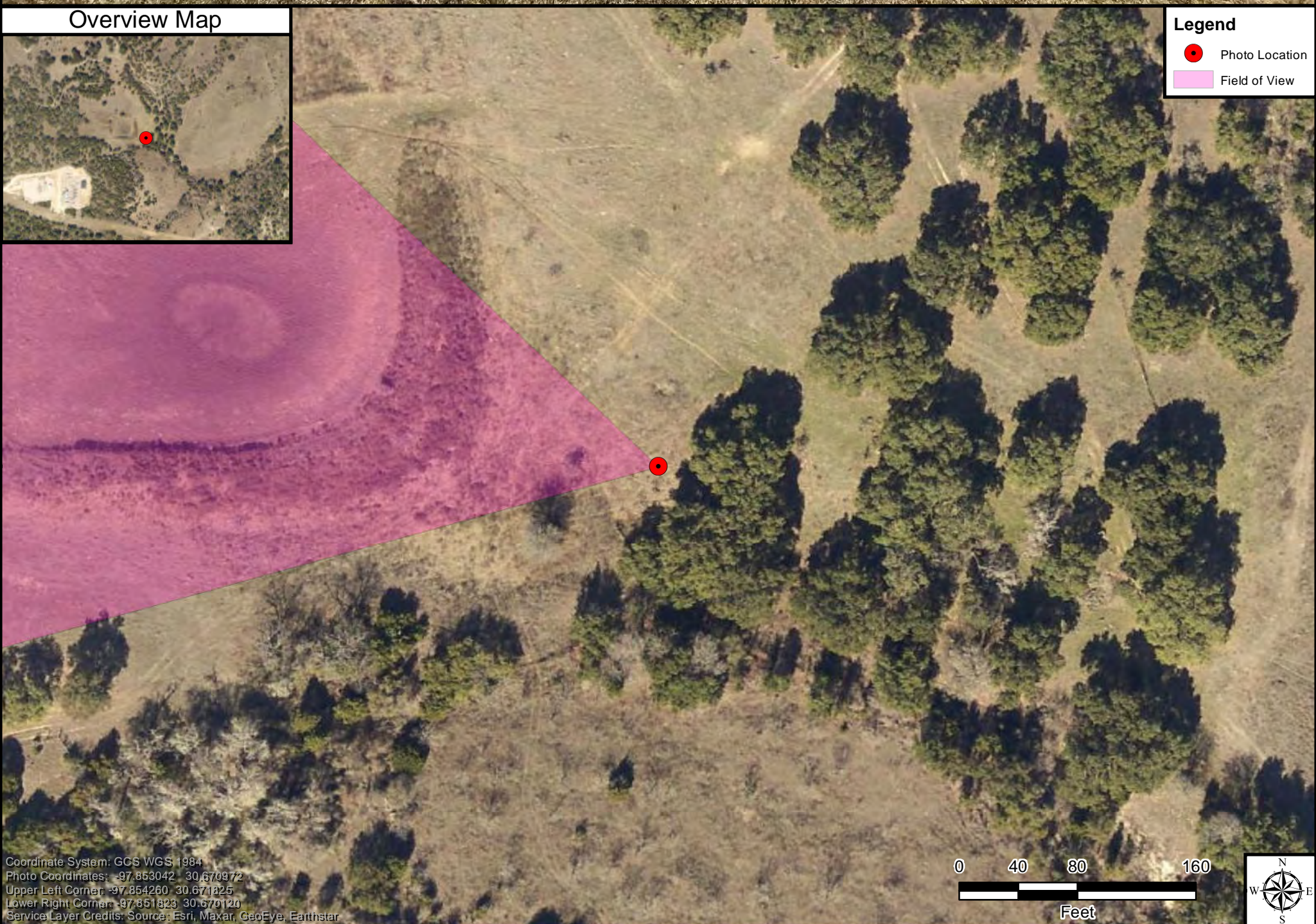


Overview Map



**Legend**

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
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 Upper Left Corner: -97.854260 30.671325  
 Lower Right Corner: -97.851823 30.670120  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**

Page 4 of 16

Description:

View of drainage area below the dam of pond 1.

Photographed by bcbartels  
 on 11/20/2020 at 1:04:35 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



**Legend**

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.853103 -30.670892  
 Upper Left Corner: -97.854321 -30.671744  
 Lower Right Corner: -97.851885 -30.670089  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 5 of 16

Description:  
 View of the beginning of the tributary  
 to Sowes Creek.

Photographed by bcbartels  
 on 11/20/2020 at 1:04:44 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



**Legend**

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.852561 30.670614  
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 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



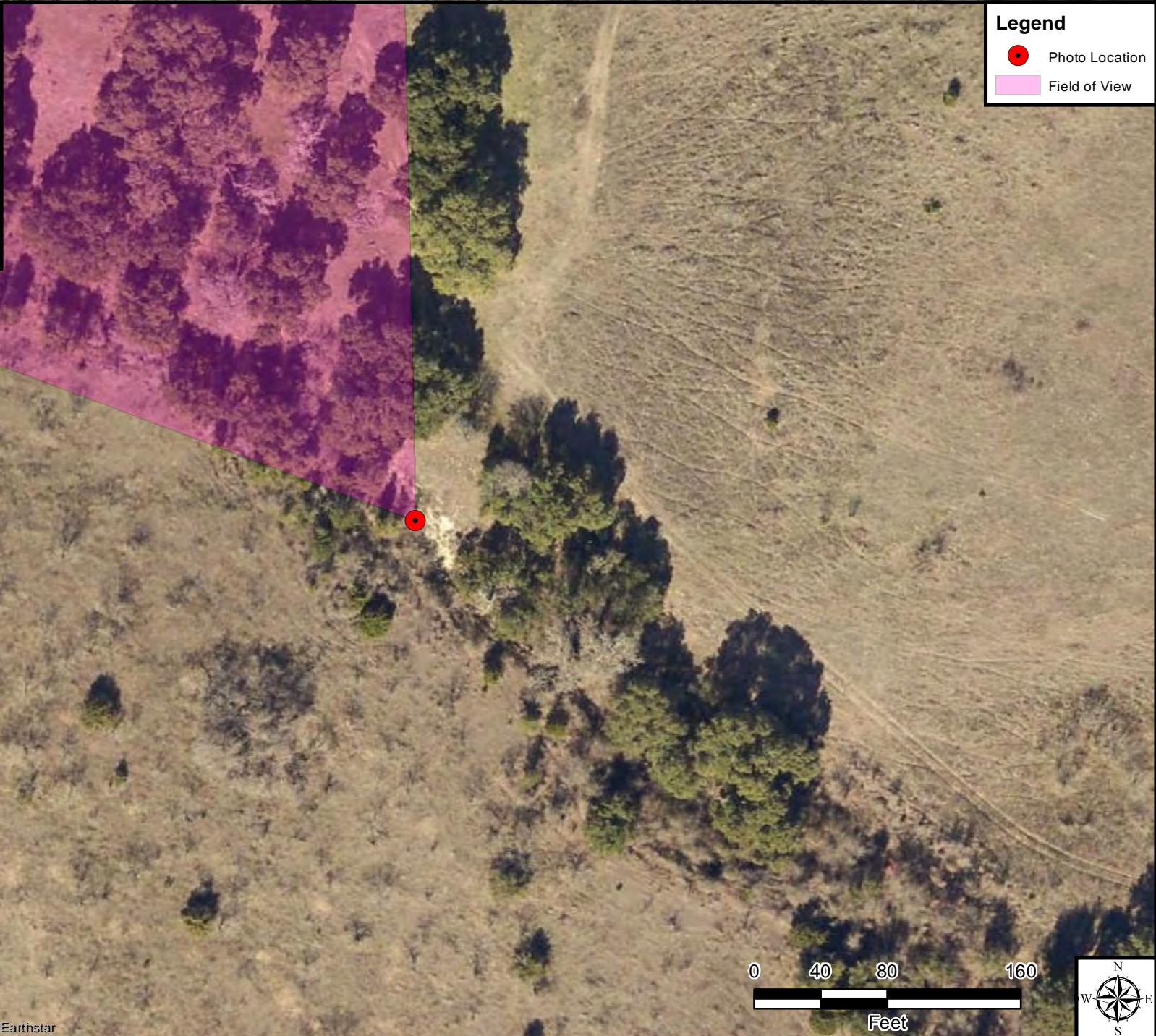
**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 6 of 16

Description:  
 View of the tributary to Sowes Creek.

Photographed by bcbartels  
 on 11/20/2020 at 1:06:51 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



**Legend**

- Photo Location
- Field of View

Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.85215 30.670233  
 Upper Left Corner: -97.853368 30.671086  
 Lower Right Corner: -97.850932 30.669381  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**

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Description:  
 View of the tributary to Soves Creek.

Photographed by bcbartels  
 on 11/20/2020 at 1:09:46 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



**Legend**

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.85215 30.670233  
 Upper Left Corner: -97.853368 30.671086  
 Lower Right Corner: -97.850932 30.669381  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

0 40 80 160  
 Feet



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 8 of 16

Description:  
 View of the tributary to Sowes Creek.

Photographed by bcbartels  
 on 11/20/2020 at 1:09:51 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters

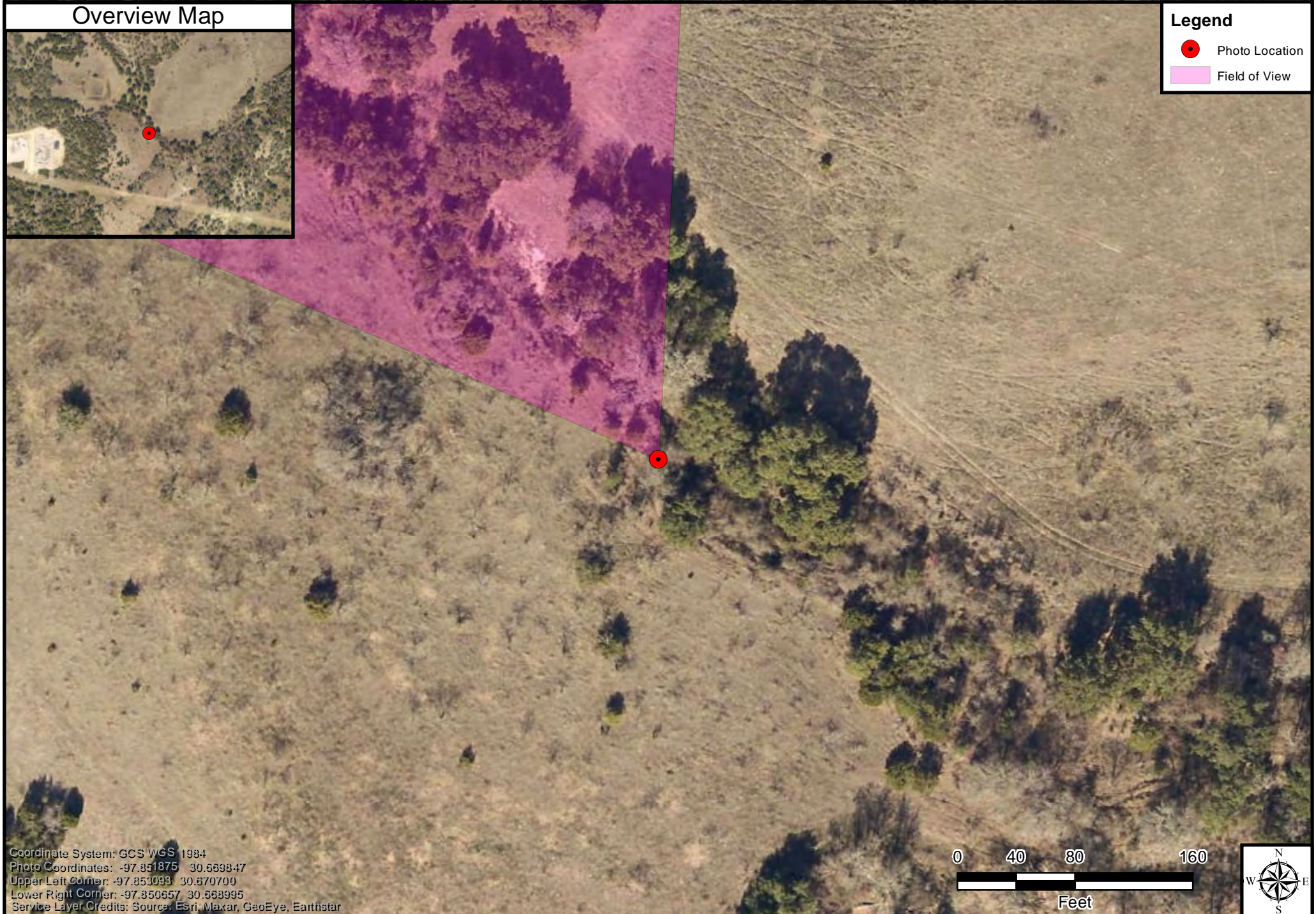


Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
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 Lower Right Corner: -97.850657 30.569995  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

0 40 80 160  
 Feet



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
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Description:  
 View of the tributary to Sowes Creek.

Photographed by bcbartels  
 on 11/20/2020 at 1:11:29 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters

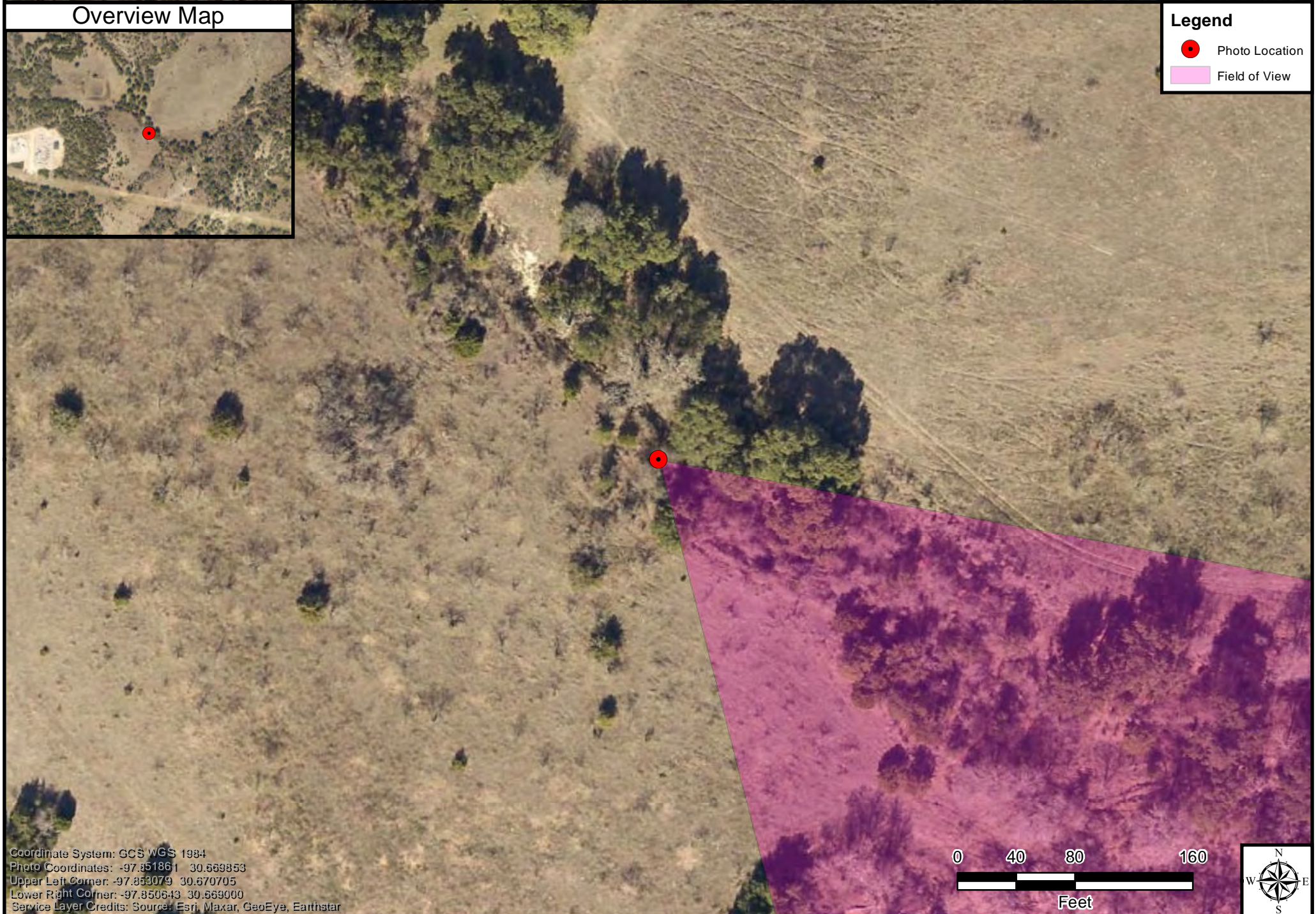


Overview Map



**Legend**

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
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 Upper Left Corner: -97.853079 30.670705  
 Lower Right Corner: -97.850643 30.569000  
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**Mapped Photo Log  
 for Saddleback at Santa Rita  
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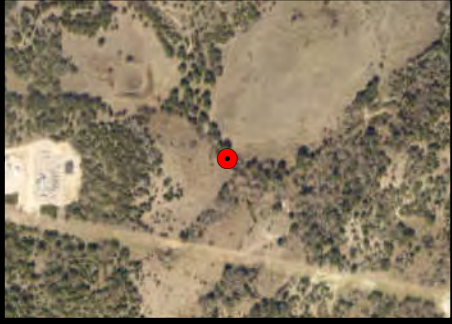
Description:  
 View of the tributary to Sowes Creek.

Photographed by bcbartels  
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 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



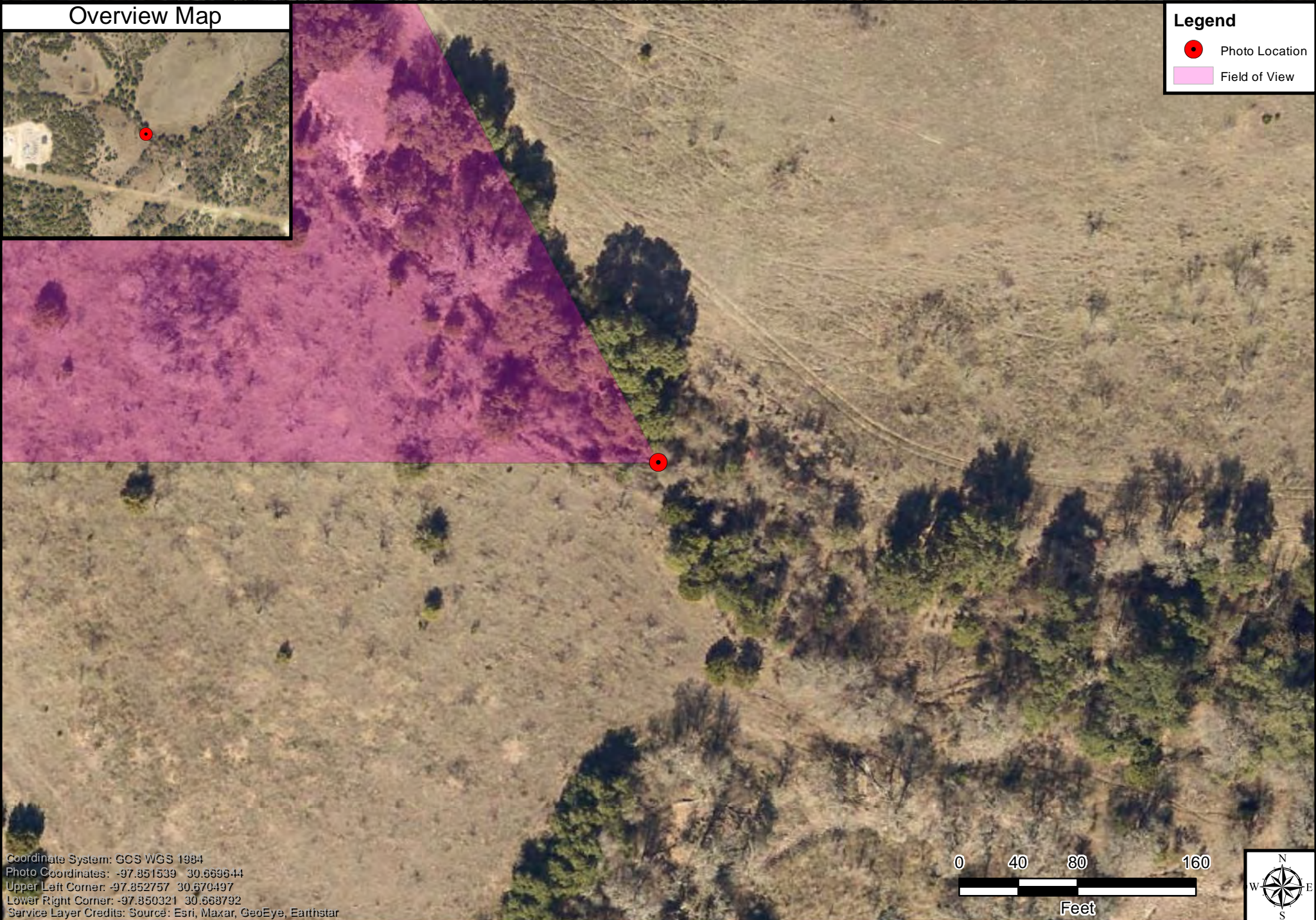


Overview Map



**Legend**

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
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 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



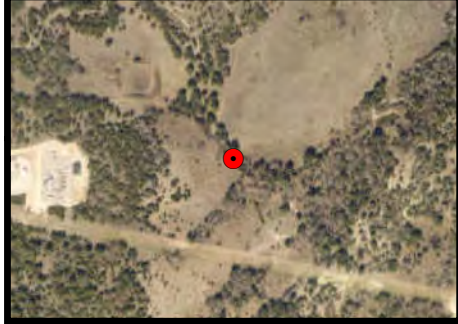
**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
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Description:  
 View of the tributary to Sowes Creek.

Photographed by bcbartels  
 on 11/20/2020 at 1:13:05 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
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 Photo Log Toolbar, written by Jason C. Deters

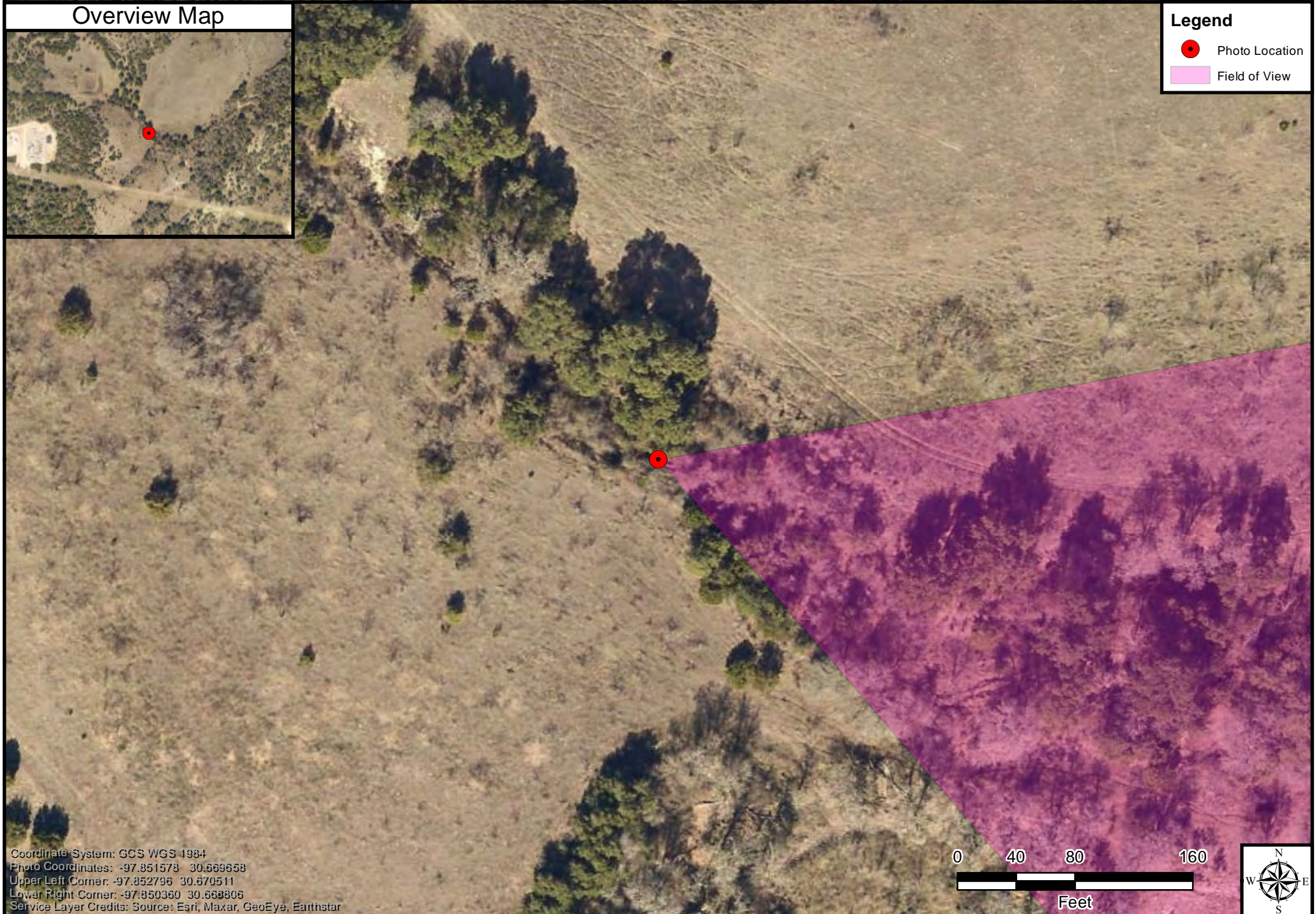


Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.851573 30.569658  
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 Lower Right Corner: -97.850360 30.569806  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



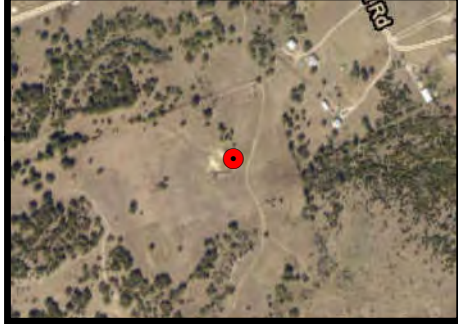
**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 12 of 16

Description:  
 View of the Tributary to Sowes Creek.

Photographed by bcbartels  
 on 11/20/2020 at 1:13:28 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.851264 30.675856  
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 Lower Right Corner: -97.850046 30.675003  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



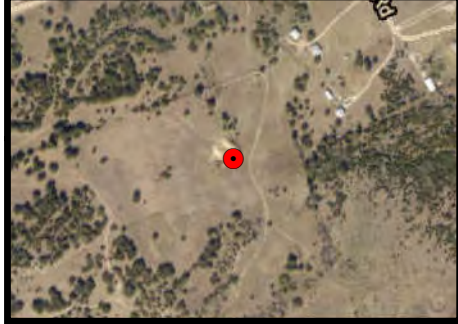
**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 13 of 16

Description:  
 View of pond 2.

Photographed by bcbartels  
 on 11/20/2020 at 1:36:13 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



Legend

- Photo Location
- Field of View



Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.85135 30.675831  
 Upper Left Corner: -97.852568 30.677483  
 Lower Right Corner: -97.850132 30.675773  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

0 40 80 160  
 Feet



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
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Description:  
 View of swale below pond 2.

Photographed by bcbartels  
 on 11/20/2020 at 1:36:40 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



Overview Map



**Legend**

- Photo Location
- Field of View



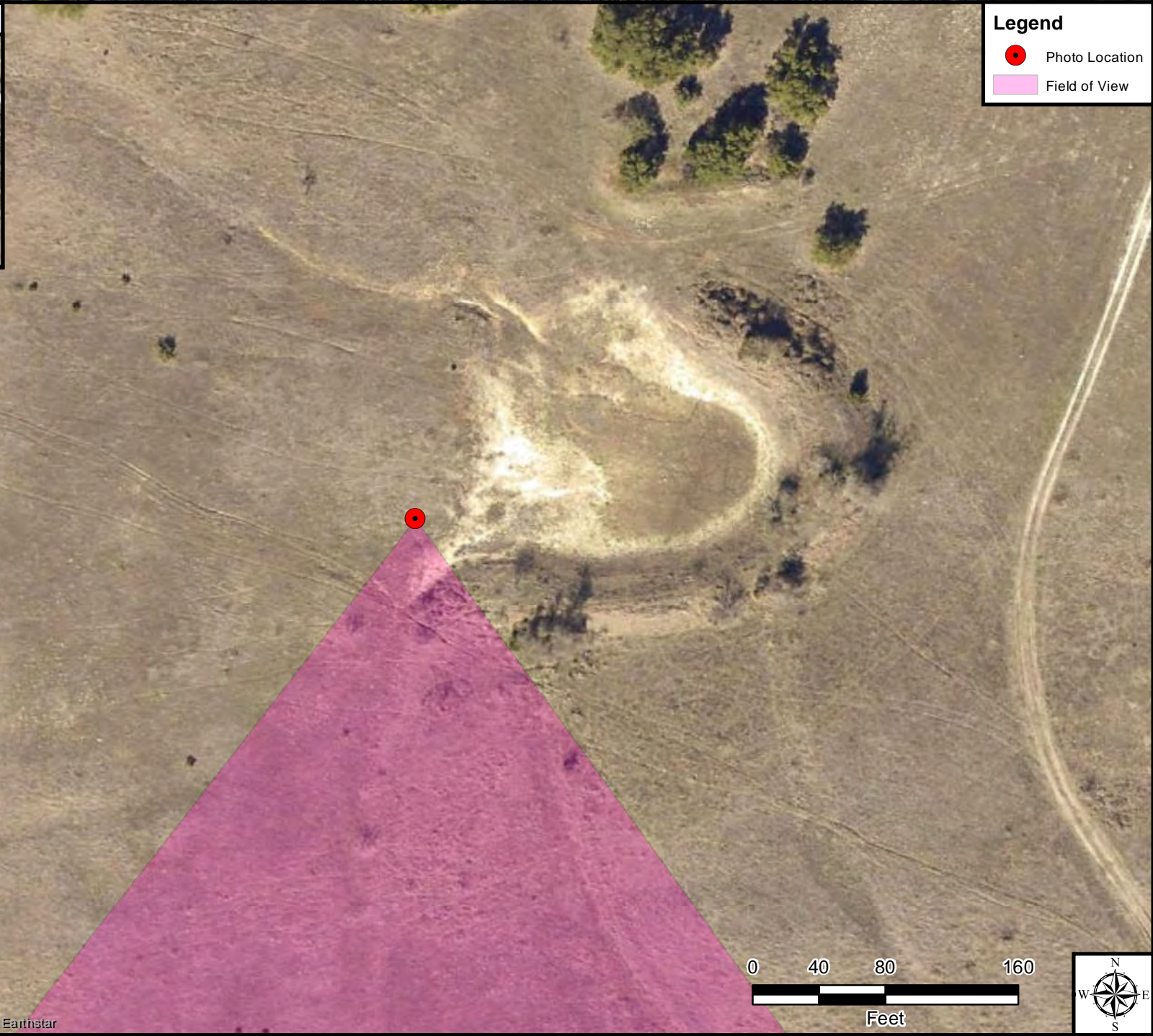
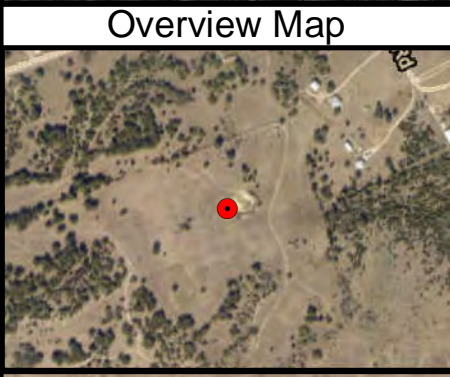
Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.851325 30.676906  
 Upper Left Corner: -97.852543 30.677758  
 Lower Right Corner: -97.850107 30.676053  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
 Page 15 of 16

Description:  
 View of swale below pond 2.

Photographed by bcbartels  
 on 11/20/2020 at 1:37:06 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters



**Legend**

- Photo Location
- Field of View

Coordinate System: GCS WGS 1984  
 Photo Coordinates: -97.851983 30.676667  
 Upper Left Corner: -97.853202 30.677519  
 Lower Right Corner: -97.850765 30.675814  
 Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar

0 40 80 160  
 Feet



**Mapped Photo Log  
 for Saddleback at Santa Rita  
 Ranch  
 SWF-2020-00424**  
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Description:  
 View of drainage above pond 2.

Photographed by bcbartels  
 on 11/20/2020 at 1:37:56 PM CST  
 Camera: Apple iPhone 7  
 Location Source: Camera's internal GPS  
 Heading Source: Camera's internal compass  
 Map generated on 11/23/2020 using the  
 Photo Log Toolbar, written by Jason C. Deters