



**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 Location¹: 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)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 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-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.

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
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
USGS Sources	National Hydrography Dataset – SWF Regulatory Viewer – Nov. 23, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Location and topographic maps provided by Horizon

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.