



**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): 1/19/2021
 ORM Number: SWF-2020-00519
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Austin County/Parish/Borough: Travis
 Center Coordinates of Review Area: Latitude 30.247178 Longitude -97.602708

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
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
WET14N	2.1	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not touch, is not inundated by, and is sufficiently physically separated from (a)(1)-(3) waters.
WET15N	2.6	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not touch, is not inundated by, and is sufficiently physically separated from (a)(1)-(3) waters.
WET16N	0.5	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not touch, is not inundated by, and is sufficiently physically separated from (a)(1)-(3) waters.
WET 17N	0.2	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not touch, is not inundated by, and is sufficiently physically separated from (a)(1)-(3) waters.
WET20C	0.1	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not touch, is not inundated by, and is sufficiently physically separated from (a)(1)-(3) waters.
WET21C	0.1	acre(s)	(b)(1) Non-adjacent wetland.	The wetland does not touch, is not inundated by, and is sufficiently physically separated from (a)(1)-(3) waters.
WB01C	34.7	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).	The pond was constructed in upland adjacent to a stream (WW01N). WW01N naturally migrated and intersects the pond. There is no outlet, spillway, or other water control feature associated with the pond. Water does not exit the pond in a typical year.
WB02C	0.2	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	The pond is located along an ephemeral channel that only flows briefly during a period of 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
			water that meets (c)(6).	
WW01N	2,729	linear feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream exhibited an OHWM. No flowing water was observed within the channel during SWCA's delineation. The channel terminates within WB01C and does not contribute surface flow to a paragraph (a)(1) water in a typical year.
WW02N	112	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 SWCA's delineation. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
WW02C	7,099	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WW02C is a relic channel of WW01N prior to the stream migrating within WB01C. WW02C has no continuous OHWM and is a vegetated swale.
WW03C	196	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 SWCA's delineation. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
WW04C	73	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 SWCA's delineation. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
WW05C	705	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 SWCA's delineation. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.

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: [Aquatic Resources Inventory Report for the Tesla Inc. Geotechnical Project, Travis County, Texas; November 2020](#)



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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: [Other: Photographs in attachment for Section 404 Jurisdictional Delineation Tesla Site Environmental Services from the SWCA field visits.](#)
- Corps site visit(s) conducted on: [1/13/21](#)
- 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 October 2020](#)
- USFWS NWI maps: [Website accessed September 2020](#)
- USGS topographic maps: [Manor and Webberville, Texas](#)

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	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [According to the Antecedent Precipitation Tool, SWCA’s delineation was performed during the dry season and the project area’s corresponding climatological division was experiencing severe drought conditions. At the project area scale, the rainfall condition at the time of the wetland delineation was calculated to be normal. The 30-day precipitation total during SWCA’s delineation was within the 30-year normal range.](#)

C. Additional comments to support AJD: [USACE site visit on 01/13/2021. Aquatic Resources Inventory Report for the Tesla Inc. Geotechnical Project, Travis County, Texas](#)