

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 12 FEB 2020**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: SWG-2019-00304**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Texas County/parish/borough: Austin City: Sealy  
Center coordinates of site (lat/long in degree decimal format): Lat. 29.767509°, Long. -96.168366°  
Universal Transverse Mercator: NAD 83

Name of nearest waterbody:

Name of watershed or Hydrologic Unit Code (HUC): Lower Brazos, 12070104

- Check if map/diagram of review area is available upon request.  
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- Office (Desk) Determination. Date: 12 FEB 2020  
 Field Determination. Date(s): [Click here to enter a date.](#)

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are **no** “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are **no** “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**SECTION III: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Davis-Penn Mortgage, Inc. Site Plan & location maps  
 Data sheets prepared/submitted by or on behalf of the applicant/consultant.  
 Office concurs with data sheets/delineation report.  
 Office does not concur with data sheets/delineation report.  
 Data sheets prepared by the Corps: [Click here to enter text.](#)  
 U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)  
 USGS NHD data.  
 USGS 8 and 12 digit HUC maps.  
 U.S. Geological Survey map(s). Cite scale & quad name: Sealy 2019, 1:24000  
 USDA Natural Resources Conservation Service Soil Survey. Citation: Online resource  
 National wetlands inventory map(s). Cite name: Online resource  
 State/Local wetland inventory map(s): [Click here to enter text.](#)  
 FEMA/FIRM maps: Panel 48015C0320F, dated 18 OCT 2019  
 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)  
 Photographs:  Aerial (Name & Date): 2019 Google Earth  
 or  Other (Name & Date): [Click here to enter text.](#)  
 Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)  
 Applicable/supporting case law: [Click here to enter text.](#)  
 Applicable/supporting scientific literature: [Click here to enter text.](#)  
 Other information (please specify): [Click here to enter text.](#)

**B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND:** A review of available information concludes there are no aquatic resources visible on the project site in every Google Earth aerial image from 1995 to 2019. A review of the USGS Sealy Topographic Quadrangle did not exhibit any aquatic resources on the project site. The topographic gradient is generally east-southeast and appears to be flat. The USDA NRCS Soil survey

<sup>1</sup> This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

indicates that there are three soil series on the project site: Monaville loam fine sand (1-3% slope), Katy fine sandy loam (0-1% slope), and Hockley loamy fine sand (1-3% slope). None of the three aforementioned soil series are listed as hydric soils. FEMA Flood Panel 48015C0320F exhibits that the subject site is located in Zone X, an area outside the 100-year flood plain. The USFW National Wetlands Inventory did not exhibit any wetlands on the subject site. The proposed development of the project site for the construction of The Retreat at Sealy Apartments, as stated in the request by Davis-Penn, will not impact any aquatic resources subject to Section 404 of the Clean Water Act or Section 10 of the 1899 Rivers and Harbors Act, because no waters of the United States exist on the subject site.