



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): 22-FEB-21

ORM Number: SWF-2020-00319

Associated JDs: N/A

State/Territory: Texas City: Austin County/Parish/Borough: Travis County

Center Coordinates of Review Area: Latitude 30.222783 Longitude -97.78400

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 and 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 independent 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.

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
SWF-2020-00319 (ES)	2100 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 stream is an ephemeral tributary. The stream conveys stormwater runoff downstream to Williamson Creek from a system of stormwater street drainage gutters which collect runoff from streets, sidewalks, and residential yards. The stream does not provide sufficient flow duration to constitute sustained flows beyond a direct response to precipitation events.

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 2021_01_06_SWF-2020-00319_AdtI Info.pdf](#) within the electronic project file. Provided by Roy Frye of Hicks & Company, 06-JAN-21.

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](#), Numerous Years. Photographs provided by Hicks & Company, 06-AUG-21, Kelley Rich, City of Austin, 24-AUG-21, and Hicks & Company, 27-JAN-21, located within the project file.

Corps Site visit(s) conducted on: 19-JAN-21

Previous Jurisdictional Determinations: *N/A*

Antecedent Precipitation Tool:

USDA NRCS Soil Survey: *N/A*

USFWS NWI maps: [ESRI Managed Imagery \(SWF Regulatory Viewer\)](#), 17-JAN-21

USGS topographic maps: [Austin TX, 1:500](#)

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) 26-AUG-20 and 17-JAN-21
USDA Sources	<i>N/A.</i>
NOAA Sources	<i>N/A.</i>
USACE Sources	<i>N/A.</i>
State/Local/Tribal Sources	<i>N/A.</i>
Other Sources	Direct observed streamflow analysis provided by Roy Frye, Hicks & Company, 06-JAN-21

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 and 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 independent 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.

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

B. Typical year assessment(s): Flow was observed beginning December 10, 2019, during an initial project team reconnaissance visit by Frye. No observations were made during the spring and summer of 2020, because the project was not active. When the project became active, observations were initiated and monitored for all rainfall events from October 12, 2020, through January 1, 2021. Five rainfall events were observed, each resulting in streamflow. Although it is not known how long streamflow continued after the December 10, 2019, event, streamflow stopped within one day after the 0.72 inches of rain on November 28, four hours after 0.04 inches of rain on December 12, 2020, one day after 1.08 inches of rain on December 19, 2020, and one day after 2.2 inches of rain ended on December 31, 2020. Several pools were observed after the larger rainfall events occurred on November 28, December 19, and December 31, but gradually disappeared. Only one small pool was observed between rainfall events and after 0.4 inches of rain on December 12, 2020. The pool may be a remnant of previous precipitation events and appears to persist due to low percolation within the soil and rock substrates. The pool did not appear to be contributing to any surface flow.

Table 1. Record of Observed Streamflow - Richmond Tributary of Williamson Creek											
Observed Conditions	Dates of Observation										
	10 Dec 2019	12 Oct 2020	23 Nov 2020	28 Nov 2020	29 Nov 2020	30 Nov 2020	12 Dec 2020	19 Dec 2020	20 Dec 2020	31 Dec 2020	1 Jan 2021
Rainfall	0.37*	0.0*	0.0**	0.72**	0.0**	0.0**	0.04**	1.08**	0.0**	2.2**	0.0**
Flow Present?	Yes***	No	No	Yes***	No	No	Yes***‡	Yes	No	Yes	No
Pool(s) present?	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

* Measured at Austin-Bergstrom International Airport
 ** Measured at LCRA gage station at Williamson Creek and Emerald Forest Drive 1,404 feet (0.3 miles) from project site
 *** See Photos 5, 6, and 9 for comparison of flows
 ‡ Slight flow from storm drain outfall observed only at the Redd Street crossing with no flow observed at other crossings 4 hours after rainfall event.

C. Additional comments to support AJD:

Enclosures: [Location Map](#)
[Photographs](#)
[APT Watershed Sampling Summary 31-DEC-20](#)

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 independent 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.
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.