



**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): 2/22/2021
 ORM Number: SWF-2020-00328
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Lakeway County/Parish/Borough: Travis
 Center Coordinates of Review Area: Latitude 30.335085 Longitude -98.016305

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
Tributary T-5 & T-7	4049	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. Pools of standing water from seeps were observed along the channel. Stream exhibited an OHWM. The tributary was determined to be intermittent. Stream reaches have groundwater and ponding. Vegetation is also indicative of longer term hydrology than immediate runoff or occasional ponding. Ran the APT for the date of the consultant's initial delineation as well as 2 days prior to the Jan 22, 2021 site visit. Results used primarily to support determinations for exclusions listed in 3.D.

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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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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Tributary T-1	989	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. No flowing or pooling water was observed within the channel during Horizon’s site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-2	461	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. No flowing or pooling water was observed within the channel during Horizon’s site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-3	2632	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. No flowing or pooling water was observed within the channel during Horizon’s site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-4	402	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. No flowing or pooling water was observed within the channel during Horizon’s site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-6	1106	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. No flowing or pooling water was observed within the channel during Horizon’s site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-8	571	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. No flowing or pooling water was observed within the channel during Horizon’s site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-9	979	linear feet	(b)(3) Ephemeral feature, including an ephemeral

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	
			stream, swale, gully, rill, or pool.	channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-10	863	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	No flowing or pooling water was observed within the channel during Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-22	1821	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	No flowing or pooling water was observed within the channel during Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Tributary T-34	150	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	No flowing or pooling water was observed within the channel during Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
N/A	N/A.	N/A.	N/A.	N/A.

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: [Section 404 Jurisdictional Delineation Approximately 1788 Acre Rough Hollow Tract; August 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Select. Title\(s\) and/or date\(s\).](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- 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 3 August 2020.](#)
- USFWS NWI maps: [Website accessed 3 August 2020.](#)
- USGS topographic maps: [Bee Cave, Texas 1986 and Shingle Hills, Texas 1988](#)

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.



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- B. Typical year assessment(s):** Ran the APT and viewed conditions documented in consultants photos from their initial site visit of 7/22/20 as well as Corps 1/22/21 site visit. APT output for 7//20 showed conditions squarely within they typical year range. A week prior to 1/22/21 site visit had a precipitation event slightly above the 70% percentile and all ephemeral channels were dry except for the longest reach which had very slight flow.
- C. Additional comments to support AJD:** Please see provided Jurisdictional Delineation Report