



**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): 5/11/2021
 ORM Number: SWF-2020-00511
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Austin County/Parish/Borough: Travis
 Center Coordinates of Review Area: Latitude 30.359653 Longitude -97.576389

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
P-1	2.72	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).	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that the pond was constructed within uplands and currently is isolated without any downstream connection to Gilleland Creek, a jurisdictional water feature. A review of past aerial imagery reveals widely fluctuating waters levels within this constructed impoundment. USACE has determined that the impoundment meets the criteria of a (b)(8) excluded water feature.
P-2	0.26	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).	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that P-2 was constructed within uplands. T-1, a (b)(3) Ephemeral Feature, drains P-2 but remains without any downstream connection to Gilleland Creek, a jurisdictional water feature. A review of past aerial imagery reveals widely fluctuating waters levels within this constructed impoundment. USACE has determined that the impoundment meets the criteria of a (b)(8) excluded water feature.
P-3	11.36	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).	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that P-3 was constructed within uplands and is specifically located entirely within the infield of a defunct horse-racing track. A review of past aerial imagery reveals widely fluctuating waters levels within this constructed impoundment. USACE has determined that the impoundment meets the criteria of a (b)(8) excluded water feature.
P-4	0.35	acre(s)	(b)(8) Artificial lake/pond constructed or	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that P-4 was constructed within

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
			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).	uplands and is isolated without any downstream connection to a jurisdictional water feature. A review of past aerial imagery reveals widely fluctuating waters levels within this constructed impoundment. USACE has determined that the impoundment meets the criteria of a (b)(8) excluded water feature.
W-1	0.09	acre(s)	(b)(1) Non-adjacent wetland.	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that W-1 is an emergent non-adjacent wetland, receiving hydrology from T-2, because of repeated past anthropogenic activity. The W-1/T-2/W-2 system is not hydrologically connected nor adjacent to a jurisdictional water feature. USACE has determined that the water feature meets the criteria of a (b)(1) excluded water feature.
W-2	0.298	acre(s)	(b)(1) Non-adjacent wetland.	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that W-2 is an emergent non-adjacent wetland, draining into T-2, because of repeated past anthropogenic activity. The W-2/T-2/W-1 system is not hydrologically connected nor adjacent to a jurisdictional water feature. USACE has determined that the water feature meets the criteria of a (b)(1) excluded water feature.
W-3	0.098	acre(s)	(b)(1) Non-adjacent wetland.	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that W-3 is an emergent non-adjacent wetland, which is not hydrologically connected nor adjacent to a jurisdictional water feature. USACE has determined that the water feature meets the criteria of a (b)(1) excluded water feature.
T-1	540	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that T-1 drains P-2, an (b)(8) excluded water feature, displaying a discontinuous OWHM. P-2 is not hydrologically connected to Gilleland Creek, a jurisdictional water feature. USACE has determined that the impoundment meets the criteria of a (b)(3) excluded water feature.
T-2	805	linear feet	(b)(3) Ephemeral feature, including	Project information provided by the consultant, a USACE site visit, and other information available



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		an ephemeral stream, swale, gully, rill, or pool.	to USACE indicate that T-2 drains W-2, a (b)(1) excluded water feature, displaying an OWHM. T-2 is not hydrologically connected to a jurisdictional water feature. USACE has determined that the impoundment meets the criteria of a (b)(3) 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: [Approved Jurisdiction Determination Request, prepared and submitted by Horizon Environmental Services, Inc available within electronic project file, SWF-2020-00511](#)

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: [Aerial and Other: Imagery from Google Earth, HistoricAerials.com, and Digital Globe – all available years. Photographs submitted by the consultant available within the electronic project file, SWF-2020-00511.](#)

Corps site visit(s) conducted on: [19-JAN-21](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Information/Map provided by the consultant, available within the electronic project file, SWF-2020-00511](#)

USFWS NWI maps: [ESRI managed imagery, SWF Regulatory Viewer, 2021-05-06; NWI map provided by consultant, available within the electronic project file, SWF-2020-00521.](#)

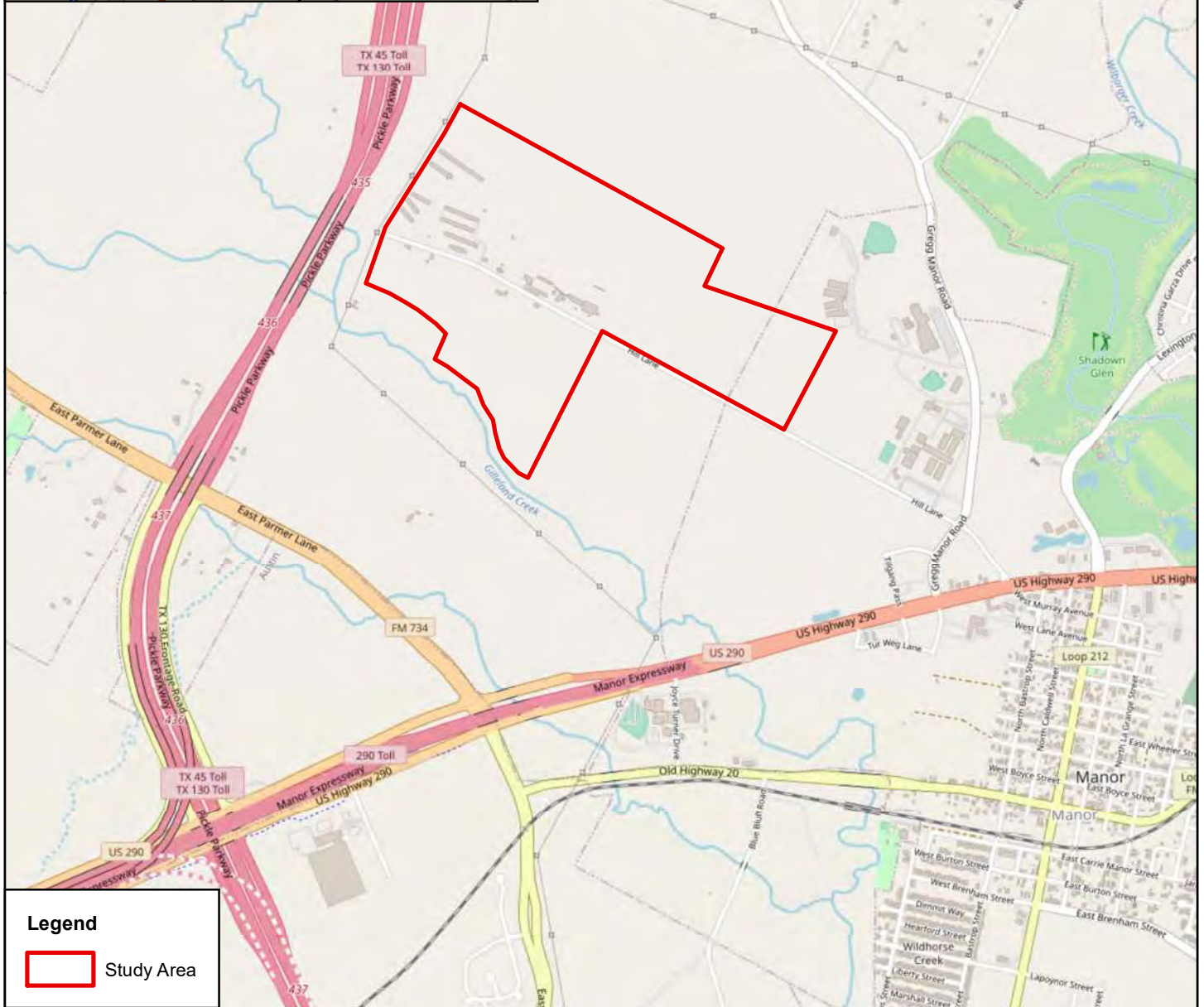
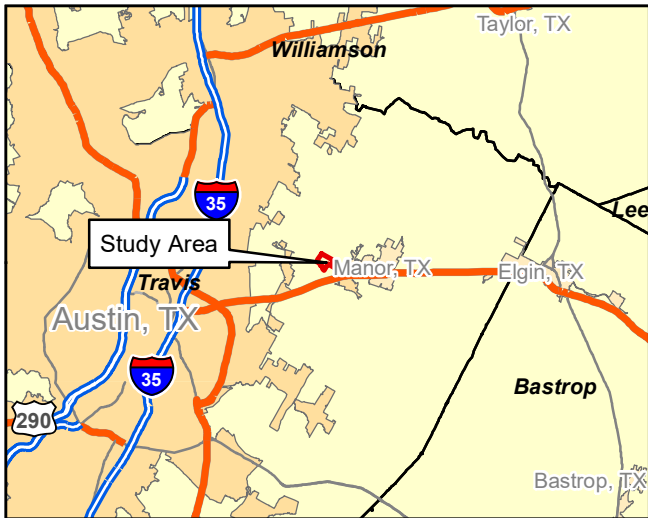
USGS topographic maps: [Manor, Texas 7.5-minute Topographical Quadrangle; ESRI managed imagery, SWF Regulatory Viewer, 2021-05-06.](#)

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, 2021-05-06.
USDA Sources	Web Soil Survey Accessed 10-MAY-21
NOAA Sources	N/A.
USACE Sources	USACE Regulatory ORM II Database and SWF Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	FEMA FIRM: Travis County; Map Panel 48453CV001C; effective 06-JAN-16

B. Typical year assessment(s): [The Antecedent Precipitation Tool \(APT\) for January 19, 2021, \(the USACE site visit date\) indicates that the site was experiencing “severe drought” according to the Drought Index, during a normal period within the WebWIMP Wet Season output. These conditions do not contradict the observed conditions of water features for 19-JAN-21.](#)

C. Additional comments to support AJD: [N/A](#)




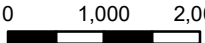
Legend

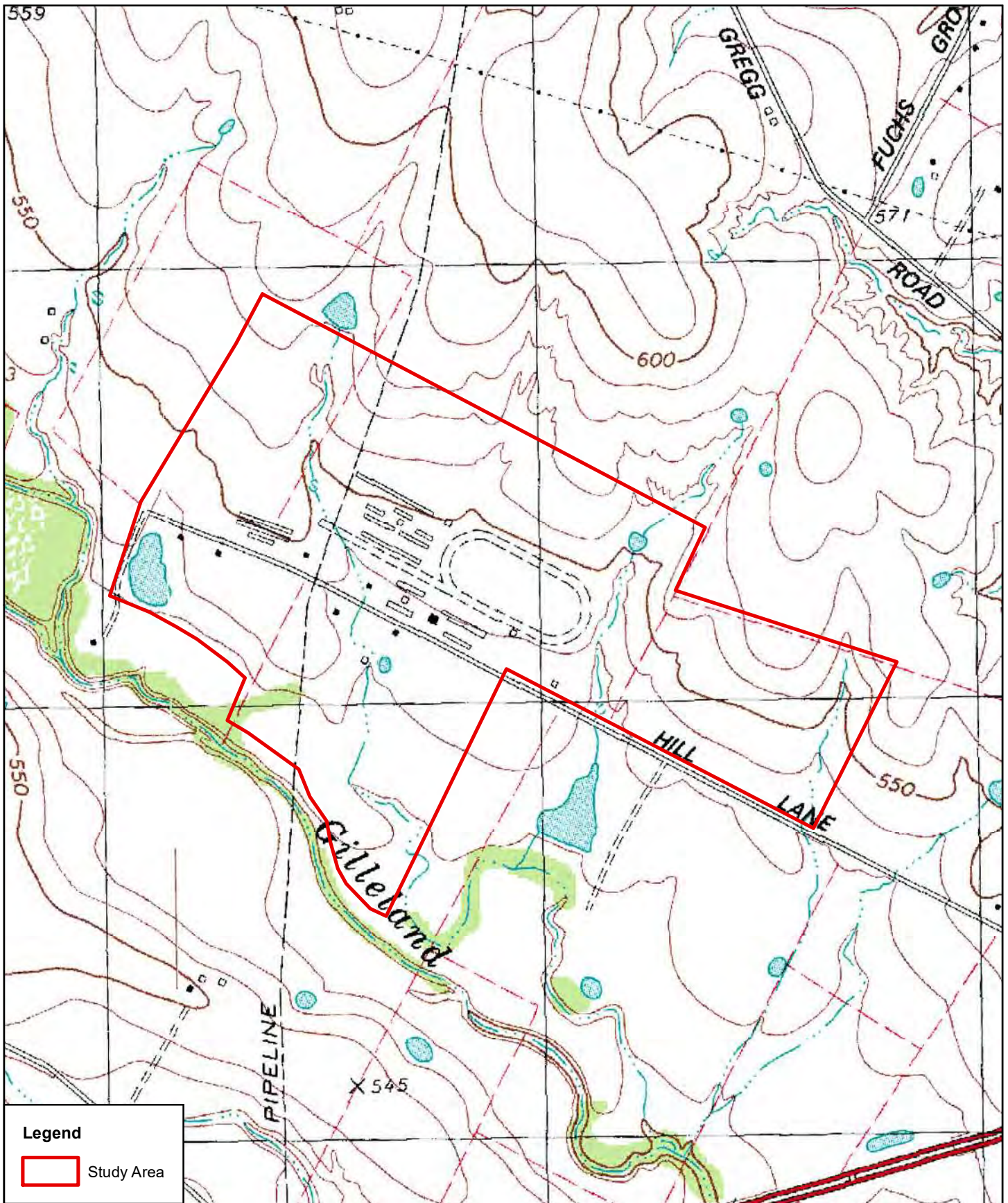
Study Area

Horizon
Environmental Services, Inc.

Date:	10/06/2020
Drawn:	TED
HJN NO:	200199.001 JD
Source:	OSM, 2020

Figure 1
Vicinity Map
Manor Downs Tract
Hill Lane
Austin, Travis County, Texas

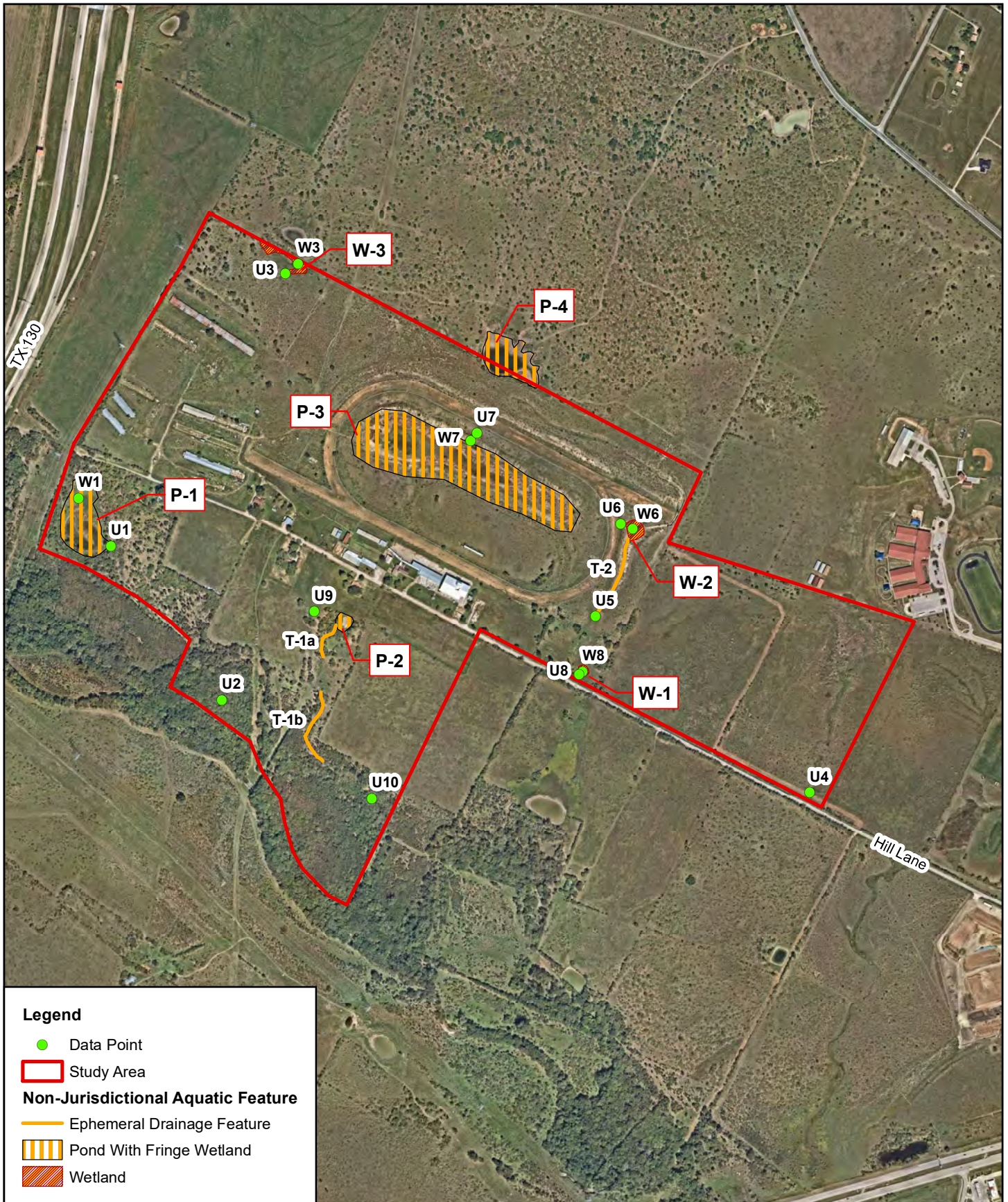


 Feet



Horizon
Environmental Services, Inc.

Date:	10/06/2020
Drawn:	TED
HJN NO:	200199.001 JD
Source:	USGS, 1988

Figure 2
Topographic Map
Manor Downs Tract
Hill Lane
Austin, Travis County, Texas




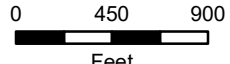
Legend

- Data Point
- Study Area
- Non-Jurisdictional Aquatic Feature**
- Ephemeral Drainage Feature
- Pond With Fringe Wetland
- Wetland

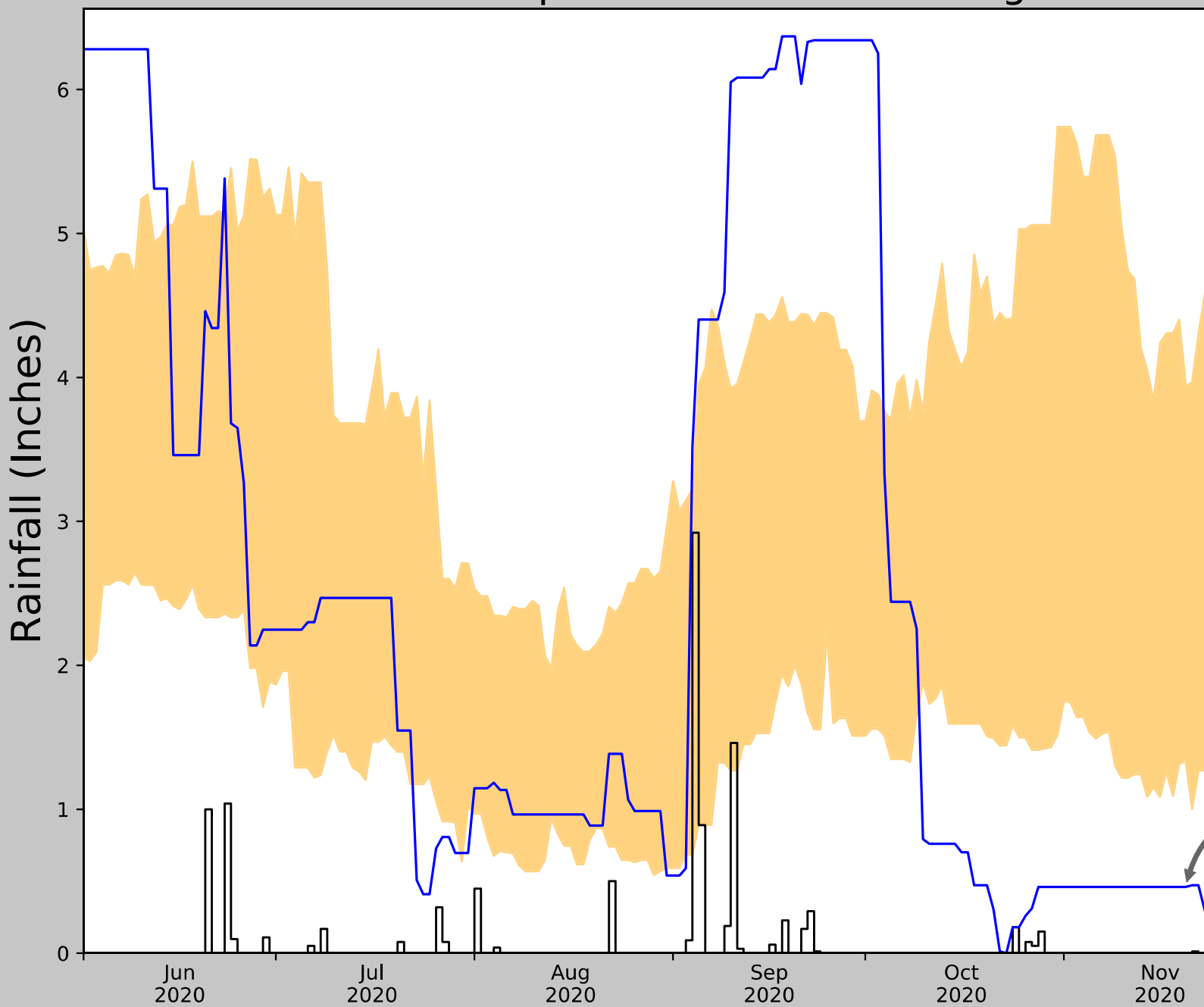
Horizon
Environmental Services, Inc.

Date:	09/28/2020
Drawn:	TED/KRS
HJN NO:	200199.001 JD
Source:	Nearmap, 2020

Figure 8
Jurisdictional Delineation Map
Manor Downs Tract
Hill Lane
Austin, Travis County, Texas

Antecedent Precipitation vs Normal Range based



Coordinates	30.359653, -97.576389
Observation Date	2021-01-19
Elevation (ft)	544.55
Drought Index (PDSI)	Severe drought
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)
2021-01-19	1.135827	1.332284
2020-12-20	1.118504	1.332284
2020-11-20	1.332284	1.332284
Result		

Weather Station Name	GEORGETOWN LAKE
	MANOR 4.7 WSW
	AUSTIN 6.2 E
	AUSTIN 5.8 ENE
	MANOR 3.8 SE
	AUSTIN 4.7 E(JORDANPK)
	AUSTIN 4.5 ENE
	PFLUGERVILLE 3.3 E
	PFLUGERVILLE 2.9 ENE
	PFLUGERVILLE 3.1 ENE
	ELGIN 1 N

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

Written by Jason Deters
U.S. Army Corps of Engineers

May 11, 2021