



**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): 2/25/2021
 ORM Number: SWF-2020-00533
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Texas City: Leander County/Parish/Borough: Williamson
 Center Coordinates of Review Area: Latitude 30.586634 Longitude -97.786106

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
NA	NA	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
Unnamed ephemeral tributary 1 of Brushy Creek	741.3	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 Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Unnamed ephemeral tributary 2 of Brushy Creek	1321.3	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 Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Unnamed ephemeral tributary 3 of Brushy Creek	321.2	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 Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Unnamed ephemeral tributary 4 of Brushy Creek	137.0	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 Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Unnamed ephemeral tributary 5 of Brushy Creek	2014.8	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 Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Unnamed ephemeral tributary 6 of Brushy Creek	741.7	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 Horizon's site visit. The ephemeral channel flows briefly during and following a period of heavy rainfall in the immediate locality.
Swale 1	611.1	acre(s)	(b)(4) Diffuse stormwater run-off over upland or directional sheet flow over upland.	Swale did not exhibit an OHWM. The swale exhibited a dry stream bed. No flowing water or pooling was observed within the channel during Horizon's site visit.

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
Pond 1	0.84	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Pond was located within an upland area and adjacent to an ephemeral, non-jurisdictional tributary.
Pond 2	0.23	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Pond was isolated within an upland area and was not located abutting any waters of the US.

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 Cannon Tract Project; November 2020](#)

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 4 November 2020](#)

USFWS NWI maps: [Website accessed 2 November 2020](#)

USGS topographic maps: [Leander, Texas 1987](#)

Other data sources used to aid in this determination:

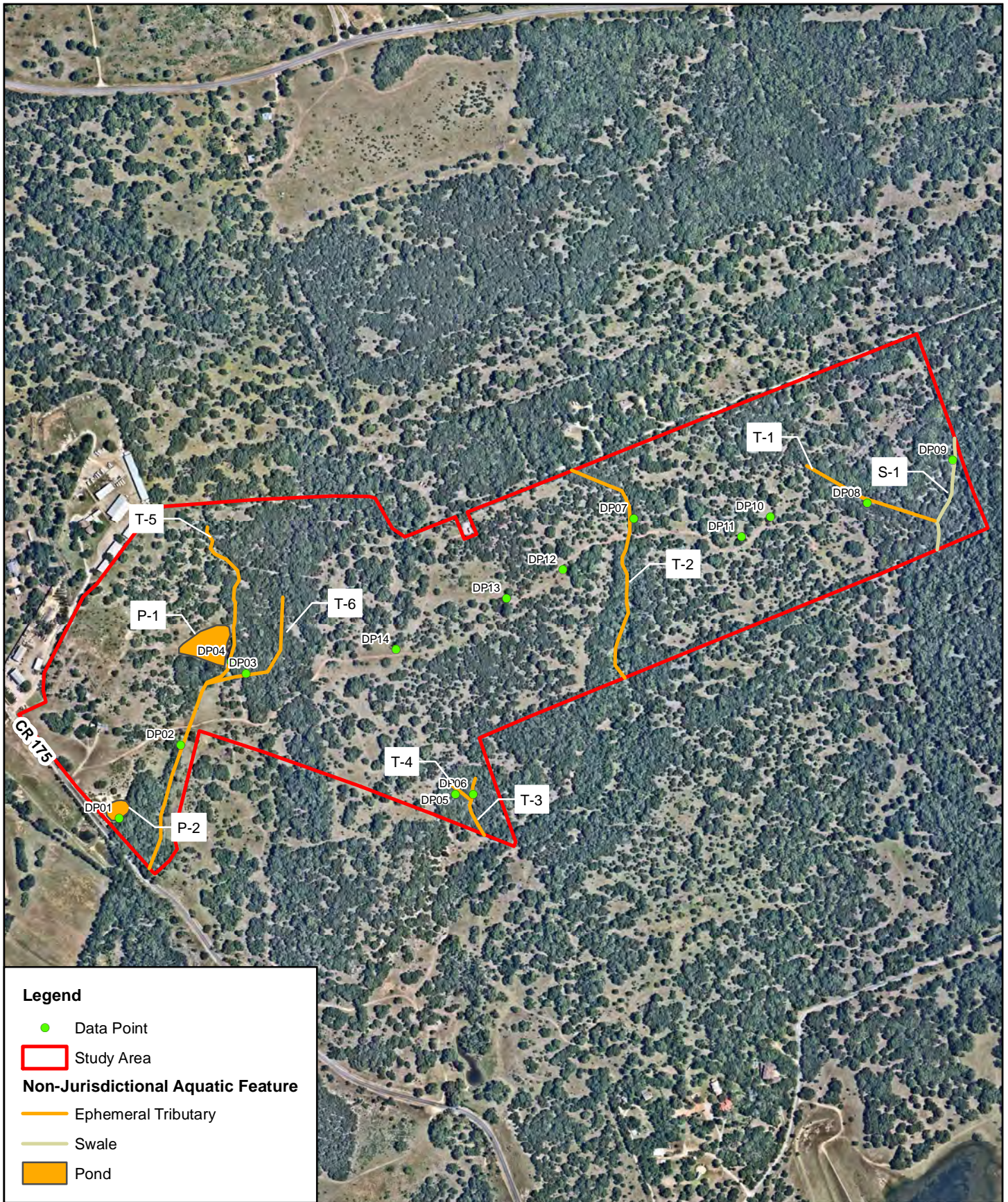


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Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) indicated that the study area was in a “Drier than Normal” condition for the field work conducted on 1 September and 9 November 2020 and was in “Normal Conditions” during the field work performed on 10 September 2020.

C. Additional comments to support AJD: Please see provided Jurisdictional Delineation Report



Legend

- Data Point
- Study Area



Non-Jurisdictional Aquatic Feature

- Ephemeral Tributary
- Swale
- Pond

Horizon
Environmental Services, Inc.

Date:	11/10/2020
Drawn:	TED
HJN NO:	200183.001 JD
Source:	Nearmap, 2020

Figure 8
Jurisdictional Delineation Map
140-Acre Cannon Property
731 County Road 175
Leander, Williamson County, Texas


 0 350 700

 Feet