



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): 17-JUN-2021

ORM Number: SWF-2021-00052

Associated JDs: N/A

Review Area Location¹:

State/Territory: Texas City: Elgin County/Parish/Borough: Bastrop County

Center Coordinates of Review Area: Latitude 30.33545 Longitude -97.37799

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
SWF-2021-00052 (PS-1)	1439 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Project information provided by the consultant, a USACE site visit, and other information available to USACE supports that PS-1, an unnamed tributary of Little Sandy Creek, maintains perennial flow, influenced by a sewage treatment facility located offsite. USACE has determined that PS-1 meets the criteria of an (a)(2) Perennial tributary which contributes surface water flow directly or indirectly to an (a)(1) water.

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
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¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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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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N/A	N/A	N/A	N/A
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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
SWF-2021-00052 (E-1)	1574 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 E-1 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-1 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (E-10)	148 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 E-10 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-10 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (E-2)	126 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 E-2 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-2 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (E-3)	806 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 E-3 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-3 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (E-4)	380 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 E-4 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-4 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-	2825 feet	(b)(3) Ephemeral feature, including	Project information provided by the consultant, a

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00052 (E-5)		an ephemeral stream, swale, gully, rill, or pool	USACE site visit, and other information available to USACE indicate that E-5 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-5 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (E-6)	642 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 E-6 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-6 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (E-7)	104 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 E-7 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-7 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (E-8)	246 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 E-8 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-8 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (E-9)	107 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 E-9 displays a discontinuous OWHM with a lack of indicators for more than ephemeral flow to include filamentous algae, FacW/Obl plant species redoximorphic bank features, and macroinvertebrates. USACE has determined that E-9 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00052 (P-1)	0.28 acres	(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-1 was constructed within uplands and is isolated without any downstream connection to a jurisdictional water feature. A review of past aerial imagery reveals fluctuating waters levels within this constructed impoundment. USACE has determined that P-1 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00052 (P-2)	0.16 acres	(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	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that P-2 was constructed within uplands and is isolated without any downstream connection to a jurisdictional water feature. A review of

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		water that meets (c)(6)	past aerial imagery reveals fluctuating waters levels within this constructed impoundment. USACE has determined that P-2 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00052 (P-3)	0.73 acres	(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 isolated without any downstream connection to a jurisdictional water feature. A review of past aerial imagery reveals fluctuating waters levels within this constructed impoundment. USACE has determined that P-3 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00052 (P-4)	0.48 acres	(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-4 was constructed within uplands and is isolated without any downstream connection to a jurisdictional water feature. A review of past aerial imagery reveals fluctuating waters levels within this constructed impoundment. USACE has determined that P-4 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00052 (P-5)	0.67 acres	(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-5 was constructed within uplands and is isolated without any downstream connection to a jurisdictional water feature. A review of past aerial imagery reveals fluctuating waters levels within this constructed impoundment. USACE has determined that P-5 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00052 (P-6)	0.22 acres	(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-6 was constructed within uplands and is isolated without any downstream connection to a jurisdictional water feature. A review of past aerial imagery reveals fluctuating waters levels within this constructed impoundment. USACE has determined that P-6 meets the criteria of a (b)(8) excluded water feature.
SWF-2021-00052 (Wet-1)	0.32 acres	(b)(1) Non-adjacent wetland	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that Wet-1 is an emergent non-adjacent wetland, receiving hydrology from an off-site isolated stock pond. Wet-1 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.
SWF-2021-00052 (Wet-2)	0.34 acres	(b)(1) Non-adjacent wetland	Project information provided by the consultant, a USACE site visit, and other information available to USACE indicate that Wet-2 is an emergent non-adjacent wetland. Wet-2 is not hydrologically connected nor adjacent to a jurisdictional water feature. USACE

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			has determined that the water feature meets the criteria of a (b)(1) excluded water feature.
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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 \(supplemented\)](#), prepared and submitted by [Horizon Environmental Services, Inc.](#) available within electronic project file (SWF-2021-00052).

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-2020-00052).

Corps Site visit(s) conducted on: [10-FEB-2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

Antecedent Precipitation Tool: [See Section III.B.](#)

USDA NRCS Soil Survey: [Information/Map provided by the consultant, available within the electronic project file \(SWF-2020-00052\)](#).

USFWS NWI maps: [ESRI managed imagery, SWF Regulatory Viewer, 12-FEB-2021; NWI map provided by consultant, available within the electronic project file \(SWF-2020-00052\)](#).

USGS topographic maps: [USGS – 1982a, 1982b, Texas 7.5-minute Topographical Quadrangle; ESRI managed imagery, SWF Regulatory Viewer, 12-FEB-2021](#).

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, 10-JUN-2021.
USDA Sources	Web Soil Survey Accessed 10-JUN-2021
NOAA Sources	<i>N/A</i>
USACE Sources	USACE Regulatory ORM II Database and SWF Regulatory Viewer
State/Local/Tribal Sources	<i>N/A</i>
Other Sources	FEMA FIRM: Bastrop County; SWF Regulatory Viewer, 10-JUN-2021.

B. Typical year assessment(s): [The Antecedent Precipitation Tool \(APT\) for February 10, 2021, \(the USACE site visit date\) indicated that the site was experiencing “normal conditions,” during a recorded WebWIMP Wet Season output. These conditions do not complicate the observed conditions of aquatic features for 10-FEB-2021.](#)

C. Additional comments to support AJD: *N/A*

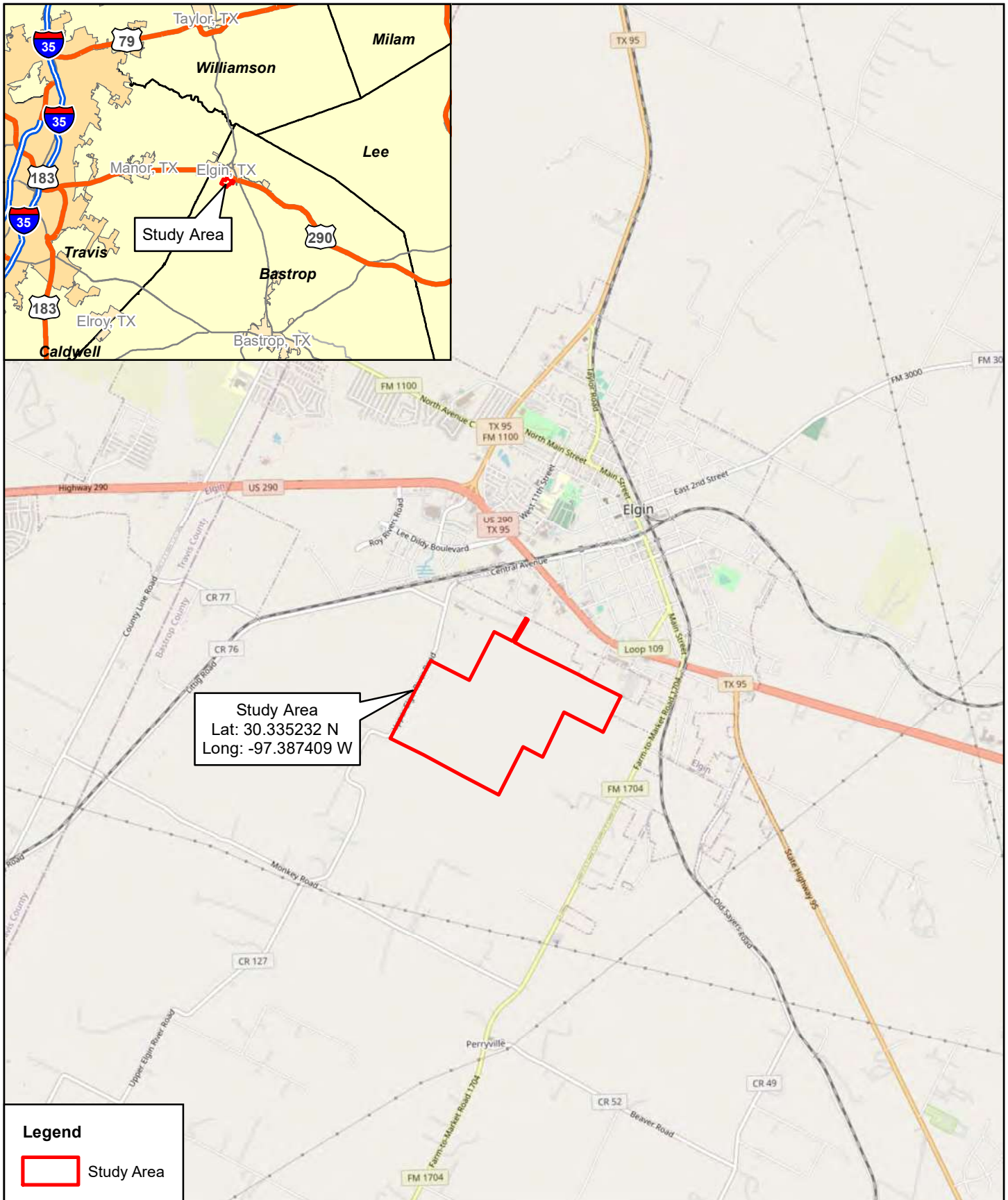
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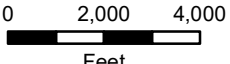


Horizon
 Environmental Services, Inc.

Date:	12/18/2020
Drawn:	KRS
HJN NO:	190004.003 WD
Source:	OSM, 2020

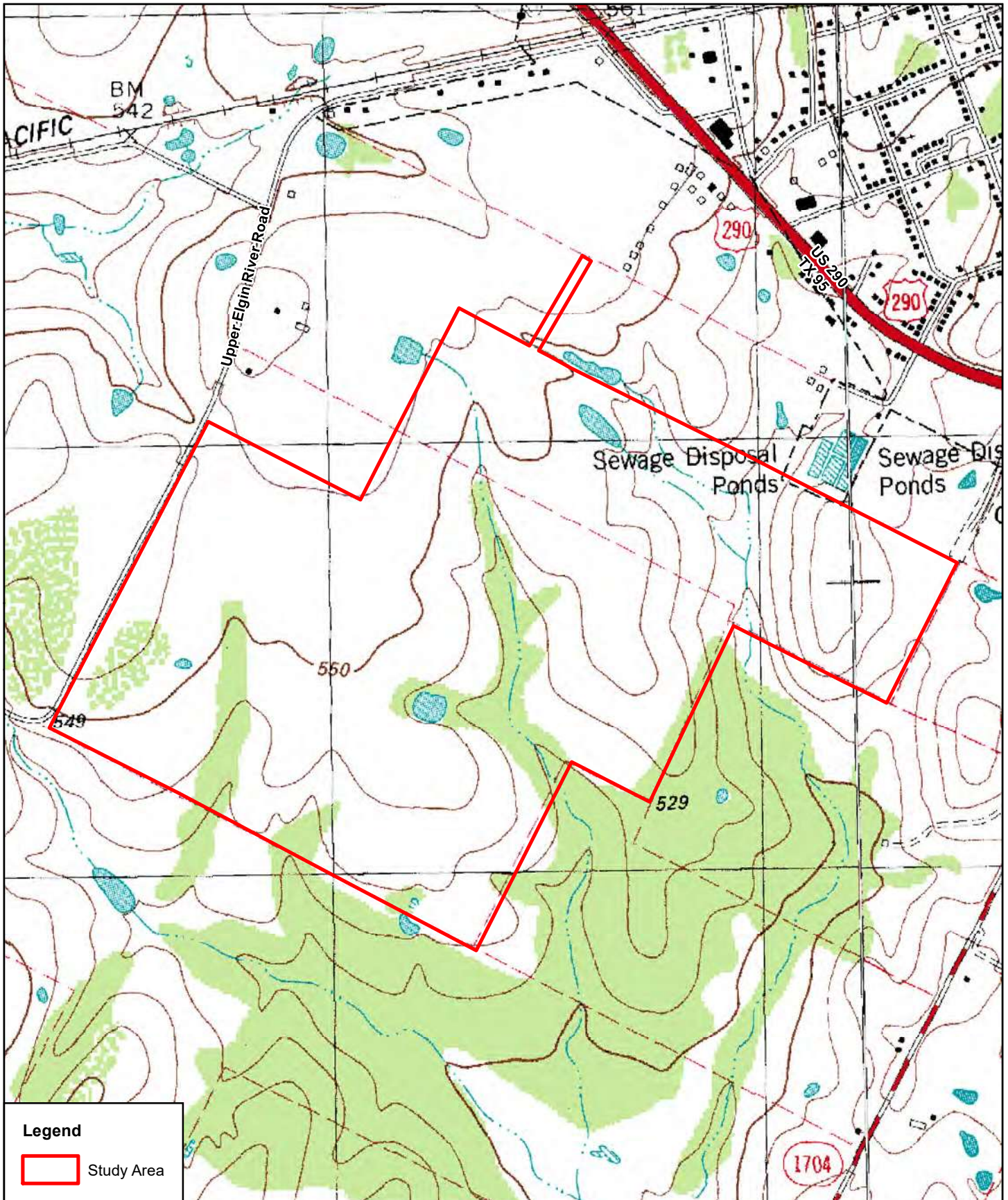
Figure 1
 Vicinity Map
 Trinity Ranch Property
 125-101 Upper Elgin River Road
 Elgin, Bastrop County, Texas





0 2,000 4,000
Feet

190004 - Trinity Ranch Subdivision\Graphics\190004-003WD_01A_Vicinity.mxd




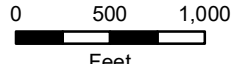
Legend

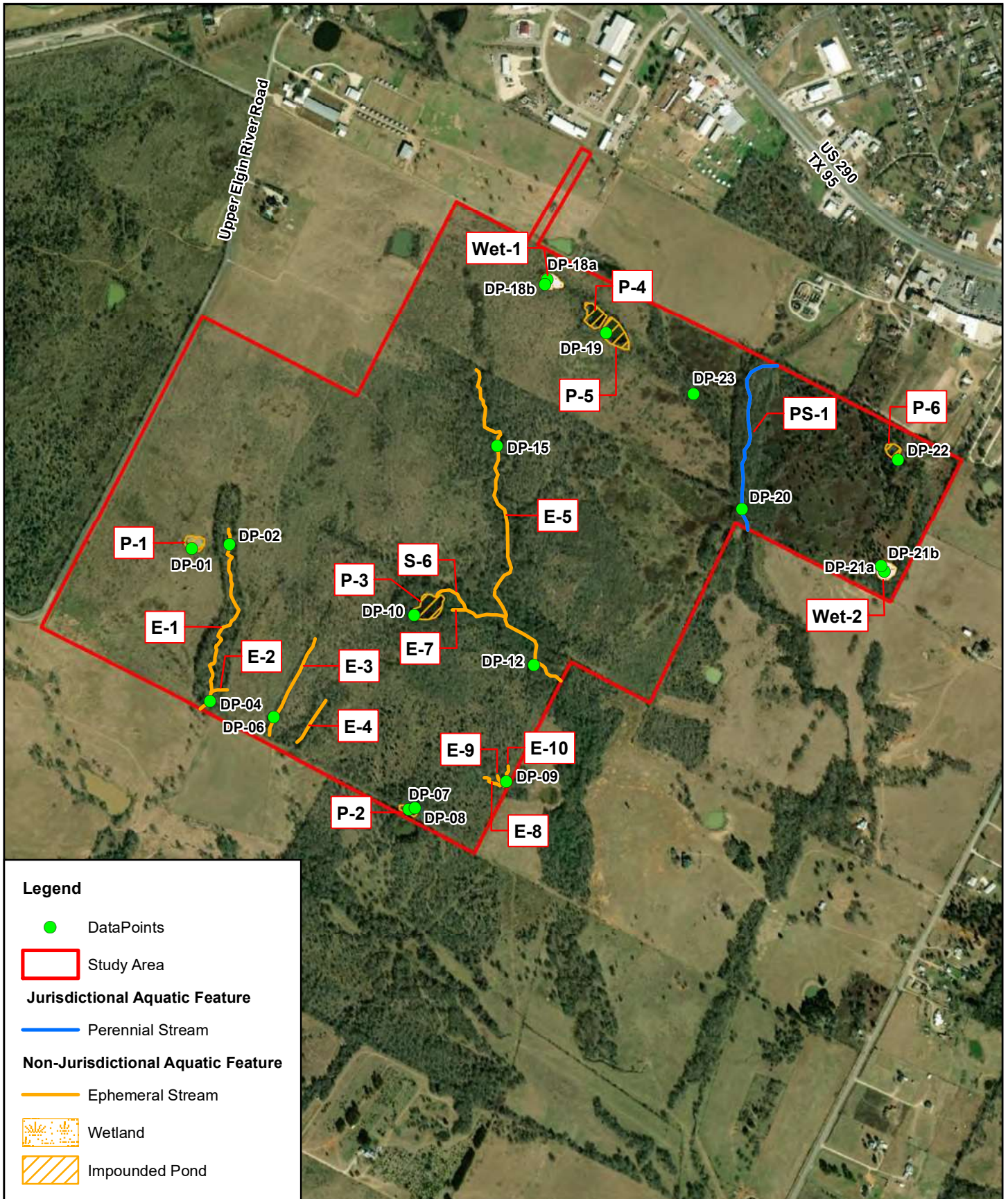
Study Area

Horizon
Environmental Services, Inc.

Date:	12/18/2020
Drawn:	KRS
HJN NO:	190004.003 WD
Source:	USGS, 1982a, 1982b

Figure 2
Topographic Map
Trinity Ranch Property
125-101 Upper Elgin River Road
Elgin, Bastrop County, Texas



 0 500 1,000
 Feet



Legend

● DataPoints

▭ Study Area

Jurisdictional Aquatic Feature

— Perennial Stream

Non-Jurisdictional Aquatic Feature

— Ephemeral Stream

▨ Wetland

▨ Impounded Pond

Horizon
Environmental Services, Inc.

Date:	12/18/2020
Drawn:	KRS
HJN NO:	190004.003 WD
Source:	ERIS, 2018

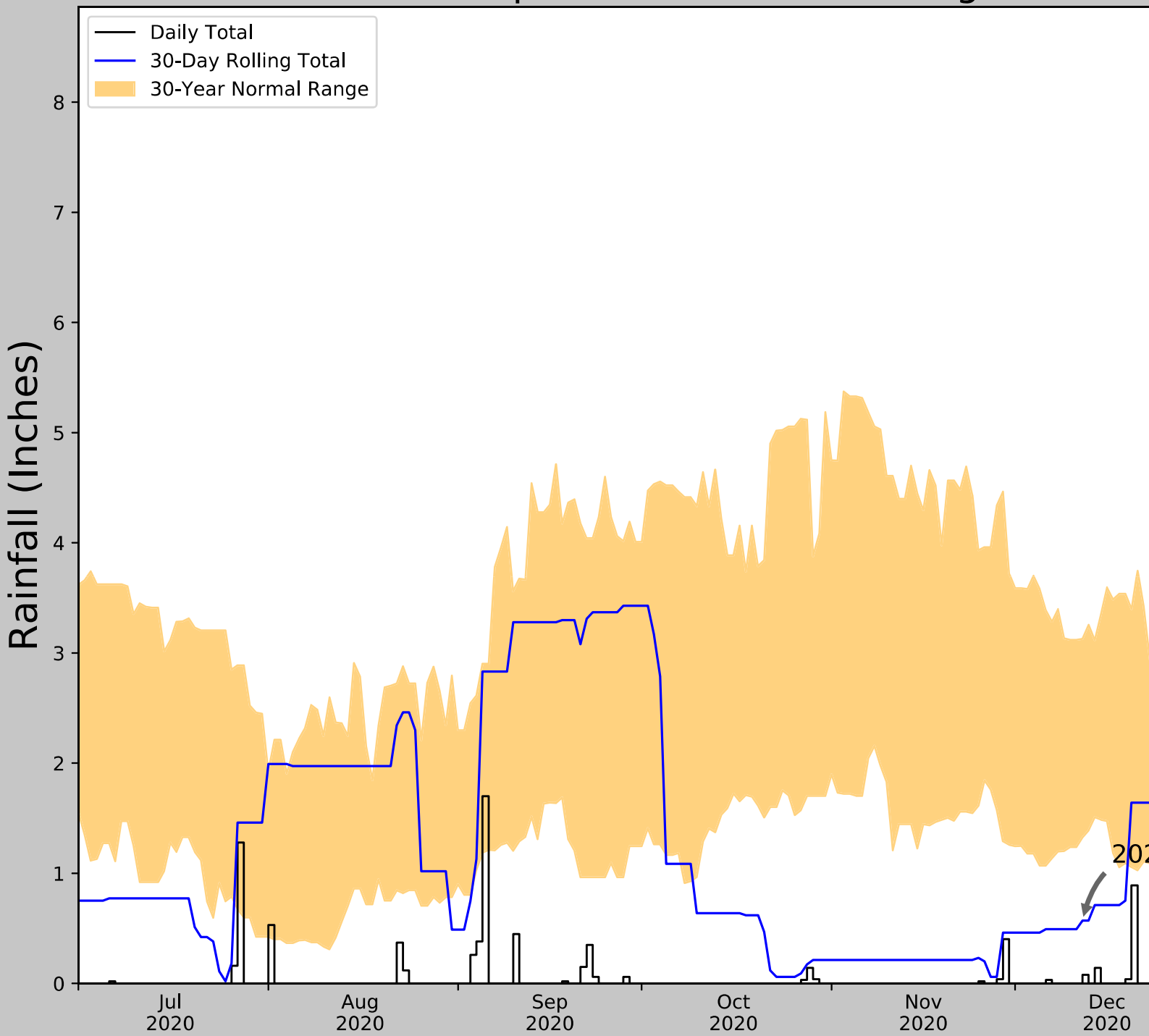
Figure 7

Jurisdictional Delineation Map
Trinity Ranch Property
125-101 Upper Elgin River Road
Elgin, Bastrop County, Texas



0 500 1,000
Feet

Antecedent Precipitation vs Normal Range based



Coordinates	30.335232, -97.387409
Observation Date	2021-02-10
Elevation (ft)	558.57
Drought Index (PDSI)	Not available
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)
2021-02-10	0.932283	
2021-01-11	1.188976	
2020-12-12	1.325197	
Result		




Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

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

17-JUN-2021

Weather Station Name	
	TAYLOR 1NW
	ELGIN 1 N
	TAYLOR

Exhibit