



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): 21-JUN-2021

ORM Number: SWF-2021-00088

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 30.420922 Longitude -97.609363

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-2021-00088 (T-1)	1144 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 T-1, (Gilleland Creek) maintains perennial flow. Supporting indicators include but are not limited to the presence of flow on aerial imagery over time, the presence of macroinvertebrates, fish, and riffle-run-pool sequences. USACE has determined that T-1 meets the criteria of an (a)(2) Perennial tributary which contributes surface water flow directly or indirectly to an (a)(1) water.
SWF-2021-00088 (T-2)	1525 feet	(a)(2) Intermittent tributary contributes surface water flow	Project information provided by the consultant, a USACE site visit, and other information available to

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.



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		directly or indirectly to an (a)(1) water in a typical year	USACE supports that T-2, an unnamed tributary of Gilleland Creek, exhibits intermittent flow, with pools, filamentous algae, and FacW/Obl species present within and along the stream banks. USACE has determined that T-2 meets the criteria of an (a)(2) Intermittent tributary which contributes surface water flow directly or indirectly to an (a)(1) water.
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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
SWF-2021-00088 (P-1)	1.31 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 in approximately 2014, is isolated, and does not overflow to a downstream 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-2021-00088 (P-2)	1.53 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-2 was constructed within uplands in approximately 2017 downslope and abutting P-1, is isolated, and does not overflow to a downstream 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-2021-00088 (T-3)	346 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-3 is hydrologically connected to T-1 but exhibits a discontinuous OWHM with a lack of indicators for more than ephemeral flow. USACE has determined that T-3 meets the criteria of a (b)(3) excluded water feature.
SWF-2021-00088 (T-4)	250 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-4 is hydrologically connected to T-2 but exhibits a discontinuous OWHM with a lack of indicators for more than ephemeral flow. USACE has

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			determined that T-4 meets the criteria of a (b)(3) 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: [Delineation report for Lisso Tract, Pflugerville, Travis County, Texas, prepared and submitted by Horizon Environmental Services, Inc., available within electronic project file, SWF-2021-00088.](#)
This information as supplemented is sufficient for purposes of this AJD.
Rationale: [N/A](#)
- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Imagery from Google Earth, Historic Aerials.com, and Digital Globe – all available years. Photos by consultant in the e-project file, SWF-2021-00088.](#)
- Corps Site visit(s) conducted on: [10-MAR-2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [See Section IIIB](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\). Information/Map provided by the consultant, available within the electronic project file, SWF-2021-00088.](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\). ESRI managed imagery, SWF Regulatory Viewer, 15-JUN-2021; NWI map available within the electronic project file, SWF-2021-00088.](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\). Pflugerville, Texas 7.5-minute Topographical Quadrangle; ESRI managed imagery, SWF Regulatory Viewer, 15-JUN-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, 17-JUN-2021
USDA Sources	Web Soil Survey Accessed 17-JUN-2021
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: 100 Year Flood Zones, ESRI Managed ORM II Database 17-JUN-2021

B. Typical year assessment(s): [N/A](#) or provide typical year assessment for each relevant data source used to support the conclusions in the AJD. [The Antecedent Precipitation Tool \(APT\) for 10-MAR-2021, \(the USACE site visit date\) indicates that the site was experiencing “severe drought” according to the Drought Index, during a drier-than-normal period within the WebWIMP Wet Season output. These local precipitation conditions were taken into consideration but do not contradict the observed water feature conditions for the USACE site visit date.](#)

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

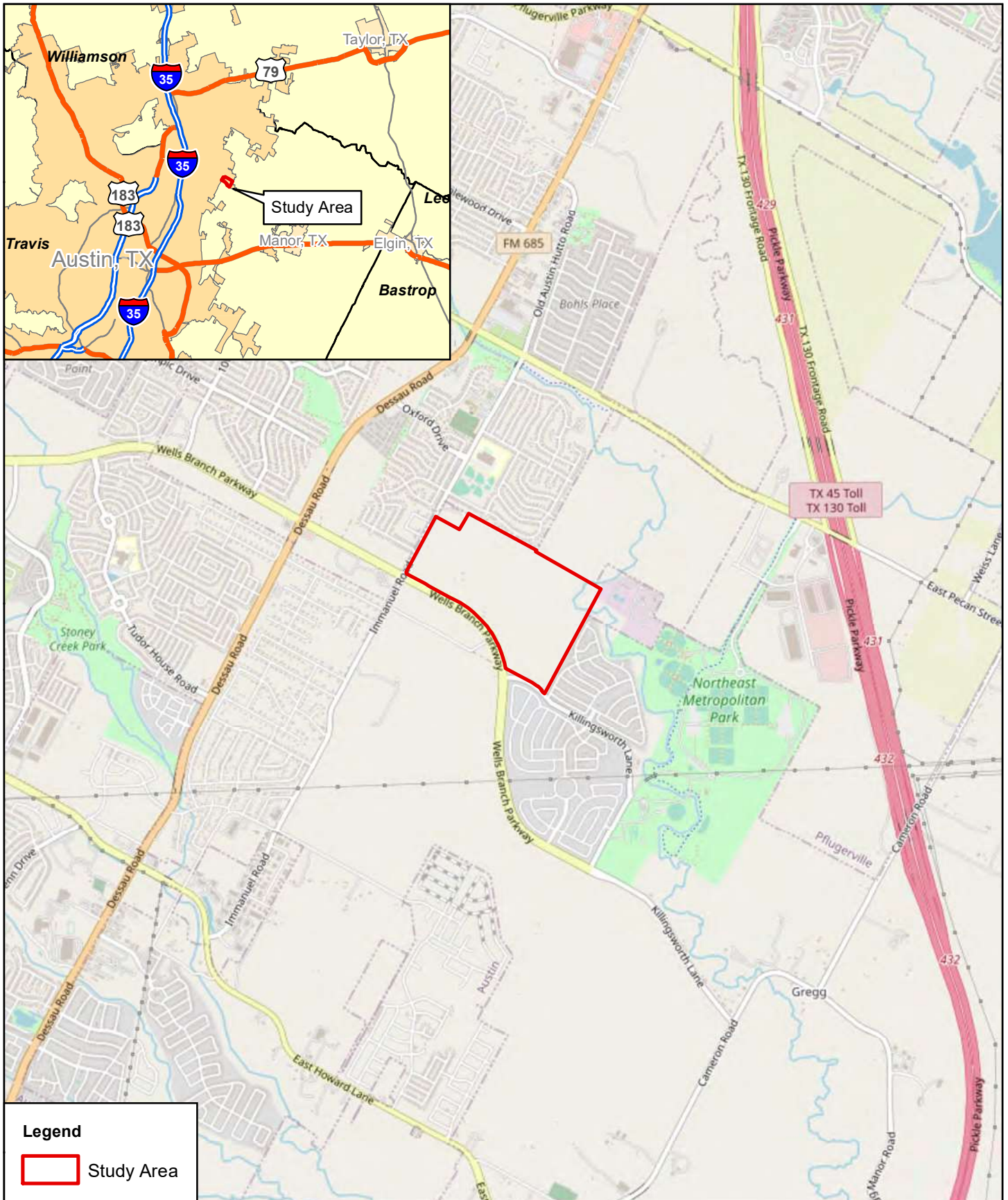
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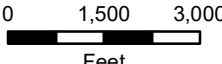
Legend

Study Area

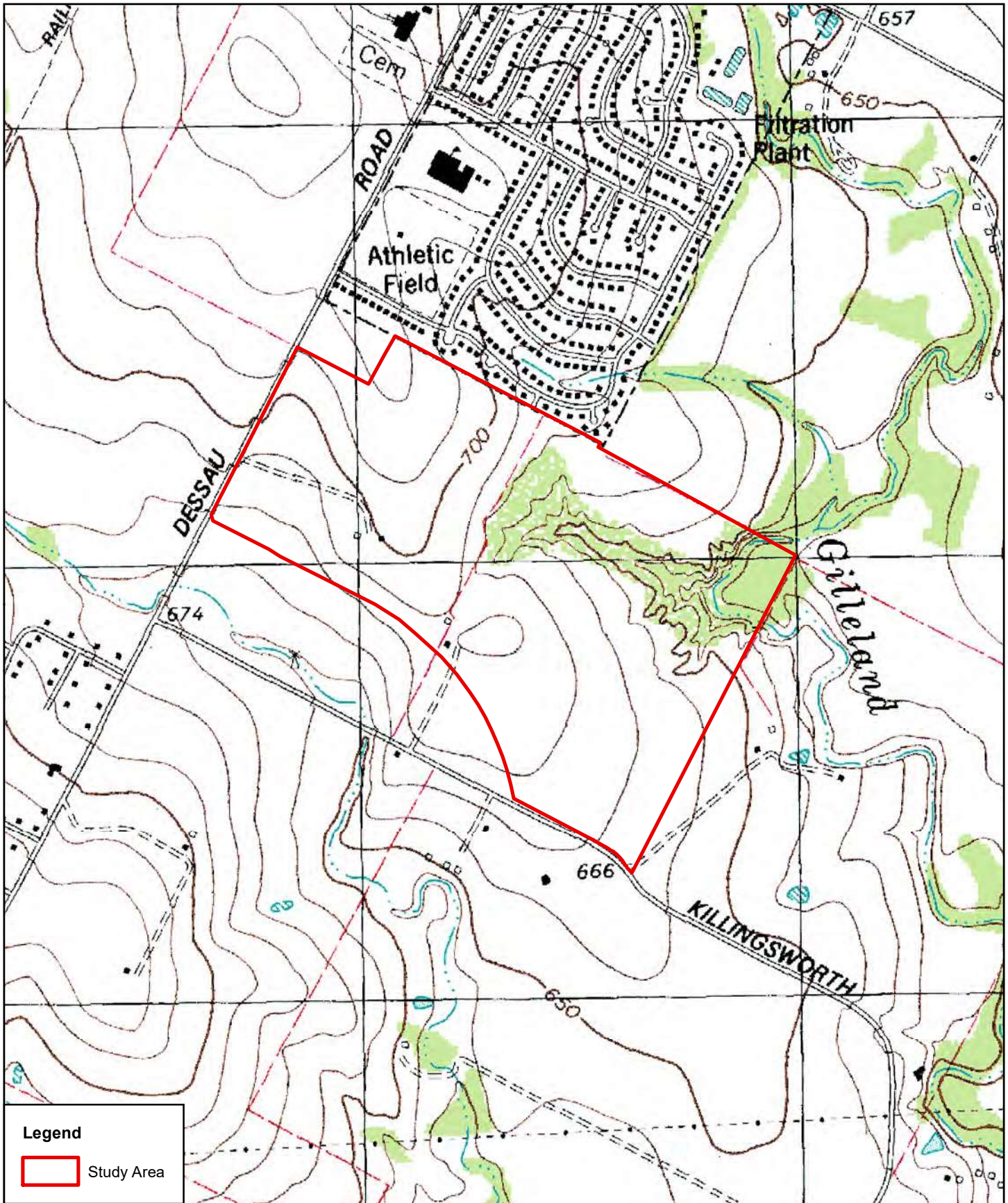
Horizon
Environmental Services, Inc.

Date:	10/20/2020
Drawn:	TED
HJN NO:	180059.001 JD
Source:	OSM, 2020

Figure 1
Vicinity Map
Lisso Tract
Wells Branch Parkway and Killingsworth Lane
Pflugerville, Travis County, Texas

180059 - Lisso Tract\JD\Graphics\180059-001\JD_01A_Vic.mxd



Legend

 Study Area

Horizon
Environmental Services, Inc.

Date:	10/20/2020
Drawn:	TED
HJN NO:	180059.001 JD
Source:	USGS, 1987

Figure 2
Topographic Map
Lisso Tract
Wells Branch Parkway and Killingsworth Lane
Pflugerville, Travis County, Texas



0 500 1,000
Feet




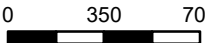
Legend

- Data Point
- Transects
- Study Area
- Ephemeral Tributary
- Artificial Pond
- Jurisdictional Aquatic Feature**
- Intermittent Tributary
- Perennial Tributary

Horizon
Environmental Services, Inc.

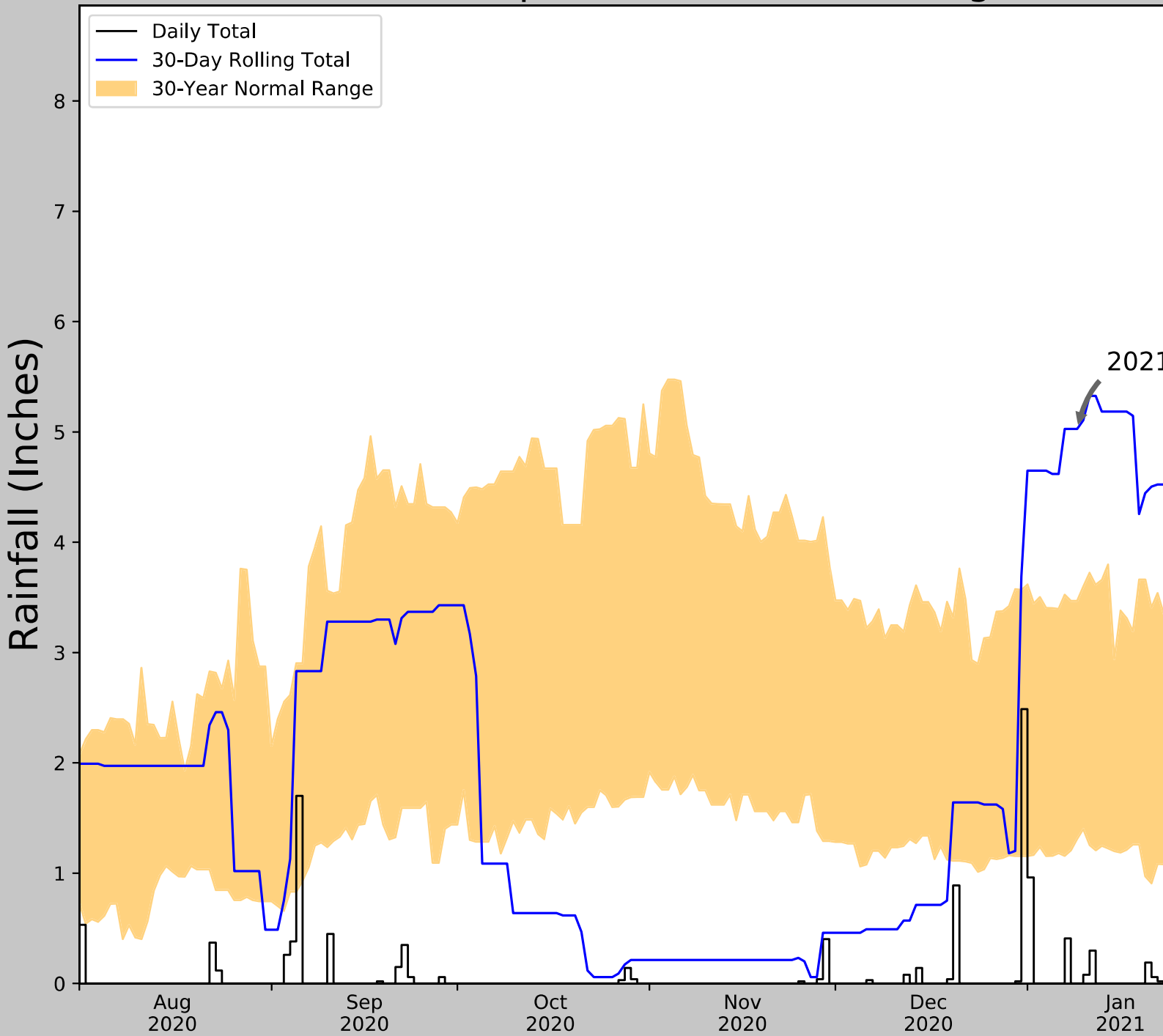
Date:	11/20/2020
Drawn:	TED
HJN NO:	180059.001 JD
Source:	Nearmap, 2020

Figure 8
Jurisdictional Delineation Map
Lisso Tract
Wells Branch Parkway and Killingsworth Lane
Pflugerville, Travis County, Texas


 0 350 700

 Feet

180059 - Lisso Tract\JD\Graphics\180059-001JD_08A_Jurisdictional.mxd

Antecedent Precipitation vs Normal Range based



Coordinates	30.420922, -97.609363
Observation Date	2021-03-10
Elevation (ft)	651.12
Drought Index (PDSI)	Severe drought
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70
2021-03-10	1.588189	
2021-02-08	1.03937	
2021-01-09	1.307874	
Result		



Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

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

Weather Station Name	
TAYLOR 1NW	
WELLS BRANCH 4.2 S	
ROUND ROCK 3 NE	
ELGIN 1 N	

21-JUN-2021

Exhibit