



**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): [4/27/2021](#)
 ORM Number: [SWF2021-00164](#)
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [Texas](#) City: [Bastrop](#) County/Parish/Borough: [Bastrop](#)
 Center Coordinates of Review Area: Latitude [30.10166667](#) Longitude [-97.2902778](#)

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
S1	4,791	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Project information provided by the consultant shows consistent bed and bank throughout with OHWM with continuous surface water flow. Unnamed tributary to Piney Creek and Colorado River. Colorado River is a TNW. Based on its connectivity and intermittent nature S1 is considered jurisdictional.

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
S2	5,227	Linear feet	a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Project information provided by the consultant shows consistent bed and bank throughout with OHWM with continuous surface water flow, unnamed tributary to Piney Creek and Colorado River. Colorado River is a TNW. Based on its connectivity and intermittent nature S2 is considered jurisdictional.

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
P1	1.78* (only a portion of the pond feature is located in project boundaries)	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Project information provided by the consultant shows pond was formed in the upper reaches of S2. Man-made berm appears to cut of natural drainage, however a concrete conveyance allows for flow after rainfall or flooding events. Likely modified for flood control. Based on its connectivity to S2, P1 is considered jurisdictional

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
W1	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland shows direct hydrological connectivity to S2 and was delineated according to the 1987 Manual (Great Plains Regional Supp. Ver 2)

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
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: [See supplemental report received April 15, 2021.](#)

This information is sufficient for purposes of this AJD.

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [See supplemental report received April 15, 2021.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- 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: [See supplemental report received April 15, 2021.](#)
- USFWS NWI maps: [See supplemental report received April 15, 2021.](#)
- USGS topographic maps: [See supplemental report received April 15, 2021.](#)

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.

B. Typical year assessment(s): [APT completed and included in supplemental report. During both field assessments both stream features contained water. Most recent site inspection by consultant \(February 2, 2021\) conducted within 30-year normal range of precipitation. July 23, 2020 site inspection conducted during slightly drier conditions; slightly outside 30-year normal range.](#)

C. Additional comments to support AJD: [See supplemental report received April 15, 2021.](#)