



**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: SWL-2021-00042

Associated JDs: N/A

Review Area Location¹: State/Territory: Arkansas City: Nashville County/Parish/Borough: Howard

Center Coordinates of Review Area: Latitude 33.92494 Longitude -93.86582

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.	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
Temperanceville Creek	1714	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A field investigation of the site occurred on January 19, 2021, by the project consultant. The water has a perennial flow consistent with (a)(2) criteria and contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. Photographs of the water were included within the project submittal. Coordinates: 33.92494; -93.86582
Unnamed tributary of Mine Creek	790	linear feet	(a)(2) Intermittent tributary	A field investigation of the site occurred on January 19, 2021, by the project consultant. The water has an intermittent flow consistent with

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	(a)(2) criteria and contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. Photographs of the water were included within the project submittal. Coordinates: 33.92720; -93.85641

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
Palustrine Forested Wetland (Wet A)	2.6 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A field investigation of the site occurred on January 19, 2021, by the project consultant. The forested wetland abuts an intermittent unnamed tributary of Mine Creek. Wetland Determination Data Sheets were submitted by the consultant and have been reviewed by USACE project manager. Photographs of the water were included within the project submittal. Coordinates 33.92840; -93.85771
Palustrine Forested Wetland (Wet B)	1.1 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A field investigation of the site occurred on January 19, 2021, by the project consultant. The forested wetland abuts an intermittent unnamed tributary of Mine Creek. Wetland Determination Data Sheets were submitted by the consultant and have been reviewed by USACE project manager. Photographs of the water were included within the project submittal. Coordinates 33.92975; -93.85860

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Upland Pond	0.4 acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as	A field investigation of the site occurred on January 19, 2021, by the project consultant. The upland pond is constructed or excavated in an upland or non-jurisdictional water. Wetland Determination Data Sheets were submitted by the consultant and have been reviewed by USACE project manager. Photographs of the

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
			the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	site were included within the project submittal. Coordinates 33.92483; -93.86343
Upland Pond	0.6	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).	A field investigation of the site occurred on January 19, 2021, by the project consultant. The upland pond is constructed or excavated in an upland or non-jurisdictional water. Photographs of the site were included within the project submittal. Coordinates 33.92425; -93.86321

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: [PMI submittal for Entegrity](#)
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: Photographs were submitted as part of project submittal dated 20 January 2021](#)
- 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: [Howard County information as part of project review.](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [1:24K - Nashville](#)

Other data sources used to aid in this determination:

Data Source (select)	
USGS Sources	N/A
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Additional Howard County soil surveys
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth

B. Typical year assessment(s): [N/A](#)



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C. Additional comments to support AJD: [No additional information reviewed that will supplement the project submittal or information documented above.](#)