



**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): 4/20/2021

ORM Number: SWL 2021-00050

Associated JDs: N/A

Review Area Location¹: State/Territory: Arkansas City: Little Rock County/Parish/Borough: Pulaski

Center Coordinates of Review Area: Latitude 34.742375 Longitude -92.431609

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	
S-1	1384	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The contributing surface flow path before entering a TNW is BC then FC
S-2	586	linear feet	(a)(2) Intermittent	The contributing surface flow path before entering a TNW is PB, BC, then FC

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
		tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	
Arkansas River – TNW			
Panther Branch – PB			
Brodie Creek – BC			
Fourche Creek – FC			

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination	
W-1	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)- (a)(3) water.	W-1 is a scrub-shrub wetland that abuts an (a)(2) water identified as (S-1). This wetland, along with the RPW it abuts are part of the watershed that flows into a TNW. The contributing surface flow path before entering a TNW is BC then FC.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
S-2b	298	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S-2b is an ephemeral feature that exhibits surface water flowing only in direct response to precipitation.

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: [GBMc & Associates – AJD Request 25 January 2021, received by SWL on 5 February 2021. GBMc & Associates – updated AJD Request 1 March 2021, received by SWL on 5 March 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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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- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Aerial and Other: GBMc & Associates – AJD Request 25 January 2021 and updated AJD Request 1 March 2021.](#)
- ☒ Corps site visit(s) conducted on: [10 February 2021](#)
- ☐ 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: [Web Soil Survey accessed on 11 February 2021.](#)
- ☒ USFWS NWI maps: [NWI data accessed through USGS national mapper on 11 February 2021.](#)
- ☒ USGS topographic maps: [24K, AR Alexander](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	The National Map (NHD, LiDAR)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Antecedent Precipitation Tool (APT), Version 1.
State/Local/Tribal Sources	N/A.
Other Sources	Applicants agent conducted site visits for wetland and stream delineation purposes on 1 December 2020, 14 January 2021, and 24 February 2021.

- B. Typical year assessment(s):** [APT was accessed for periods corresponding to the GBMc & Associates site visit for wetland and stream delineation \(1 December 2020, 14 January 2021, and 24 February 2021\) and Corps site visit 10 February 2021. Findings are as follows: 1 December 2020 wet season, normal conditions; 14 January 2021 wet season, normal conditions; 10 February 2021 wet season, normal conditions; 24 February 2021 wet season, normal conditions.](#)
- C. Additional comments to support AJD:** [During the review of data for this project it was noted that a PJD, SWL 2014-00365, dated 26 January 2015 classified Panther Branch as an intermittent stream after a site visit, by Corps personnel, was conducted on 21 October 2014. This project is located directly upstream of the ADJ request. Additionally, information contained in the proposed Woodlands Edge Mitigation Bank report dated 23 October 2017, Revised May 2018, classified Panther Branch as an intermittent stream. This report encompasses the area downstream of the AJD request.](#)