



**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): 4/14/2021

ORM Number: SWL 2021-00060

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Arkansas City: Booneville County/Parish/Borough: Logan

Center Coordinates of Review Area: Latitude 35.146140 Longitude -93.8633000

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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	
N/A.	N/A.	N/A.	N/A.	

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	
Wetland A	2.9	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A is a forested wetland that abuts an (a)(2) water. A rerouted mapped but unnamed intermittent tributary to the Petit Jean River, a TNW.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ephemeral Stream A	1,230	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream A is an ephemeral feature that exhibits surface water flowing only in direct response to precipitation.
Upland Pond	0.4	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This is a man-made pond with no connection to an (a)(1) - (a)(4) water.

**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 – AJD Request and WOTUS Delineation 4 February 2021, received by SWL on 11 February 2021.**

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: PMI – AJD Request and WOTUS Delineation 4 February 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: **Soil data provided by applicant's agent, Web Soil Survey accessed on 1 February 2021.**

☒ USFWS NWI maps: **NWI data accessed through USGS national mapper on 2 March 2021.**

☒ USGS topographic maps: **24K, AR Magazine**

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<b>USGS Sources</b>	<b>The National Map (NHD, LiDAR, NWI)</b>
<b>USDA Sources</b>	<b>N/A.</b>

<sup>4</sup> 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.

<sup>5</sup> 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 Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	Antecedent Precipitation Tool (APT), Version 1.
State/Local/Tribal Sources	N/A.
Other Sources	Applicant's agent conducted site visit for wetland and stream delineation purposes on 2 February 2021.

- B. Typical year assessment(s):** APT was accessed for period corresponding to the PMI site visit for wetland and stream delineation (2 February 2021); findings: wet season, normal conditions.
- C. Additional comments to support AJD:** Based on PMI's wetland and stream delineation and evidence in maps and aerial photographs of the area, USACE concurs with PMI's determination:  
Wetland A is jurisdictional. It abuts an (a)(2) water, a rerouted mapped but unnamed intermittent tributary to the Petit Jean River.  
Ephemeral Stream A is non-jurisdictional. It is not a mapped channel, LiDAR data depicts a channel at the northern point where it enters the project area however as the channel continues south it loses its channel.  
The Upland Pond is non-jurisdictional due to no connection to an (a)(1) - (a)(4) water.