



**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): 3/9/2021

ORM Number: SWL-2021-00058

Associated JDs: N/A

Review Area Location¹: State/Territory: Missouri City: Neelyville County/Parish/Borough: Butler

Center Coordinates of Review Area: Latitude 36.586° Longitude -90.544°

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.	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.	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.	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.	N/A.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	1.63	acre(s)	(b)(1) Non-adjacent wetland.	N/A. Wetland is in a depressional area and has no connection to an (a)(1), (a)(2), or (a)(3) water, therefore this wetland is not adjacent or abutting.
Wetland 2	1.46	acre(s)	(b)(1) Non-adjacent wetland.	N/A. Wetland is in a depressional area and has no connection to an (a)(1), (a)(2), or (a)(3) water, therefore this wetland is not adjacent or abutting.
Wetland 3	0.61	acre(s)	(b)(1) Non-adjacent wetland.	N/A. Wetland is in a depressional area and has no connection to an (a)(1), (a)(2), or (a)(3) water, therefore this wetland is not adjacent or abutting.
Wetland 4	1.65	acre(s)	(b)(1) Non-adjacent wetland.	N/A. Wetland is in a depressional area and has no connection to an (a)(1), (a)(2), or (a)(3) water, therefore this wetland is not adjacent or abutting.
Wetland 5	1.82	acre(s)	(b)(1) Non-adjacent wetland.	N/A. Wetland is in a depressional area and has no connection to an (a)(1), (a)(2), or (a)(3) water, therefore this wetland is not adjacent or abutting.

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: *An aquatic resources delineation in AJD Request – Glaub Farm, emailed to USACE on February 11, 2021 by Cypress Tree Environmental (CET)*

This information is sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

☒ Photographs: *Aerial: Site Photos in Delineation Report, CTE; Google Earth Imagery (all images available in the historical imagery feature between 1994 and 2018)*

☐ 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: *NRCS Web Soil Survey 3.3.2, accessed online for the project area on March 3, 2021*

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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- ☒ USFWS NWI maps: [USFWS Wetlands Mapper](#), accessed online for the project area on March 3, 2021
- ☒ USGS topographic maps: [USFWS Wetlands Mapper](#), accessed online for the project area on March 3, 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	NRCS Web Soil Survey 3.3.2 – Map Unit Description for Neelyville.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	FEMA National Flood Hazard Layer Viewer; USACE 1987 manual and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region (Version 2.0) (USACE Engineer Research and Development Center 2012)

- B. Typical year assessment(s):** [CTE Delineation August 15, 2020 – Dry Season; Google Earth Imagery Desk Review March 3, 2021 – Wet Season.](#)
- C. Additional comments to support AJD:** [The identified wetland do meet the definition of wetlands, as determined by the 1987 Corps of Engineers Wetlands Delineation Manual, Regional Supplements, appropriate guidance, and Department of the Army regulations, however, it is not considered jurisdictional under the Navigable Waters Protection Rule as they are not adjacent \(does not meet one of the four adjacency criteria\) to an \(a\)\(1\), \(a\)\(2\), or \(a\)\(3\) water.](#)