



**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): 5/3/2021

ORM Number: SWL 2021-00106

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 36.197302 Longitude -94.114971

**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.	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.	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.

<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	250	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Stream A (ditch) is an ephemeral feature that exhibits surface water flow only in direct response to precipitation.
Ephemeral Stream B	830	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Stream B (ditch) is an ephemeral feature that exhibits surface water flow 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: [PMI –AJD Request and Delineation report dated 23 April 2021, received by SWL on 23 April 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 and Other: PMI –AJD Request and Delineation report dated 23 April 2021 ; Google Earth accessed 23 April 2021 ; HistoricAerials.com access 23 April 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: [Web Soil Survey accessed on 23 April 2021.](#)

USFWS NWI maps: [NWI data accessed through USGS national mapper on 23 April 2021.](#)

USGS topographic maps: [24K, Sonora, AR years 1958, 1994, 2011, 2014, 2017, 2020 accessed online via USGS’s TopoView website on 23 April 2021.](#)

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

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="#">The National Map (NHD, LiDAR) accessed on 23 April 2021.</a>
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	<a href="#">Antecedent Precipitation Tool (APT), Version 1 accessed on 23 April 2021.</a>
State/Local/Tribal Sources	N/A.
Other Sources	Applicant's agent conducted site visits for wetland and stream delineation purposes on 20 April 2021.

**B. Typical year assessment(s):** [APT was accessed for periods corresponding to the PMI site visit for wetland and stream delineation \(20 April 2021\). Findings were wet season, normal conditions.](#)

**C. Additional comments to support AJD:** [Ephemeral Streams A \(running north – south\) and B \(running east – west\) \(ditch\) both are depicted as unnamed intermittent streams on USGS topographic maps \(Sonora, AR\) dated 2011, 2014, 2017, and 2020. However, neither of the streams are depicted on USGS topographic maps \(Sonora, AR\) dated 1958 or 1994 \(<https://ngmdb.usgs.gov/topoview/viewer/#15/36.1949/-94.1070>\). During a search of historic aerial photographs of the proposed project boundaries, neither of these streams \(ditches\) are present in the 1968 photograph but are present in the 1980 photography after the construction of a large building directly north of the proposed project boundaries \(<https://www.historicaerials.com/viewer>\). The delineation report states Ephemeral Stream A as originating at a culvert draining the impervious portions of the facility directly north of the proposed project boundaries and flowing south into Ephemeral Stream B. Ephemeral Stream B flows west into the roadside ditch adjacent to North Old Missouri Road. The report describes the features as being channelized, weakly defined beds and banks, with no flow noted at the time of the site visit. USACE observed the same in the review.](#)

[Based on the PMI site visit for wetland and stream delineation report \(20 April 2021\) and available historical data, both of these features meet the B-5 exclusion and are non-jurisdictional.](#)