DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹ U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

- A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 18, 2019
- B. DISTRICT OFFICE, FILE NAME, AND NUMBER: McCrary Benton Co Construction of a restaurant, SWL-2019-00237

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

 State: Arkansas
 County/parish/borough: Benton
 City: Rogers

 Center coordinates of site (lat/long in degree decimal format):
 Lat. 36.298774°, Long. -94.184864°

 Universal Transverse Mercator:
 NAD 83/UTM Zone 15, 4017875 Northing, 393602 Easting

Name of nearest waterbody: Osage Creek

Name of watershed or Hydrologic Unit Code (HUC): 11110103, Illinois

- Check if map/diagram of review area is available upon request.
- Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ✓ Office (Desk) Determination. Date: October 18, 2019
- Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Applicant's aerial photograph map (July 16, 2019)
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- U.S. Geological Survey Hydrologic Atlas: 11110103, Illinois
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Bentonville South, 24K
- USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey (Oct. 18, 2019)
- National wetlands inventory map(s). Cite name: USFWS NWI Wetlands Mapper and ArcMap Regulatory Data (Oct. 18, 2019)
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is:
- (National Geodectic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): aerial photographs from Google Earth Pro and ArcMap Regulatory Data (Oct. 18, 2019) or Other (Name & Date):
- Previous determination(s). File no. and date of response letter:
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE

REVIEW AREA ONLY INCLUDES DRY LAND: Aerial photographs indicate that the area of the proposed project has been subject to ground disturbing activities in dry land. Review of aerial photographs as well as various water source databases indicate that the proposed project area is devoid of jurisdictional waters.

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

//Signed//

James Beers Project Manager October 18, 2019

Date