



**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): 8/24/2021
 ORM Number: SWL 2021-00219
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Arkansas City: Alma County/Parish/Borough: Crawford
 Center Coordinates of Review Area: Latitude 35.474625 Longitude -94.229761

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 |
| 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 |
| 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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|---------|------------------------------|--|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| Potential Wetland | 0.27 | acre(s) | (b)(1) Non-adjacent wetland. | <p>Given evidence from aerial photography from 1971 (HistoricalAerials.com) through 2019 (Google Earth), an approximately 0.27 acre wet location on the southern boundary of the proposed project was documented by USACE as a potential wetland.</p> <p>Comparing APT data with the corresponding aerial photographs in which the potential wetland was visible, APT data reveals that the project location in March 1994, March 2001, March 2012, and March 2016 wet season aerial photographs was experiencing wetter than normal conditions. However, the potential wetland is also evident in June 2019 dry season aerial where wetter than normal conditions are reported.</p> <p>NHD and LiDAR data accessed through the USGS National Map was searched to identify any mapped wetlands or streams or any defined channels that could connect this potential wetland to an (a)(1) – (a)(4) water. No such connection or wetlands or streams were found.</p> <p>Additionally, although the potential wetland is located within the FEMA 100 year flood zone, historical aerial photography from 1971 – 2021 indicates that it is not inundated by an (a)(1) – (a)(4) water in a typical year.</p> <p>In summary, aerial photograph, APT, NHD, LiDAR, and FEMA flood zone data suggest the potential wetland, although influenced by wet season conditions, is not necessarily an ephemeral aquatic resource (e.g., June 2019 presence), is not inundated by an (a)(1) – (a)(4) water during a typical year, and does not connect to an (a)(1) – (a)(4) water. Therefore, the potential wetland is best described as a (b)(1) non-adjacent wetland and is not</p> |

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|------------------------|---------------------------------------|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | jurisdictional. |

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 dated 12 July 2021, received by SWL on 20 July 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 dated 12 July 2021, received by SWL on 20 July 2021; Google Earth accessed 21 July 2021; HistoricAerials.com accessed 21 July 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 21 July 2021.](#)

USFWS NWI maps: [NWI data accessed 21 July 2021.](#)

USGS topographic maps: [24K, Alma, AR; years 1948, 1951, 1987, 2011, 2014, 2017, 2020 accessed online via USGS' TopoView website on 21 July 2021.](#)

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) accessed on 21 July 2021. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | Antecedent Precipitation Tool (APT), Version 1 accessed on 21 July 2021. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | Applicant's agent conducted site visits for wetland and stream delineation purposes dated 12 July 2021. |

B. Typical year assessment(s): [APT was accessed for the date corresponding to the PMI site visit for wetland and stream delineation \(29 June 2021\). Findings were dry season wetter than normal. APT was also accessed for ten years of historical Google Earth imagery of the project area; findings: March 1994 wet season, wetter than normal; March 2001 wet season, wetter than normal; December 2004 wet season, wetter than normal; January 2006 wet season, drier than normal; September 2006 dry season normal conditions; September 2009 dry season, wetter than normal; September 2010 dry season, wetter than normal; October 2010 wet season, normal conditions; March 2012 wet season, wetter than normal, October 2013 wet season, normal conditions; March 2016 wet season, wetter than normal; January 2019 wet season, normal conditions; May 2019 wet season, wetter than normal; June 2019 dry season, wetter than normal.](#)

C. Additional comments to support AJD: [The PMI for the wetland and stream delineation report stated that no streams or wetlands were identified within the project area during the site visit. The report described the](#)



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

project area as comprised primarily of a fallow and tilled field, absent of wetland hydrology indicators and exhibiting non-hydric soil.

Based on the PMI site visit for wetland and stream delineation report (12 July 2021) and available historical data, there are no jurisdictional aquatic resources within the project boundaries.