



**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): 8/3/2021
 ORM Number: SWL-2021-00228
 Associated JDs: N/A.
 Review Area Location¹: State/Territory: Arkansas City: Lowell County/Parish/Borough: Benton
 Center Coordinates of Review Area: Latitude 36.24111 Longitude -94.16695

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
OW-2	40	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
OW-3 (Puppy Creek)	40	linear feet	(a)(2) Perennial tributary contributes

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	width of 25 feet and substantial surface flow during the dry season.

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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.

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: [Request for an Approved Jurisdictional Determination Lowell Sewer Line Improvements, Lowell, AR](#)
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: Google Earth \(1994-2020\); photos provided by Crafton Tull in wetland delineation dated July 15, 2021; Corps site visit on August 2, 2021.](#)
- Corps site visit(s) conducted on: [August 2, 2021.](#)
- 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 Crafton Tull in wetland delineation dated July 15, 2021.](#)
- USFWS NWI maps: [Provided by Crafton Tull and accessed via National Regulatory Viewer on July 26, 2021.](#)
- USGS topographic maps: [Bentonville South, AR \(1972, 1977, 1982, 2017\)](#)

Other data sources used to aid in this determination:

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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Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD layers accessed via National Regulatory Viewer (NRV).
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Antecedent Precipitation Tool (APT), Version 1; NRV
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** APT was accessed for period corresponding to the Crafton Tull wetland delineation site visit (July 7, 2021); findings: dry season, normal conditions.
- C. Additional comments to support AJD:** Topographic quadrangle Bentonville South maps a total of three intermittent channels and one perennial channel (Puppy Creek) within the project corridor. Based on Crafton Tull's wetland delineation and Corps site visit, only two channel features intersect the proposed sewer line right-of-way (ROW). The first (OW-2) is located just south of Hwy 264 and flows west. This channel supports a well established bed/bank and aerial photography (Google Earth) shows this channel supports water/flow in numerous periods of record. The second channel, Puppy Creek (OW-3), is a mapped perennial channel that supported surface flow during Crafton Tull's field investigation and at the time of the Corps site visit (both in the dry season). Therefore, based on the intermittent and perennial flow regime of these channels, both would be regulated as (a)(2) waters under the NWPR.

The remaining two mapped channel are located just north of Hwy. 264 (along Owen Street) and are apparently piped underground at the location of the project ROW (just prior to entering a detention pond immediately west of the project corridor). There were no additional surface water channels observed within the project ROW.