



**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): [7/27/2021](#)

ORM Number: [SWL-2021-00212](#)

Associated JDs: [N/A](#).

Review Area Location¹: State/Territory: [Arkansas](#) City: [Centerton](#) County/Parish/Borough: [Benton](#)

Center Coordinates of Review Area: Latitude [36.31374](#) Longitude [-94.31728](#)

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.



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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
WET01-01	0.40	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland located in the northwestern portion of the subject property. Lacks adjacency to waters of U.S.
WET01-02	0.10	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland located in the northwestern portion of the subject property. Lacks adjacency to waters of U.S.
WET02	0.82	acre(s)	(b)(1) Non-adjacent wetland.	Emergent linear wetland feature located in the southern portion of the project area. Surrounded by uplands and lacks adjacency to waters of the U.S.
WET03-01	0.19	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland located near the northern project boundary (adjacent to Pond-1). Surrounded by uplands and lacking adjacency to waters of the U.S.
WET03-02	0.31	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland located near the northern project boundary (adjacent to Pond-1). Surrounded by uplands and lacking adjacency to waters of the U.S.
WET03-FOR	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland located near the northern project boundary (adjacent to Pond-1). Surrounded by uplands and lacking adjacency to waters of the U.S.
WET04	0.93	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland located near the eastern boundary of subject property; surrounded by uplands lacking adjacency to waters of the U.S.
WET05	0.08	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland complex located in the north-central portion of subject property (south of WET03); surrounded by uplands lacking adjacency to waters of the U.S.
Pond-1	0.12	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Man-made pond constructed in uplands.

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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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: Preliminary Waters of the U.S. Assessment & Wetland Delineation Report, 7457 Vaughn Road Property, Centerton, Benton County, Arkansas dated June 2021 by Cattails Environmental, LLC

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: Aerial: Google Earth (1994-2020); Cattails Environmental, Inc. wetland delineation (June 2021); Corps site visit (July 27, 2021).
- Corps site visit(s) conducted on: July 27, 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: Web Soil Survey (provided in consultant wetland delineation dated June 2021).
- USFWS NWI maps: Accessed via National Regulatory Viewer on July 20, 2021.
- USGS topographic maps: Centerton, AR (1973, 1982, and 2014).

Other data sources used to aid in this determination:

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

B. Typical year assessment(s): Cattails Environmental provided three APT reports; May 30, 2021, June 1, 2021, and June 14, 2021. Findings in May: wet season, wetter than normal conditions; June 1: dry season, wetter than normal conditions; June 14: dry season, normal conditions.

C. Additional comments to support AJD: The wetland delineation provided by Cattails Environmental, LLC dated June 2021, describes a total of seven wetland areas, all of which are described as lacking adjacency to regulated waters. Based on a Corps field visit, desktop review, and the consultant wetland delineation, the seven described wetland areas represent (b)(1) waters (the features are surrounded by uplands and lack adjacency to jurisdictional waters of the U.S.).

In addition, NHD maps a total of four headwater channels within the 80-acre project area; however, based on aerial photography and a Corps site visit, these areas support upland swales and lack an OHWM.