



**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): 5/26/2021  
 ORM Number: SWL-2003-18706  
 Associated JDs: SWL-2003-18706 (January 2004)  
 Review Area Location<sup>1</sup>: State/Territory: Arkansas City: Centerton County/Parish/Borough: Benton  
 Center Coordinates of Review Area: Latitude 36.35302 Longitude -94.29843

**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: NHD data and NWI illustrate pond/stream features on the subject property; however, a wetland delineation and aerial photography indicate no surface features are extant (the site supported uplands with no waters observed).
- 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.

**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.

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.

<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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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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	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: [Lindsey Management Company, Inc. Properties—USACE Delineation and AJD Request, West Fish Hatchery Road dated May 20, 2021 by PMI.](#)

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 \(aerial photographs from 1994-2020\); PMI wetland delineation \(onsite photos during April 2021\); historicaerials.com \(aerial photography\)](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [SWL-2003-18706 \(January 2004\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Soil Survey of Benton County, Arkansas \(1977\); Web Soil Survey, Version 3.4](#)
- USFWS NWI maps: [National Wetland Inventory Mapper \(accessed via National Regulatory View on May 25, 2021\).](#)
- USGS topographic maps: [Centerton, AR \(1972, 1983, 2014\)](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS/WBD/NHD data/maps</a>	<a href="#">The National Map-NHD</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">National Regulatory Viewer (NHD, LiDAR); Antecedent Precipitation Tool (APT), Version 1</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

<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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- B. Typical year assessment(s):** APT was accessed regarding period corresponding to PMI field investigation (April 27, 2021). Findings: wet season, normal conditions.
- C. Additional comments to support AJD:** A jurisdictional determination was completed January 2004 in an area that include portions of the approximately eastern one-third of the subject property (including an area located outside the current boundary of the requested AJD). That determination did not identify waters of the US within the boundary of the current requested AJD (totaling approximately 80 acres). PMI's wetland delineation included four wetland sampling sites and several photos of the subject property. No potential waters of the U.S. were identified by PMI. NHD maps a channel in the southwestern portion of the project area; PMI photos and aerial photography indicated the feature as upland (with no channel definition). A channel is also mapped by NHD and topographic quadrangle Centeron, AR along the northern subject property boundary, turning south and mapped along and just inside the eastern boundary. PMI report/photos and aerial photography did not reveal a channel within the approximate location as mapped. Three ponds are mapped by NWI, topographic quadrangle Centeron, AR and aerial photography; however, these features (located in uplands) were apparently filled and/or drained between 2005 and 2006 (based on aerial imagery).