



**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): 5/25/2021
 ORM Number: SWL 2018-00444
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AR City: Bryant County/Parish/Borough: Saline
 Center Coordinates of Review Area: Latitude 34.61301 Longitude -92.476685

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 5 | 364 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. Crooked Creek is a perennial stream that flows west to east through the study area. |

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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| 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. | N/A. |

| Adjacent wetlands ((a)(4) waters): | | | | |
|------------------------------------|-------------|---------|----------------------------------------------|-------------------------------------------------------------|
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination |
| W-1 | 0.01 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Emergent Wetland that occurs within the project limits. |
| W-8 | 0.42 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Forested wetland that directly abuts Perennial Stream OW 5. |
| W-9 | 1.27 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Forested wetland that directly abuts Perennial Stream OW 5. |
| | | | | |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--------------------------------------------------|----------------|-------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| OW 4a | 158 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Unnamed tributary to Crooked Creek that flows southwest to northwest and is no longer considered jurisdictional based on paragraph (b)(3) of the final rule which excludes ephemeral features, including ephemeral streams, swales, gullies, rills, and pools. |
| OW 6a,6b,6c,6d | 1,166 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Unnamed tributary to Caney Creek that flows north to south through the end of the study area and terminates near Wetland 9. |
| W-5 | 0.06 | acre | (b)(1) Non-adjacent wetland. | This forested wetland (PFO) is no longer considered jurisdictional as it does not meet the definition of "adjacent wetlands" in that this wetland is not adjacent to paragraph (a)(1) through (3) water, is not inseparably bound up with an adjacent jurisdictional water, and is not inundated by flooding from jurisdictional water in a typical year. |
| W-6 | 0.01 | acre | (b)(1) Non-adjacent wetland. | This emergent wetland (PEM) is no longer considered jurisdictional as it does not meet the definition of "adjacent wetlands" in that this wetland is not adjacent to paragraph (a)(1) through (3) water, is not inseparably bound up |

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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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--------------------------------------------------|----------------|------|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | | with an adjacent jurisdictional water, and is not inundated by flooding from jurisdictional water in a typical year. |
| W-7 | 0.11 | acre | (b)(1) Non-adjacent wetland. | This emergent wetland (PEM) is no longer considered jurisdictional as it does not meet the definition of "adjacent wetlands" in that this wetland is not adjacent to paragraph (a)(1) through (3) water, is not inseparably bound up with an adjacent jurisdictional water, and is not inundated by flooding from jurisdictional water in a typical year. |
| | | | | |
| | | | | |

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: [Project submitted on behalf of the applicant by the consultant, Garver, dated February 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: Information is a part of the applicants submittal dated February 2021](#)

Corps site visit(s) conducted on: [N/A](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [SWL 2018-00444 PJD](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Saline County, Arkansas data provided within the project submittal dated February 2021](#)

USFWS NWI maps: [N/A](#)

USGS topographic maps: [1:24K- Bryant](#)

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|--------------------------------------------|-------------------------------------------------|
| USGS Sources | N/A. |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

B. Typical year assessment(s): The consultant provided recent precipitation data from a nearby WETS weather station (Little Rock, Arkansas) to determine if normal hydrologic and climatic conditions were present on-site during the delineation. Precipitation data for the area indicates approximately 3.7 inches of



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rainfall was received two weeks prior to the field investigation indicated wetter than normal precipitation conditions at the time of delieation.

C. Additional comments to support AJD: [N/A](#)