



**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): 5/13/2021

ORM Number: SWL-2021-00132

Associated JDs: N/A

Review Area Location¹: State/Territory: Arkansas City: Van Buren County/Parish/Borough: Crawford

Center Coordinates of Review Area: Latitude 35.47522 Longitude -94.35002

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
EPH-A Intermittent Reach	479	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Corps site visit was conducted May 11, 2021, during wet season, normal conditions. Consultant site visit was conducted during the dry season, normal conditions (August 2020). The channel transitions from ephemeral to intermittent due to groundwater/seepage influence and additional sources of hydrology. The intermittent reach supports well defined bed/banks, riffle/pool morphology, and was flowing during both site visits. Channel is mapped by NHD and USGS topographic quadrangle as intermittent.

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**

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
Wetland A	0.8	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Forested wetland that directly abuts an intermittent channel (EPH-A, Intermittent Reach).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
DD-01	325	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-made drainage ditch, supporting approximately 250 linear feet of concrete lined channel and 75 linear feet of channelized earthen channel.
EPH-A	295	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral reach of channel that receives water from direct stormwater runoff. Channel supported areas of water but was not flowing at the time of Corps visit. Aerial photography indicates channel is ephemeral during 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: [Delineation of Potential Section 404 Issues Legacy Place Subdivision Expansion Project, Van Buren, Crawford County, Arkansas dated April 21, 2021 by FTN Associates, Ltd.](#)

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 \(1994-2019\); Photos provided by FTN in wetland delineation; photos taken during Corps site visit.](#)

Corps site visit(s) conducted on: [May 11, 2021.](#)

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**

- 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 Survey of Crawford County, Arkansas \(1979\); Web Soil Survey, Version 3.3](#)
- USFWS NWI maps: [National Wetland Inventory Mapper \(accessed May 5, 2021\)](#).
- USGS topographic maps: [Van Buren, AR \(1951, 1987, 1997, 1999\)](#)

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	The National Map: NHD, LiDAR, and NWI data.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Antecedent Precipitation Tool (ATP), Version 1.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	Flood Panel: 05033C0380H

B. Typical year assessment(s): [ATP was accessed for period corresponding to FTN’s field investigation \(August 2020\) and the Corps site visit \(May 11, 2021\). Findings for August 2020: dry season, normal conditions. Findings for May 11, 2021: wet season, normal conditions. Period between late April 2021 and May 11, 2021 is above average precipitation.](#)

C. Additional comments to support AJD: [FTN’s wetland delineation identified three features \(DD-01, EPH-A, and Wetland A\). The first, DD-01, is described as a man-made drainage ditch that directs water south through the project area. Approximately 250 linear feet of the channel is concrete-lined, the remaining 75 linear feet supports a channelized, earth bottom. Based on FTN’s wetland delineation, a Corps on-site field visit, and aerial photography, this feature was confirmed as a man-made ditch that meets the \(b\)\(5\) exclusion. A second channel \(EPH-A\), mapped as intermittent by NHD and USGS topograph quadrangle Van Buren, AR, was identified by FTN as ephemeral throughout its reach within the project area. The channel enters the northeastern portion of the subject area and flows southwest. The Corps site visit confirmed the channel enters the subject property as an ephemeral \(b\)\(3\) water, however, it extends approximately 295 linear feet before transitioning to an intermittent channel. Photos taken during FTN’s wetland delineation indicate the intermittent reach of the channel supported water and flow during the August 2020 site visit \(during the dry season, normal conitions\). This, combined with the Corps site visit \(where flow was observed during the wet season, normal conditions\), NHD data, topographic quadrangle, and aerial imagery, support that the channel is intermittent. The third feature, a palustrine forested wetland \(Wetland A\) that directly abuts EPH-A, is identified as an \(a\)\(4\) water because it directly abuts the intermittent reach of EPH-A \(an \(a\)\(2\) water\).](#)