

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): September 8, 2021

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Proposed Brier Hill Subdivision SWL-2021-00256

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Arkansas County/parish/borough: Benton City: Bentonville
Center coordinates of site (lat/long in degree decimal format): Lat. 36.34532 °, Long. -94.24712 °
Universal Transverse Mercator: NAD 83/UTM Zone 15, 388089 Northing, 4022973 Easting
Name of nearest waterbody: Little Osage Creek
Name of watershed or Hydrologic Unit Code (HUC): 111101030303 (Little Osage Creek)

- Check if map/diagram of review area is available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date: September 1, 2021
 Field Determination. Date(s): September 1, 2021

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are **no** “*navigable waters of the U.S.*” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are **no** “*waters of the U.S.*” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Preliminary Waters of the U.S. Assessment and Wetland Delineation Report, Proposed Brier Hill Subdivision Property, Bentonville, Benton County, Arkansas by Cattails Environmental, LLC dated August 2021.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
- Office concurs with data sheets/delineation report.
 Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: [Click here to enter text.](#)
- U.S. Geological Survey Hydrologic Atlas: NHD data accessed via National Regulatory Viewer on September 1, 2021. HUC 8: 11110103 (Illinois River); HUC 12: 111101030303 (Little Osage Creek)
- USGS NHD data.
 USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Bentonville South, AR (1:24K)
- USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey data accessed via National Regulatory Viewer on September 1, 2021.
- National wetlands inventory map(s). Cite name: NWI maps accessed on National Regulatory Viewer on September 1, 2021.
- State/Local wetland inventory map(s): [Click here to enter text.](#)
- FEMA/FIRM maps: [Click here to enter text.](#)
- 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Cattails Environmental, LLC wetland delineation dated August 2021; Google Earth (1994-2020)
or Other (Name & Date): Site photographs provided by Cattails Environmental, LLC in wetland delineation dated August 2021 and photos recorded September 1, 2021, during Corps site visit.
- Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)

¹ This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

- Applicable/supporting case law: [Click here to enter text.](#)
- Applicable/supporting scientific literature: [Click here to enter text.](#)
- Other information (please specify): [Click here to enter text.](#)

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Aerial photography (Google Earth) and USGS quadrangle Bentonville South, AR illustrate two man-made ponds constructed in uplands within the subject property. WET-1 is located near the western boundary of the subject property and totals approximately 0.4 acres. WET-3 is located near the southern project boundary and totals approximately 0.58 acres. An additional feature, WET-02 (located in the northern portion of the subject property), is a shallow, seasonally inundated pond (totaling approximately 2.5 acres) that is visible in aerial photography beginning in approximately 2009 (Google Earth). Although NHD maps a channel abutting this feature, the consultant wetland delineation, Corps site visit, and review of aerial photograph failed to support the existence of a channel in this location. In summary, all three ponds were constructed entirely within uplands.

David Rupe
Project Manager

September 8, 2021
Date