



**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): 9/16/2020
 ORM Number: MVM 2019-317
 Associated JDs: N/A
 Review Area Location¹: State/Territory: AR City: Near Earle County/Parish/Borough: Crittenden
 Center Coordinates of Review Area: Latitude 35.236136° Longitude -90.439383°

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
s-1	2,580 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	s-1, which is designated on the Jeanette 1:24,000 topographic map as an intermittent stream, flows into s-2 on the subject property approximately 345 feet from where s-2 leaves the area of review. S-2 then flows directly into Blackfish Bayou in another 964 feet. Blackfish Bayou is a perineal stream meandering across eastern Arkansas and becomes an a-1 water at River Mile (RM) 6. Its head of navigation (RM-6) is approximately 31.5 river miles downstream of the project site.

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**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
s-2	3,300	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	s-2 which is designated on the Jeanette 1:24,000 topographic map as an intermittent stream, flows directly into Blackfish Bayou approximately 964 feet from where it leaves the area of review. Blackfish Bayou is a perineal stream meandering across eastern Arkansas and becomes an a-1 water at River Mile (RM) 6. Its head of navigation (RM 6) is approximately 31.5 river miles downstream of the project site.
s-3	1,120	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	s-3, which is designated on the Jeanette 1:24,000 topographic map as an intermittent stream, has been channelized downstream and flows approximately 1,954 feet to Holden Lake. Holden Lake is a part of a remnant channel of Blackfish Bayou and re-connects with the bayou both upstream and downstream. Blackfish Bayou is a perineal stream meandering across eastern Arkansas and becomes an a-1 water at River Mile (RM) 6. Its head of navigation (RM 6) is approximately 31.5 river miles downstream of the project site

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
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	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: **November 27, 2019**

This information **is not** sufficient for purposes of this AJD.

Rationale: **Maps of the property were supplied by the applicant in prior to the first site visit for locational purposes only.**

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**

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Select. Title\(s\) and/or date\(s\)](#).
- Corps site visit(s) conducted on: Dec 3rd 2019, Feb 13th 2020, and Apr 21st 2020
- 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: <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Jeanette, Ark 1:24,000 1981 and 2017](#)

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): Based on information from APT, the period from November to January shows to be within a “normal” range while the spring of 2020 was “wetter than normal”, then returned to “normal” range later towards the summer with several observable rain events occurring.

C. Additional comments to support AJD: The site was visited three times. For the first two site visits, s-1 and s-2 were the primary focus and flowing water was observed each time in these two streams. For the third site visit, all three streams were observed with water and flow. The first site visit occurred during a “normal” range for rain events while the last two occurred during “wetter than normal” range. With a forested wetland complex upstream of these streams on an adjacent property, it is anticipated that flows would be sustainable for longer periods of time after a rain event.

