



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): 15-JUL-2021

ORM Number: MVK-2020-963

Associated JDs: CELMK-OD-FS-950004400

Review Area Location¹:

State/Territory: AR City: Prescott County/Parish/Borough: Nevada County

Center Coordinates of Review Area: Latitude 33.81715 Longitude -93.40917

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
OW1-2020-963	463 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This perennial stream drains approximately 830 acres of uplands. It has sinuosity with a defined bed and bank. It is a strong second order stream with continual flow. According to the APT normal conditions were present during the site visit.

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

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 independent 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.

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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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wet1-2020-963	4 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Using the 1987 Corps Manual, these wetlands have the right hydrology, hydrophytic vegetation and soil to be jurisdictional abutting a perennial stream.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
OW2-2020-963	1176 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This ephemeral stream flow during and shortly after a rain event. The total watershed is very limited. Based on the information available, this ephemeral stream is not jurisdictional. According to the APT normal conditions were present during the site visit.
OW3-2020-963	0.13 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This impoundment appears to have been man-made possibly to provide water in drier conditions for livestock. The impoundment is located about half way up the sloping uplands. When it is full the excess water flows into an ephemeral stream.

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: *The applicant provide an old Corps JD letter and several supporting maps and other documents.*

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) 2017 ESRI Photo Imagery & Google Earth Pro Historic Images.*

☒ Corps Site visit(s) conducted on: *6-22-2021.*

☒ Previous Jurisdictional Determinations (AJD): *CELMK-OD-FS-950004400 - 1995.*

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

☒ USDA NRCS Soil Survey: *Nevada County, AR.*

☐ USFWS NWI maps: *Title(s) and/or date(s).*

☒ USGS topographic maps: *Prescott West, AR Quad.*

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.

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Other Sources	N/A.
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- B. Typical year assessment(s): The APT was used to determine that normal conditions existed during the site visit.**
- C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.**

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