



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): 01-SEP-2020

ORM Number: MVR-2018-01281-AJF

Associated JDs:

Review Area Location¹:

State/Territory: IA City: County/Parish/Borough: Lucas County

Center Coordinates of Review Area: Latitude 41.007674 Longitude -93.446213

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
Main Tributary	7530 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Two site visits and use of the Antecedent Precipitation Calculator support the rationale for an intermittent stream.

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

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

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 and 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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
LF-1W	0.46 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Visual confirmation and wetland delineation support this.
LF-2W	0.05 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Visual confirmation and wetland delineation support this.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Drainage 1	1890 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
Drainage 2	750 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
Drainage 3	470 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
Drainage 4	1340 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
Drainage 5	930 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
Drainage 6	480 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
Drainage 7	810 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
Drainage 8	1115 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
Drainage from pond	500 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Water was not observed in the channel. APT was used to support rationale.
LF-3W	0.04 acres	(b)(1) Non-adjacent wetland	Visual confirmation and wetland delineation support this rationale.
LF-4W	0.02 acres	(b)(1) Non-adjacent wetland	Visual confirmation and wetland delineation support this rationale.
LF-5W	0.01 acres	(b)(1) Non-adjacent wetland	Visual confirmation and wetland delineation support this rationale.
LF-6W	0.01 acres	(b)(1) Non-adjacent wetland	Visual confirmation and wetland delineation support this rationale.
LF-7W	0.02 acres	(b)(1) Non-adjacent wetland	Visual confirmation and wetland delineation support this rationale.
LF-8W	0.02 acres	(b)(1) Non-adjacent wetland	Visual confirmation and wetland delineation support this rationale.

III. SUPPORTING INFORMATION

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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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: *Lucas Farm Development, Wetland Delineation Report, prepared by Barr Engineering, March 2019. Figure 4, 4a thru 4d Wetland Delineation and Figure 5 Wetland Delineation.*

This information (*is/is not/is and is not*) sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Photos taken by Albert Frohlich on November 5, 2018 and May 19, 2020.*

Corps Site visit(s) conducted on: *November 5, 2018 and May 19, 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: *Figure 3, Wetland Delineation.*

USFWS NWI maps: *Figure 2, Wetland Delineation*

USGS topographic maps: *Figure 1, Wetland Delineation*

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 APT showed that for the May 19, 2020 visit, precipitation conditions were normal for that time of the year.

C. Additional comments to support AJD: Following a site visit on May 19, 2020, the Corps determined that the side drainages were ephemeral drainages only. They did have indicators of OHWM, but their flow was determined to be ephemeral only. In the AR for this file, a summary of the site visit on May 19, 2020 clearly shows that these features are only ephemeral while the main channel is intermittent.

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