



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): 08-SEP-2020

ORM Number: MVR-2020-00928-AM

Associated JDs:

Review Area Location¹:

State/Territory: IA City: N/A County/Parish/Borough: Dallas County

Center Coordinates of Review Area: Latitude 41.610057 Longitude -93.849168

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
WUS-1	570 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	

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
Pond 1	0.36 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in 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 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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	typical year	
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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
WL 1	0.8 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	

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

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: *Wetland & WUS Delineation Report, Thomas Place, June 29, 2020*

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

Rationale: The application did not assess connectivity to downstream jurisdictional waters.

Data sheets prepared by the Corps: *N/A*

Photographs: *ORM Aerials, August 2020; & HistoricAerials.com, 1939-2015*

Corps Site visit(s) conducted on: *August 12 & 18, 2020*

Previous Jurisdictional Determinations (AJDs or PJDs): *MVR-2009-00702*

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

USDA NRCS Soil Survey: *Websoil Survey, August 2020*

USFWS NWI maps: *ORM NWI Layer, August 2020*

USGS topographic maps: *ORM Topographic Layers, August 2020*

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	US Drought Monitor website

B. Typical year assessment(s): The US Drought Monitor website shows that the project area is currently in a drought but the Antecedent Precipitation Tool shows that the project area is experiencing normal conditions.

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- C. Additional comments to support AJD:** Site visits were conducted on August 13, 2020 and August 18, 2020. The purpose of the first site visit was to determine the presence/absence of WOTUS. The delineation conducted by the consultant showed stream, abutting wetland, and pond on site and the Corps concurred with this delineation. Historic Aerials, historic topographic maps, and other online mapping sites were used and they showed that historically there was a stream on site, and this stream was impounded a pond was created. The stream then flowed through an outlet structure, was piped underground and then flowed into a perennial stream. A second site visit was conducted on August 18, 2020 to confirm that the stream flowed into a perennial stream. The stream on site flows into the off-site perennial stream, which flows into Walnut Creek, which flows into the Racoon River, which flows into the Des Moines River.

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