



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): 03-AUG-2020

ORM Number: MVR-2020-00072-AF

Associated JDs: N/A

Review Area Location¹:

State/Territory: IA City: Newton County/Parish/Borough: Jasper County

Center Coordinates of Review Area: Latitude 41.70814 Longitude -93.023906

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
Tributary	700 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Identified by the Wetland Delineation completed by Bolton and Menk as intermittent.

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 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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
WL 1 Forest	0.32 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Exhibit E – Proposed Impact Map in Joint Application
WL 1 Wet Prairie	1.15 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Exhibit E – Proposed Impact Map in Joint Application

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Streams	305 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Exhibit E – Proposed Impact Map in Joint Application
WL 2	0.03 acres	(b)(1) Non-adjacent wetland	Exhibit E – Proposed Impact Map in Joint Application
WL 3	0.06 acres	(b)(1) Non-adjacent wetland	Exhibit E – Proposed Impact Map in Joint Application
WL 4	0.03 acres	(b)(1) Non-adjacent wetland	Exhibit E – Proposed Impact Map in Joint Application
WL 5	0.05 acres	(b)(1) Non-adjacent wetland	Exhibit E – Proposed Impact Map in Joint Application
WL 6	0.03 acres	(b)(1) Non-adjacent wetland	Exhibit E – Proposed Impact Map in Joint Application
WL 7	0.06 acres	(b)(1) Non-adjacent wetland	Exhibit E – Proposed Impact Map in Joint Application
WL 8	0.05 acres	(b)(1) Non-adjacent wetland	Exhibit E – Proposed Impact Map in Joint Application
WL 9	0.01 acres	(b)(1) Non-adjacent wetland	Exhibit E – Proposed Impact Map in Joint Application

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: *Arbor Estates Joint Application, submitted June 22, 2020 and Wetland Delineation, dated July 2019.*
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: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*

___ Corps Site visit(s) conducted on: *Date(s).*

___ 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: *Appendix B – Wetland Delineation July 2019.*

USFWS NWI maps: *Appendix B – Wetland Delineation July 2019*

USGS topographic maps: *Appendix A – Wetland Delineation July 2019, Newton, IA 24K*

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): N/A

C. Additional comments to support AJD: This AJD was requested to reevaluate the AJD issued February 25, 2020 under the NWPR.

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