



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): 17-AUG-2020

ORM Number: MVR-2020-00501-AJF

Associated JDs:

Review Area Location¹:

State/Territory: IA City: West Des Moines County/Parish/Borough: Dallas County

Center Coordinates of Review Area: Latitude 41.537578 Longitude -93.845292

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	330 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Sugar Creek is a known perennial tributary of the Raccoon River, which flows to the Des Moines River, a TNW.
Unnamed tributary to Sugar Creek	1000 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Photo documentation from the consultant, USGS mapping and aerial photos.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) 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)(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):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
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
EF 1A	550 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Documentation of photos from FOTH provide evidence that the feature is erosional and ephemeral.
EF 1B	155 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Documentation of photos from FOTH provide evidence that the feature is erosional and ephemeral.
EF 2A, 2B and 2C	755 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Documentation of photos from FOTH provide evidence that the feature is erosional and ephemeral.
WL 1	0.89 acres	(b)(1) Non-adjacent wetland	Documentation of photos from FOTH provide evidence that the wetland does not abut during a typical year. This wetland is also adjacent to an ephemeral feature.
WL 2	0.04 acres	(b)(1) Non-adjacent wetland	Isolated wetland – no connection
WL 3	0.19 acres	(b)(1) Non-adjacent wetland	Isolated wetland – no connection
WUS 2A, 2B and 2C	1030 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Documentation of photos from FOTH provide evidence that the feature is erosional and ephemeral.

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 Update, May 14, 2020, FOTH PROJECT 19W038.00, Figures 2A to 2G.*
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 of WUS 2A, 2B and 2C, received on August 17, 2020. Photos within wetland delineation.*

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: *Title(s) and/or date(s).*

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

USGS topographic maps: *Figure 3 Wetland Delineation, 24K, Commerce, IA.*

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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 photos used to document 2A, 2B and 2C were taken on April 20, 2020. According to the Antecedent Rainfall Calculator, rainfall was normal at that time of the year. Due to the small drainage area, topography and location of the drainages, we concluded that these features were non-jurisdictional.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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