



**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): 02-MAR-2021

ORM Number: MVR-2020-01249

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.511815 Longitude -93.935673

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 |
|-------------|-------------|--|--|
| St-01 | 579 feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | This stream flows into a pond, which is an impounded (a)(2) water, which then flows north, through a culvert, and continues to flow into unnamed tributaries of the North Raccoon River, until it flows into the Raccoon River, which flows into the Des Moines River, a TNW |

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 |
|-------------|-------------|--|--|
| M | 0.39 acres | (a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or | Historic Aerials show that this pond was once a tributary, that flowed north through a culvert, through unnamed tributaries of the Raccoon River, into the |

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

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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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| | | indirectly to an (a)(1) water in a typical year | Raccoon River, which flows into the Des Moines River, a TNW. That culvert is still there today and shows the pond continues to provide flow through the culvert. |
| N | 0.58 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 typical year | This pond is an impoundment of St-01, an (a)(2) water. This pond provides flow north through a culvert, to unnamed tributaries of the Raccoon River, which flows into the Raccoon River, which flows into the Des Moines River, a TNW. That culvert is still there today and shows the pond continues to provide flow through the culvert. |
| O | 1.27 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 typical year | This pond is an impoundment of St-01, an (a)(2) water. This pond provides flow through a pipe into St-1, which flows into an (a)(3) pond (labeled aquatic resource N), which provides flow north through a culvert, to unnamed tributaries of the Raccoon River, which flows into the Raccoon River, which flows into the Des Moines River, a TNW. That culvert is still there today and shows the pond continues to provide flow through the culvert. |

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

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria | Rationale for (a)(4) Determination |
|-------------|-------------|--|--|
| A | 0.51 acres | (a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year | This wetland provides flow north through a culvert, through unnamed tributaries of the Raccoon River, into the Raccoon River, which flows into the Des Moines River, a TNW. Historic Aerials show this wetland connected to the unnamed tributaries of the Raccoon River. |
| B | 0.56 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | This wetland is adjacent to aquatic resource M, an (a)(3) water, which flows north through a culvert, through unnamed tributaries of the Raccoon River, into the Raccoon River, which flows into the Des Moines River, a TNW. |
| E | 0.25 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | This wetland is adjacent to aquatic resource N, an (a)(3) water, which flows north through a culvert, through unnamed tributaries of the Raccoon River, into the Raccoon River, which flows into the Des Moines River, a TNW. |
| F | 0.12 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | This wetland is adjacent to aquatic resource N, an (a)(3) water, which flows north through a culvert, through unnamed tributaries of the Raccoon River, into the Raccoon River, which flows into the Des Moines River, a TNW. |
| G | 0.02 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | This wetland is adjacent to aquatic resource O, an (a)(3) water, which provides flow through a pipe into St-1, which flows into an (a)(3) pond (labeled aquatic resource N), which provides flow north through a culvert, to unnamed tributaries of the Raccoon River, which flows into the Raccoon River, which flows into the Des Moines River, a TNW. |
| H | 0.01 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | This wetland is adjacent to aquatic resource O, an (a)(3) water, which provides flow through a pipe into St- |

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|---|------------|---|--|
| | | | 1, which flows into an (a)(3) pond (labeled aquatic resource N), which provides flow north through a culvert, to unnamed tributaries of the Raccoon River, which flows into the Raccoon River, which flows into the Des Moines River, a TNW. |
| I | 0.08 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | This wetland is adjacent to aquatic resource O, an (a)(3) water, which provides flow through a pipe into St-1, which flows into an (a)(3) pond (labeled aquatic resource N), which provides flow north through a culvert, to unnamed tributaries of the Raccoon River, which flows into the Raccoon River, which flows into the Des Moines River, a TNW. |
| K | 0.19 acres | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | This wetland is the forested portion of the wetland complex (aquatic resource B is the emergent portion), adjacent to aquatic resource M, an (a)(3) water, which flows north through a culvert, through unnamed tributaries of the Raccoon River, into the Raccoon River, which flows into the Des Moines River, a TNW. |

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
|----------------|----------------|-----------------------------|---|
| C | 0.05 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a (a)(1-3) water, and does not appear to provide flow to an (a)(1-3) water. This feature does not abut any water on site. |
| D | 0.08 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a (a)(1-3) water, and does not appear to provide flow to an (a)(1-3) water. |
| J | 0.03 acres | (b)(1) Non-adjacent wetland | This water is connected to an (a)(1-3) water on site. It appears to be connected to an offsite feature, which resembles an ephemeral stream. |
| L | 0.07 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a (a)(1-3) water, and does not appear to provide flow to an (a)(1-3) water. |
| P | 0.75 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a (a)(1-3) water, and does not appear to provide flow to an (a)(1-3) water. |
| Q | 0.02 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a WOTUS, and does not appear to provide flow to an (a)(1-3) water. |
| R | 0.05 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a (a)(1-3) water, and does not appear to provide flow to an (a)(1-3) water. This feature does not abut any water on site. |
| S | 0.02 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a |

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| | | | WOTUS, and does not appear to provide flow to an (a)(1-3) water. |
| T | 0.1 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a WOTUS, and does not appear to provide flow to an (a)(1-3) water. |
| U | 0.03 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a WOTUS, and does not appear to provide flow to an (a)(1-3) water. |
| V | 0.04 acres | (b)(1) Non-adjacent wetland | This water does not show characteristics of being indirectly/directly hydrologically connected to a WOTUS, and does not appear to provide flow to an (a)(1-3) water. |

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: *Delineation and JD Application, December 2020*

This information is partially sufficient for purposes of this AJD.

Rationale: *The Corps concurs with the delineation, but needs to assess jurisdiction.*

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

Photographs: *Regulatory Viewer, with Historic Aerial Layers, 1930-2017*

Corps Site visit(s) conducted on: *February 23, 2021*

Previous Jurisdictional Determinations (AJDs or PJDs): *MVR-2013-1512 PJD, December 17, 2013*

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

USDA NRCS Soil Survey: *Websoil Survey, March 2021*

USFWS NWI maps: *Regulatory Viewer with NWI layer, March 2021*

USGS topographic maps: *Regulatory Viewer with topo layer, March 2021*

Other data sources used to aid in this determination:

| Data Source (select) | Name and/or date and other relevant information |
|----------------------------|--|
| USGS Sources | Regulatory Viewer with NHD layer, March 2021 |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | Regulatory Viewer with Hillshade layer, March 2021 |
| State/Local/Tribal Sources | N/A. |
| Other Sources | Beacon Aerials and Oblique Imagery, 2020 |

- B. Typical year assessment(s): 2020 aerial photographs from the Beacon website showed culverts next to northernmost waters. As the photographs of the culverts were the primary documentation of asserting jurisdiction over the jurisdictional resources, the ATP was run for multiple months during

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2020, as the exact month was not documented. The photographs showed water in each wetland or pond next to the culvert. All four dates data (3/1/2020, 7/1/2020, 10/1/2020, and 11/13/2020) showed either normal conditions or dry conditions. It also listed most months as being in drought conditions.

- C. Additional comments to support AJD:** As stated in the typical year assessment, the presence of culverts and open water was the primary factor in documenting flow north, continuing down to the Des Moines River, a TNW. A site visit was conducted to determine the presence/absence of culverts. Due to the steep slopes along the road and inability to access property on either side of the road, photographs of the culverts were unable to be obtained. Oblique imagery from the Beacon website showed the culverts directly connected to the open water wetland and open water features. Historic Aerials show the open waters were once streams. The wetlands that were considered non-jurisdictional, did not have a clear connection or flow path to any WOTUS on site. A previous PJD was issued on this site in 2013. As that delineation was expired, a new delineation was completed by the applicant's consultant. The Corps concurs with the new delineation. .

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Figure A: Wetland Delineation Map, Van Meter Vision Park

