



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): 05-APR-2021  
ORM Number: MVR-2020-01692  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: IA City: Guttenburg County/Parish/Borough: Clayton County  
Center Coordinates of Review Area: Latitude 42.774013 Longitude -91.097447

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
N/A	N/A	N/A	N/A

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):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

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

<sup>2</sup> 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	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: *JD Application and site map, March 2021*

This information *is partially* sufficient for purposes of this AJD.

Rationale: *This information provided the area of the requested AJD and permission to access the property, but a site visit was necessary to determine if waters were on site.*

Data sheets prepared by the Corps: *UP 1, UP 2, UP 3; April 2, 2021*

Photographs: *(NA, aerial, other, aerial and other) Regulatory Viewer with Aerial, LIDAR, and hillshade layers, Jan 2021 and April 2021; Site Visit Photos, April 2 2021*

Corps Site visit(s) conducted on: *April 2, 2021.*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

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

USFWS NWI maps: *USFWS NWI Mapper, April 2021*

USGS topographic maps: *Regulatory Viewer with topo layer, April 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, April 2021
USGS Sources	National Map Viewer, 1902 Aerial Photograph
USGS Sources	USGS Topoview, 2018
USDA Sources	N/A.
NOAA Sources	US Drought Monitor, April 8, 2021
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Google Maps Aerial and Streetview images, Jan 2021

**B. Typical year assessment(s):** The US Drought Monitor shows parts of Clayton County, IA as being Abnormally Dry, but they City of Guttenberg is in a part of Clayton County that has no drought or dry conditions. The APT Tool listed this area as having wetter than normal conditions.

**C. Additional comments to support AJD:** A comprehensive GIS investigation was completed on this AJD site, utilizing tools such as the NWI, NHD, topographic, aerials, and other online maps. There are

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no previously documented waters on this site, and most online GIS sites did not indicate wetlands are on site, but as the NRCS Soil Survey showed the project area as 100% hydric soils, a site visit was conducted. Three data points were completed, and none of the data points had hydric soils or enough hydrology indicators for there to be wetlands on this site. This area is actively mowed. There is a levee just offsite preventing floodwaters from reaching this site.

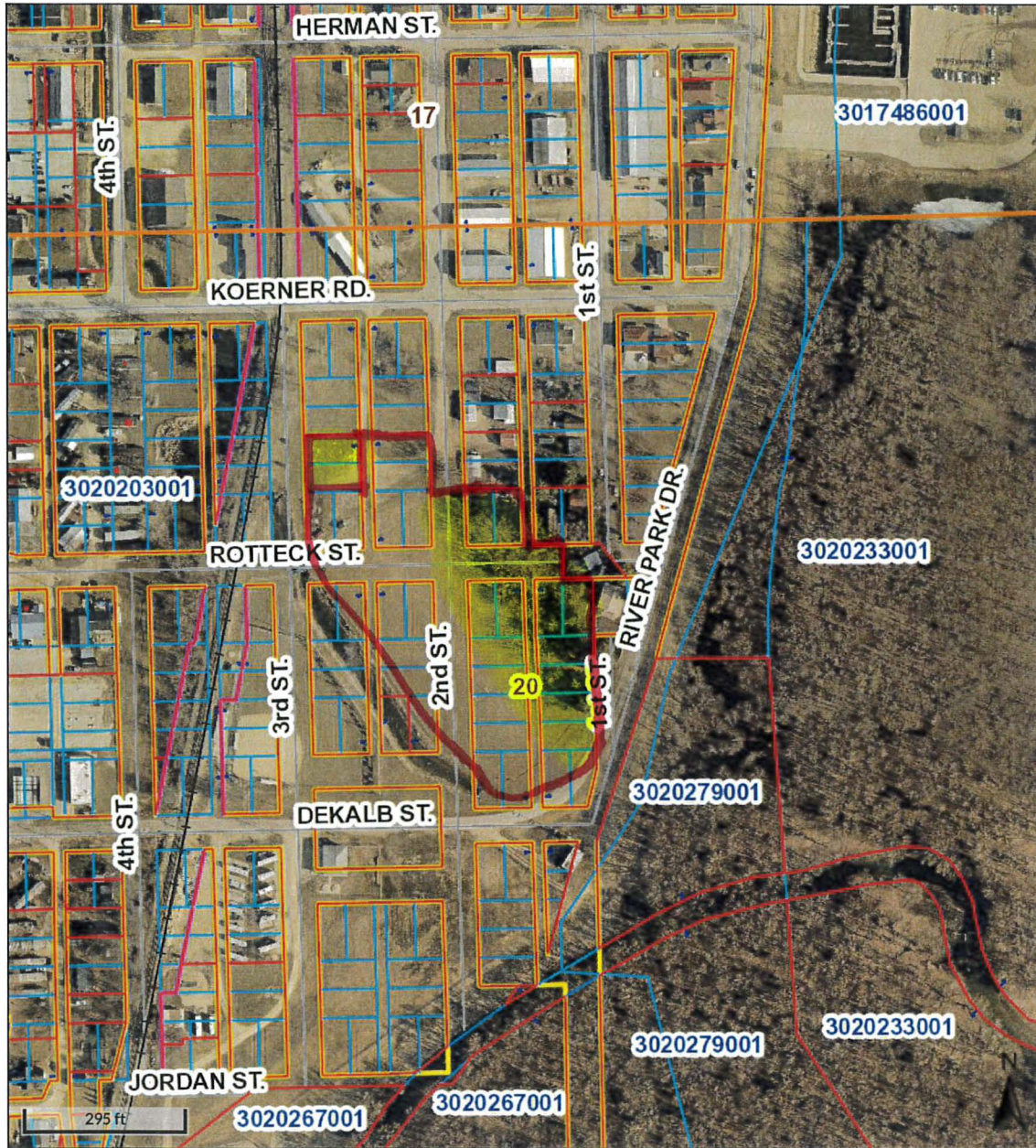
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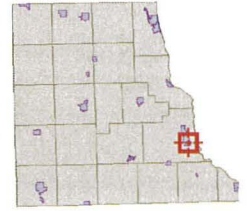
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Overview



Legend



AJD Area