



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): 12-MAY-2021
ORM Number: MVR-2021-00190-AM & MVR-2021-0193-AM
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 41.5344 Longitude -93.8562

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
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

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EPH-1	180 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral streams are no longer jurisdictional, under the NWPR
EPH-2	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral streams are no longer jurisdictional, under the NWPR
EPH-3	120 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral streams are no longer jurisdictional, under the NWPR

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 Delineation Submittal, Feb 2021*

This information is 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: *Regulatory Viewer with Aerial, LIDAR, and Hillshade layers, May 2021*

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: *Web Soil Survey, May 12, 2021*

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

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

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	US Drought Monitor, October 13, 2020
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The APT showed that this area is dryer than normal, and the Drought Indicator shows that this area is in a mild drought.

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

- C. Additional comments to support AJD:** This AJD area covers two project locations. This AJD only references the ephemeral streams on the attached map. This area is in a mild drought and is dryer than normal, but the photographs supplied by the consultant who completed the delineation, plus the online mapping research completed for this AJD, confirms the consultant's delineation and the Corps concurs with the ephemeral stream determination.

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.

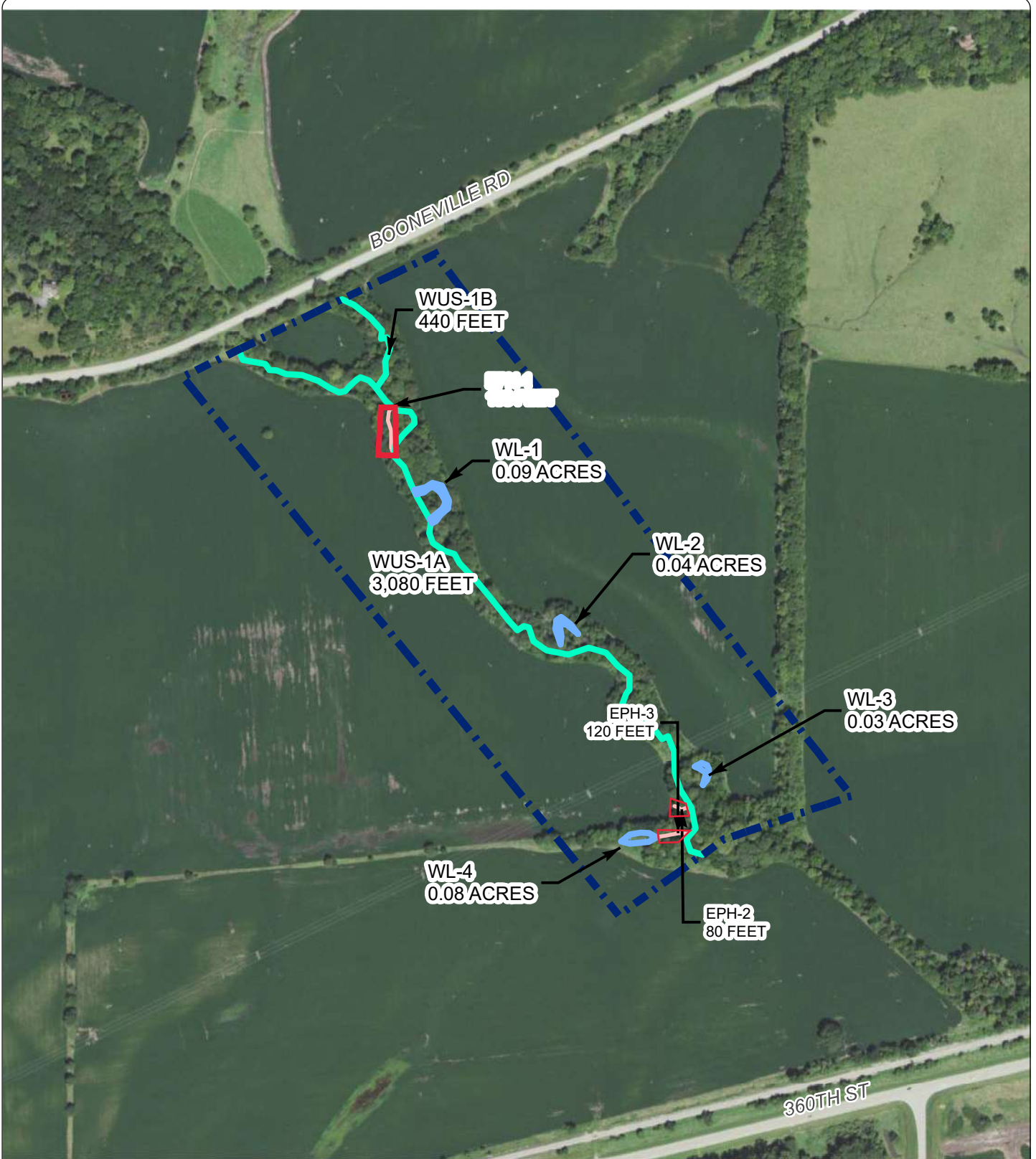
⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

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.

Document Path: Q:\McClure Engineering Company\20M126.00 Johnson Creek and Sugar Creek Conveyance Improvements\GIS\mxd\20M126 Figure 5.mxd

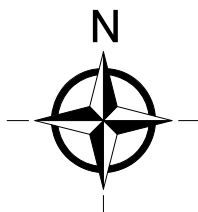
Document Name: 20M126 Figure 5

©2020 Foth Infrastructure & Environment, LLC

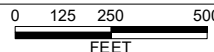


LEGEND

-  WETLAND
-  BOUNDARY OF PJD
-  WUS
-  DRAINAGE FEATURE
-  Boundary of AJD



WETLAND DELINEATION MAP
 ENVIRONMENTAL SERVICES
 JOHNSON CREEK
 BOONEVILLE RD TO GRAVE AVE
 WEST DES MOINES, IOWA



PROJECT ID. #: 20M126.00

DATE: 12/15/2020

PREPARED BY: KRG

CHECKED BY: ESM

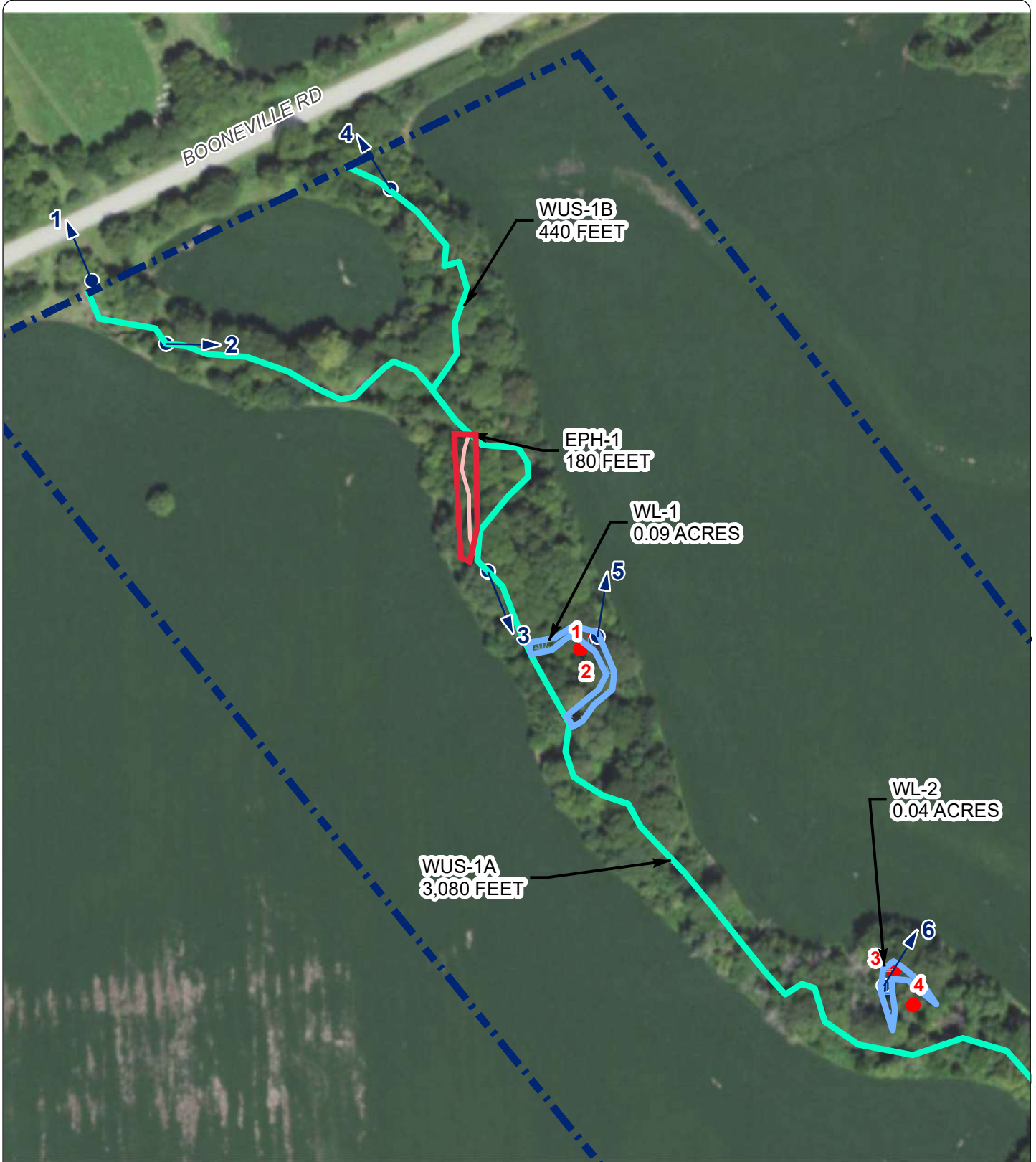


FIGURE NO.








5

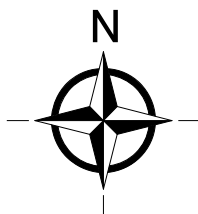
Document Path: Q:\McClure Engineering Company\20M126.00 Johnson Creek and Sugar Creek Conveyance Improvements\GIS\mxd\20M126 Figure 5A.mxd

Document Name: 20M126 Figure 5A

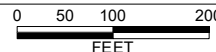


LEGEND

-  WETLAND
-  BOUNDARY OF PJD
-  WUS
-  DRAINAGE FEATURE
-  PHOTO LOCATION
-  DATA POINT
-  BOUNDARY OF AJD



WETLAND DELINEATION MAP
 ENVIRONMENTAL SERVICES
 JOHNSON CREEK
 BOONEVILLE RD TO GRAVE AVE
 WEST DES MOINES, IOWA



PROJECT ID. #: 20M126.00

DATE: 12/15/2020

PREPARED BY: KRG

CHECKED BY: ESM



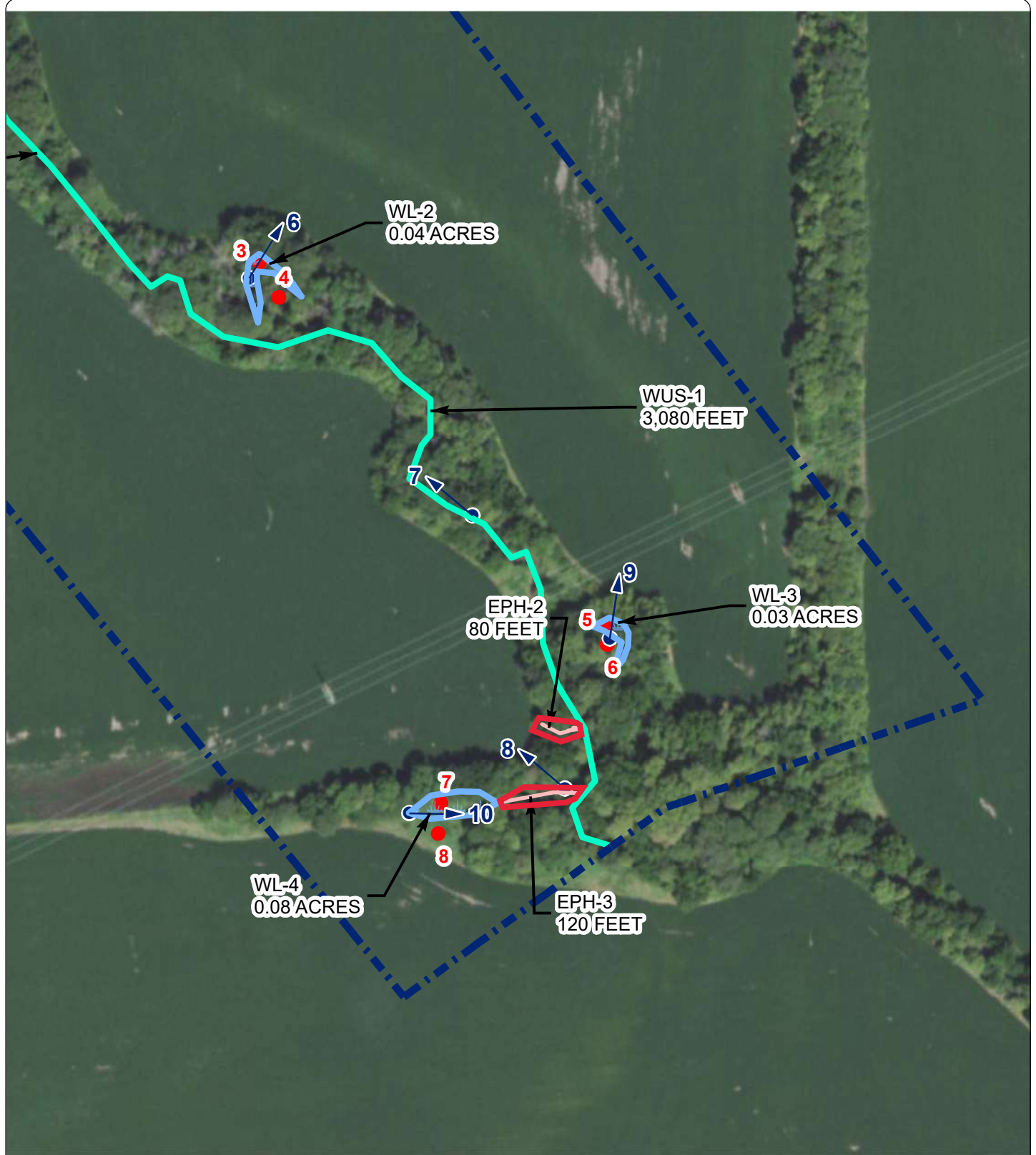
FIGURE NO.

5A








©2020 Foth Infrastructure & Environment, LLC

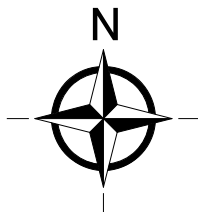
Document Path: Q:\McClure Engineering Company\20M126.00 Johnson Creek and Sugar Creek Conveyance Improvements\GIS\mxd\20M126 Figure 5B.mxd

Document Name: 20M126 Figure 5B

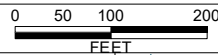


LEGEND

-  WETLAND
-  BOUNDARY OF PJD
-  WUS
-  DRAINAGE FEATURE
-  PHOTO LOCATION
-  DATA POINT
-  BOUNDARY OF AJD



WETLAND DELINEATION MAP
 ENVIRONMENTAL SERVICES
 JOHNSON CREEK
 BOONEVILLE RD TO GRAVE AVE
 WEST DES MOINES, IOWA



PROJECT ID. #: 20M126.00

DATE: 12/15/2020

PREPARED BY: KRG

CHECKED BY: ESM



FIGURE NO.
5B

©2020 Foth Infrastructure & Environment, LLC