



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): 22-JUL-2021  
ORM Number: MVR-2021-00851-AM  
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: County/Parish/Borough: Warren County  
Center Coordinates of Review Area: Latitude 41.512232 Longitude -93.72192

**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.



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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
EPH-1	220 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral streams are not jurisdictional under the NWPR
EPH-2	270 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral streams are not jurisdictional under the NWPR
EPH-3	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral streams are not jurisdictional under the NWPR
WL-1	0.11 acres	(b)(1) Non-adjacent wetland	This wetland does not abut/is not adjacent to any (a)(1-4) waters
WL-2	0.11 acres	(b)(1) Non-adjacent wetland	This wetland does not abut/is not adjacent to any (a)(1-4) waters
WL-3	0.05 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in uplands. Historic aerials do not show evidence that this area was a stream, wetland, or other water.
WL-4	0.04 acres	(b)(1) Non-adjacent wetland	This wetland does not abut/is not adjacent to any (a)(1-4) waters
WL-5	0.02 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in uplands. Historic aerials do not show evidence that this area was a stream, wetland, or other water.
WL-6	0.56 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in uplands. Historic aerials do not show evidence that this area was a stream, wetland, or other water.
WL-7	0.39 acres	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff	This stormwater control feature was constructed in uplands. Historic aerials do not show evidence that this area was a stream, wetland, or other 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: *Application, June 2021*

This information *is and is not* sufficient for purposes of this AJD.

Rationale: *There are two streams that are mapped on multiple sources that are not listed in the delineation. A site visit is warranted.*

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

<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.



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

- Photographs: *Regulatory Viewer with NHD and Aerial Layers, July 2021*
- Corps Site visit(s) conducted on: *July 19, 2021*
- 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, July 2021*
- USFWS NWI maps: *NWI Mapper, July 2021*
- USGS topographic maps: *Regulatory Viewer with topographic layer, July 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, July 22, 2021
USACE Sources	Regulatory Viewer Historic Photos, 1930-2017
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** The US Drought Monitor shows this area of Polk County as Abnormally Dry. The APT shows that this area is drier than normal and is in a moderate drought.

**C. Additional comments to support AJD:** A site visit was conducted to determine if the streams mapped in various sources existed in the project area. Two streams, one south of WL 6 and the other south of WL 7 were mapped on the NWI, NHD, and topographic maps. An intermittent stream was discovered south of Wetland 6, but it is located just outside the boundaries of this AJD. There was no evidence of a stream south of WL7. Historic photographs were investigated and Wetlands WL-3, WL-5, WL-6, and WL-7 are stormwater features constructed in uplands. There is no evidence that those areas were once streams, wetlands, or other waters. Looking back at historic aerials, WL-6 and WL-7 were constructed just north of the historic mapped intermittent streams.

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

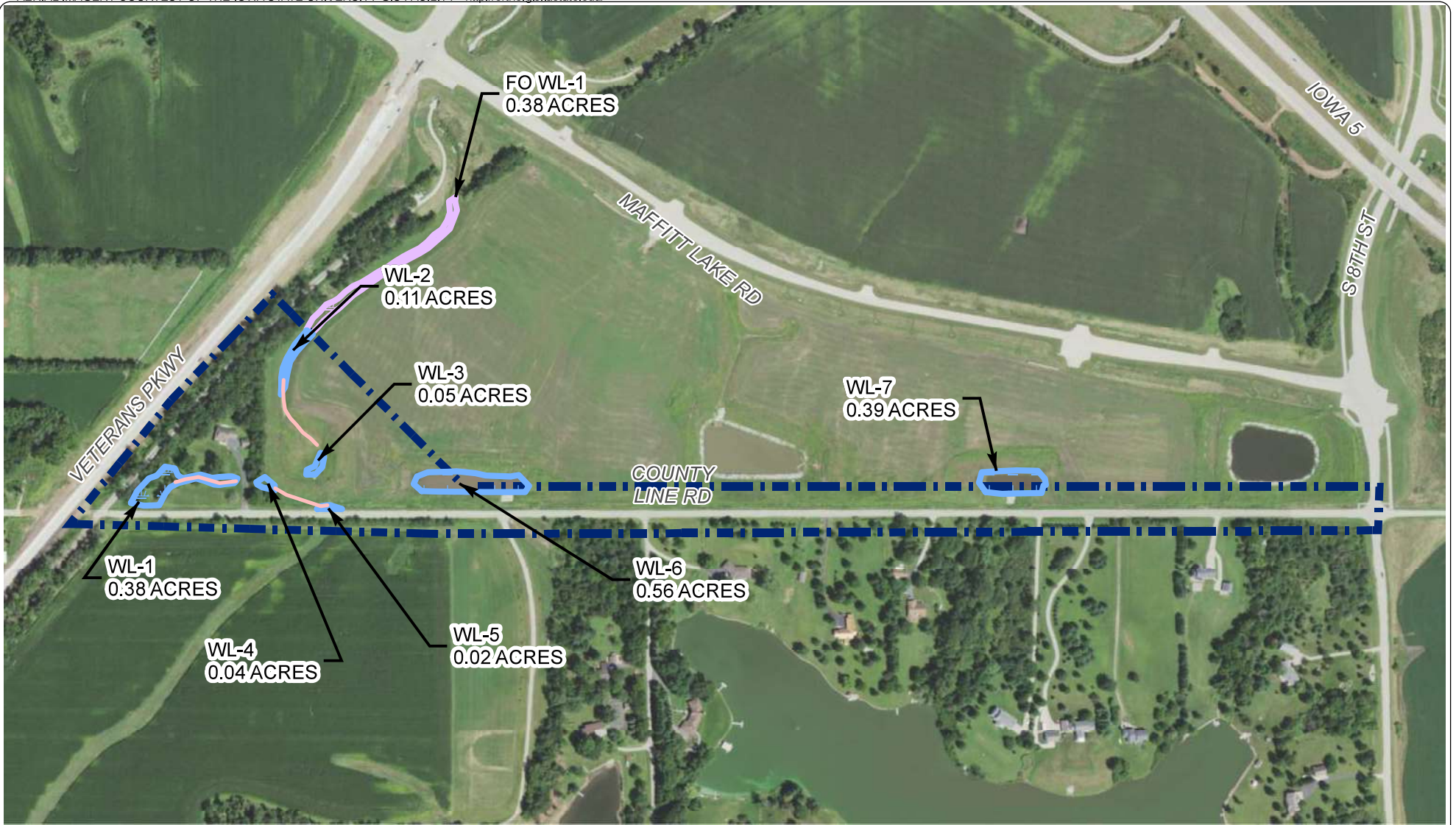
<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<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.





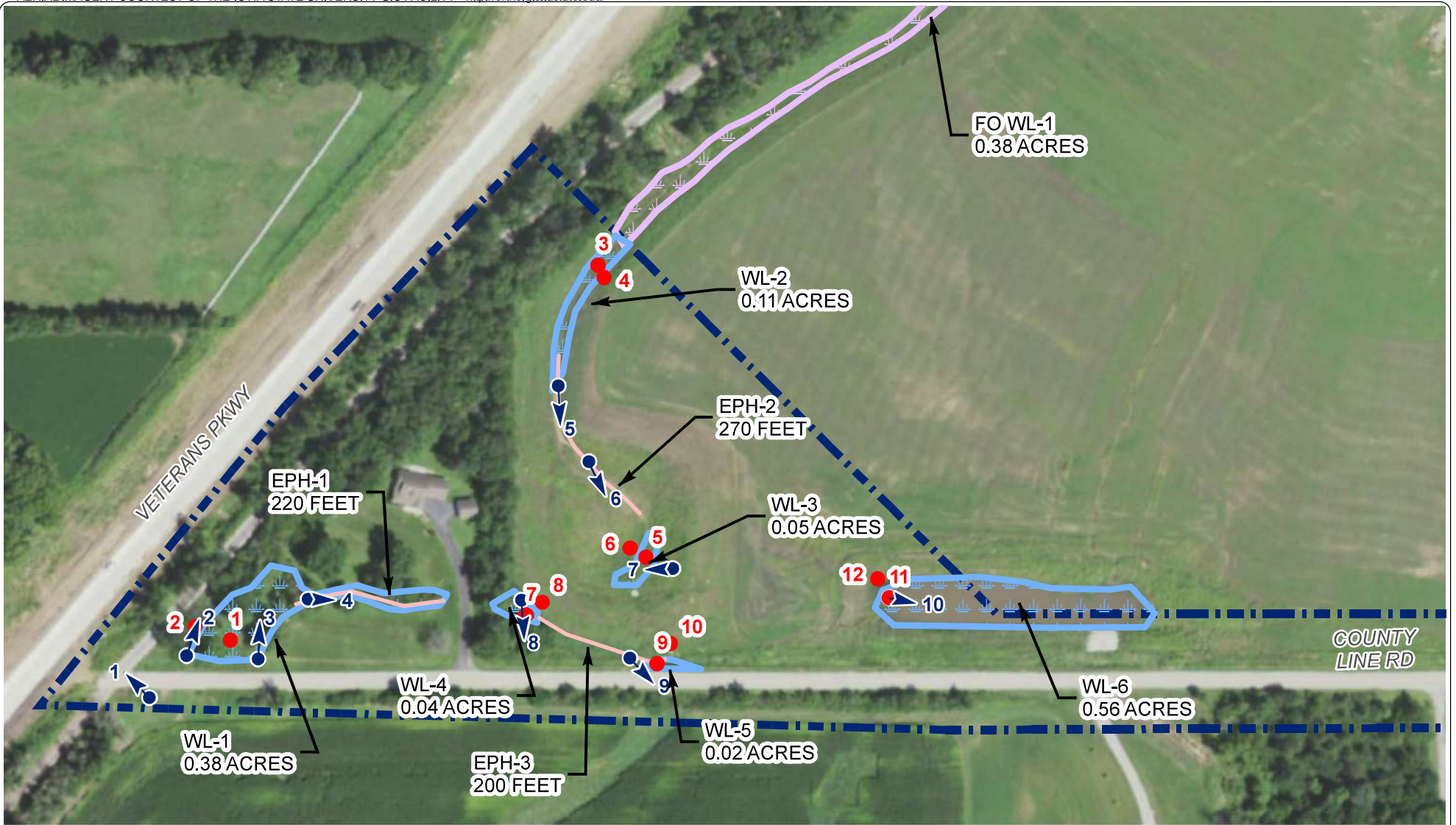
### LEGEND

- BOUNDARY OF ASSESSED AREA
- WETLAND
- WETLAND CDA FO DELINEATION
- DRAINAGE FEATURE



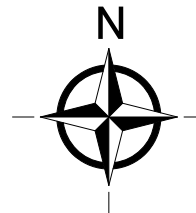
<b>WETLAND DELINEATION MAP</b> <b>ENVIRONMENTAL SERVICES</b> <b>COUNTY LINE ROAD</b> <b>WEST DES MOINES, IOWA</b>		
	PROJECT ID. #: 200008.00	
DATE: 2/11/2021 PREPARED BY: KRG CHECKED BY: ESM		
		FIGURE NO. <b>5</b>





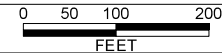
### LEGEND

- BOUNDARY OF ASSESSED AREA
- WETLAND
- WETLAND CDA FO DELINEATION
- DRAINAGE FEATURE
- DATA POINT
- PHOTO LOCATION



### WETLAND DELINEATION MAP

ENVIRONMENTAL SERVICES  
COUNTY LINE ROAD  
WEST DES MOINES, IOWA



PROJECT ID. #: 200008.00

DATE: 4/29/2021

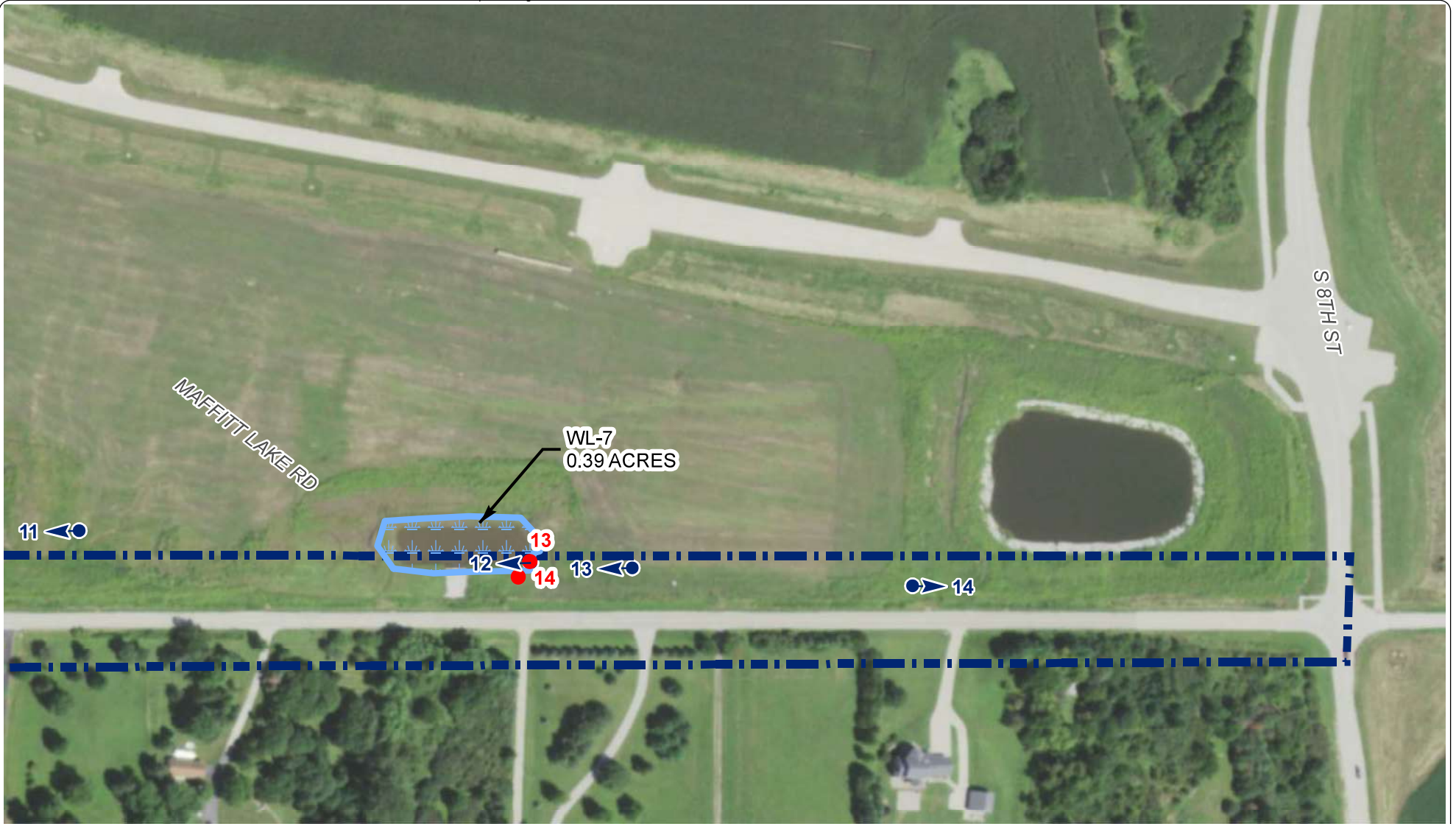
PREPARED BY: KRG

CHECKED BY: ESM







FIGURE NO.

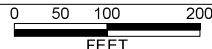

5A



### LEGEND

-  BOUNDARY OF ASSESSED AREA
-  WETLAND
-  DATA POINT
-  PHOTO LOCATION



WETLAND DELINEATION MAP	
ENVIRONMENTAL SERVICES COUNTY LINE ROAD WEST DES MOINES, IOWA	
	PROJECT ID. #: 200008.00
DATE: 2/13/2021	 Foth Infrastructure & Environment, LLC
PREPARED BY: KRG	
CHECKED BY: ESM	
FIGURE NO. <b>5B</b>	