



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-NOV-2020  
ORM Number: MVR-2020-00929-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: Calhoun & Webster Counties  
Center Coordinates of Review Area: Latitude 42.360635 Longitude -94.39907

**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
s1	246 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S1’s local name is Purgatory creek, which flows into the North Racoon River, which flows into the Racoon River, which flows into the Des Moines River, a TNW
s2	314 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S1’s local name is Purgatory creek, which flows into the North Racoon River, which flows into the Racoon River, which flows into the Des Moines River, a TNW
s3	340 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S3 flows into Purgatory Creek, which flows into the North Racoon River, which flows into the Racoon River, which flows into the Des Moines River, a TNW

<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.



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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
w13	0.1913 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts S3, an A2 water

**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
w01	0.0356 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w02	0.0039 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w03	0.0069 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w04	0.0247 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w05	0.3034 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w06	0.006 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w07	0.0489 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w08	1.24 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w09	0.0082 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w10	0.8898 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w11	0.5973 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w12	0.1502 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water

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w14	0.0063 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w15	0.0226 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w16	0.0905 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w17	0.0219 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w18	0.1671 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w19	0.1414 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w20	0.1411 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w21	0.0711 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w22	0.0045 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w23	1.3732 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w24	0.4577 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w25	0.2608 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated water
w26	0.2059 acres	(b)(1) Non-adjacent wetland	This wetland does not abut a regulated water and shows no other indicators of being hydrologically connect to a regulated 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: *Title(s) and date(s)*.

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

Rationale: *Some of the photographs were not clear enough to make a determination on the aquatic resources. The Corps concurred with the rest of the submittal.*

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

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- Photographs; Regulatory Viewer LIDAR Map with NHD & NWI layers, Nov 2020.
- Corps Site visit(s) conducted on: *October 8, 2020.*
- 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: *Included in the consultant's application.*
- USFWS NWI maps: *Regulatory Viewer Topo Map with NHD & NWI layers, Nov 2020*
- USGS topographic maps: *Regulatory Viewer Topo Map with NHD & NWI layers, Nov 2020*

**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	US Drought Monitor, Nov 12, 2020

- B. Typical year assessment(s):** The US Drought Monitor has both Calhoun and Webster Counties in a moderate drought.
- C. Additional comments to support AJD:** A site visit was conducted to verify some of the aquatic resources that did not have photographs of them. After the site visit was conducted, the Corps concurred with the delineation completed by the consultant. Most of the wetlands did not have a direct or indirect connection to the perennial streams on site so a determination was made that the Corps does not regulate them. The one wetland that abutting a perennial stream is within Corps jurisdiction. The attached document shows photographs of two, non-jurisdictional wetlands. There are more available via ORM.

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Photograph pp081 view Northeast



Photograph pp081 view Southwest