



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): 21-OCT-2020
ORM Number: MVR-2020-01323-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: Polk County
Center Coordinates of Review Area: Latitude 41.781519 Longitude -93.699073

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
Intermittent Drainage Way	130 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	

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):

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.



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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Emergent Wetland	0.89 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The intermittent stream flows through this wetland
Forested Wetland	0.65 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature	The forested wetland is located just above the emergent wetland. The ephemeral stream flows through the forested wetland, into the intermittent stream which is located in the emergent wetland

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Drainage Way	304 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	This resource contains weak bed/bank and has vegetation growing in the channel. It is an ephemeral stream and thus not regulated 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: *Delineation Package, September 2020*

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

Rationale: *A desktop review showed the wetlands and streams on site but the picture of the ephemeral stream was not clear enough to make a determination*

Data sheets prepared by the Corps: *N/A*

Photographs: *Regulatory Viewer Aerial, October 2020; Three photographs of the ephemeral feature, October 21, 2020*

Corps Site visit(s) conducted on: *October 21, 2020*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

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

USDA NRCS Soil Survey: *Websoil Survey, October 2020*

USFWS NWI maps: *Regulatory Viewer, October 2020*

USGS topographic maps: *Regulatory Viewer, October 2020.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Regulatory Viewer NHD Layer, October 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Regulatory Viewer LIDAR Photograph, October 2020
State/Local/Tribal Sources	N/A.
Other Sources	US Drought Monitor, October 22, 2020

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- B. Typical year assessment(s):** US Drought Monitor shows the area in a Moderate Drought, which the Antecedent Rainfall Calculator references but shows that the site is in normal conditions.
- C. Additional comments to support AJD:** The wetlands and intermittent stream determination was concurred via a desktop review. The photographs of the ephemeral stream were unclear and the LIDAR photograph of that area indicated a possible intermittent stream. A site visit was conducted and upon review of the ephemeral stream, that determination was concurred with. The ephemeral stream had very weak bed/bank and poor indicators of an OHWM. This site also had precipitation the previous two days before the site visit.

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