



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): 3-MAY-2021

ORM Number: MVR-2020-01476-KB

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: IA City: Council Bluffs County/Parish/Borough: Pottawattamie County

Center Coordinates of Review Area: Latitude 41.4693 Longitude -95.9659

**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 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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**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
WL-1	0.36 acres	(b)(1) Non-adjacent wetland	Depressional wetland with No direct hydrologic surface connection to an a2 tributary. There is no structure/culvert through the Vanman Levee.
WL-2	25 acres	(b)(1) Non-adjacent wetland	Depressional wetland with No direct hydrologic surface connection to an a2 tributary. There is no structure/culvert through the Vanman Levee.
WL-3	1.91 acres	(b)(1) Non-adjacent wetland	Depressional wetland with No direct hydrologic surface connection to an a2 tributary. There is no structure/culvert through the Vanman Levee.

**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: *Applications received December 18, 2020 and March 19, 2021.*

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

Rationale: *Wetland locations were based solely on the National Wetland Inventory. A site visit conducted by the Corps on April 27, 2021 provided the information sufficient to make an AJD determination.*

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

☒ Photographs: *(NA, aerial, other, aerial and other) Corps site visit photos from April 27, 2021, Google Earth, LiDAR.*

☒ -Corps Site visit(s) conducted on: *April 27, 2021.*

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

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

USDA NRCS Soil Survey: *N/A.*

☒ USFWS NWI maps: *provided by applicant in March 19, 2021 application.*

☒ USGS topographic maps: *Google Earth Layer.*

**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	N/A.

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- B. Typical year assessment(s):** See APT dated April 27, 2021 included in with AJD. Site visit was conducted during “Normal Conditions” but according to the Drought Index (PDSI) the area was in a “Mild drought”.
- C. Additional comments to support AJD:** A Corps conducted site visit on April 27, 2021 verified that these are enclosed depressional wetlands with no direct hydrologic surface connection to an a2 tributary and that no culverts are within the Vanman Levee that would provide connection to an a2 tributary..

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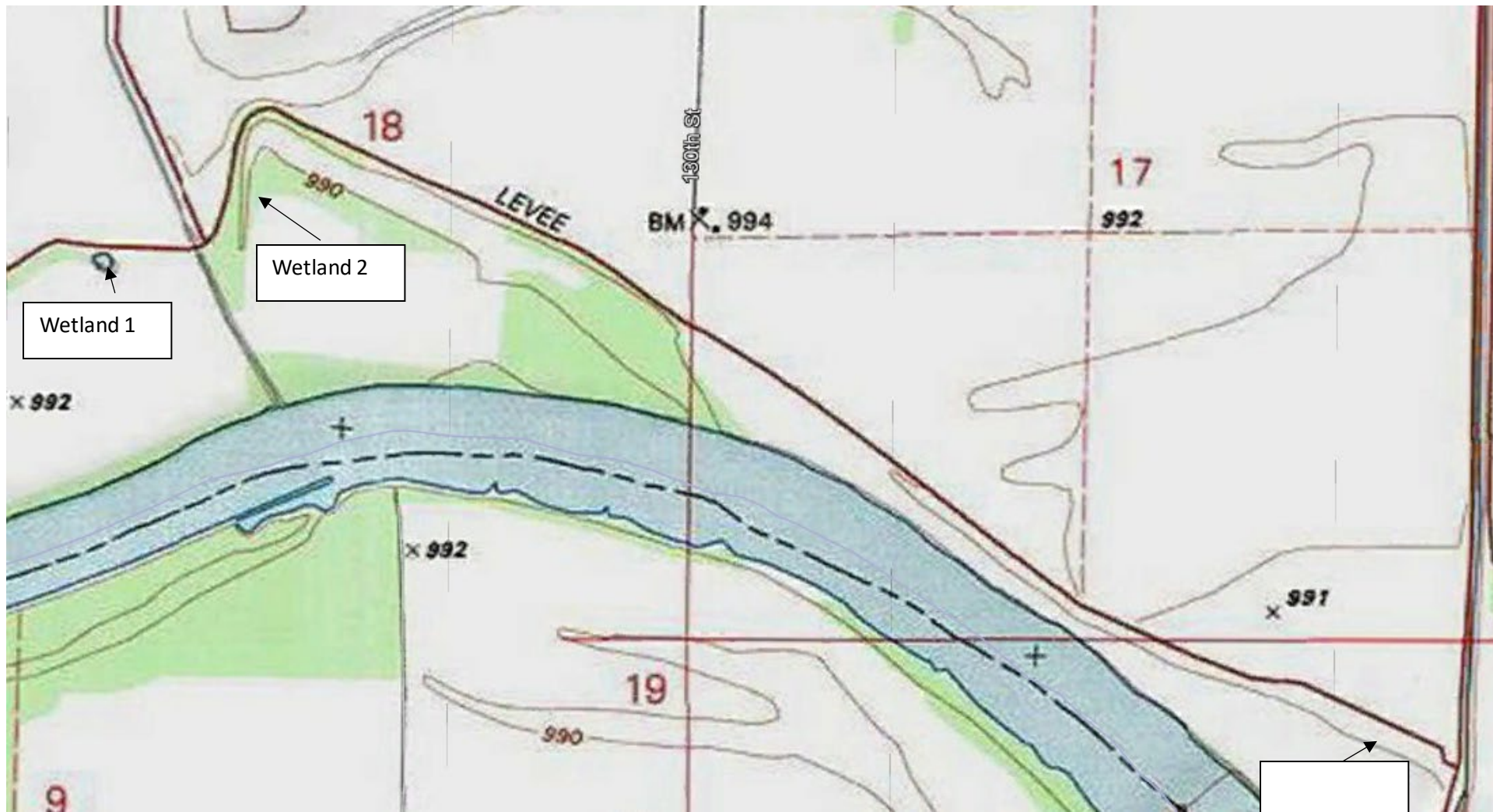
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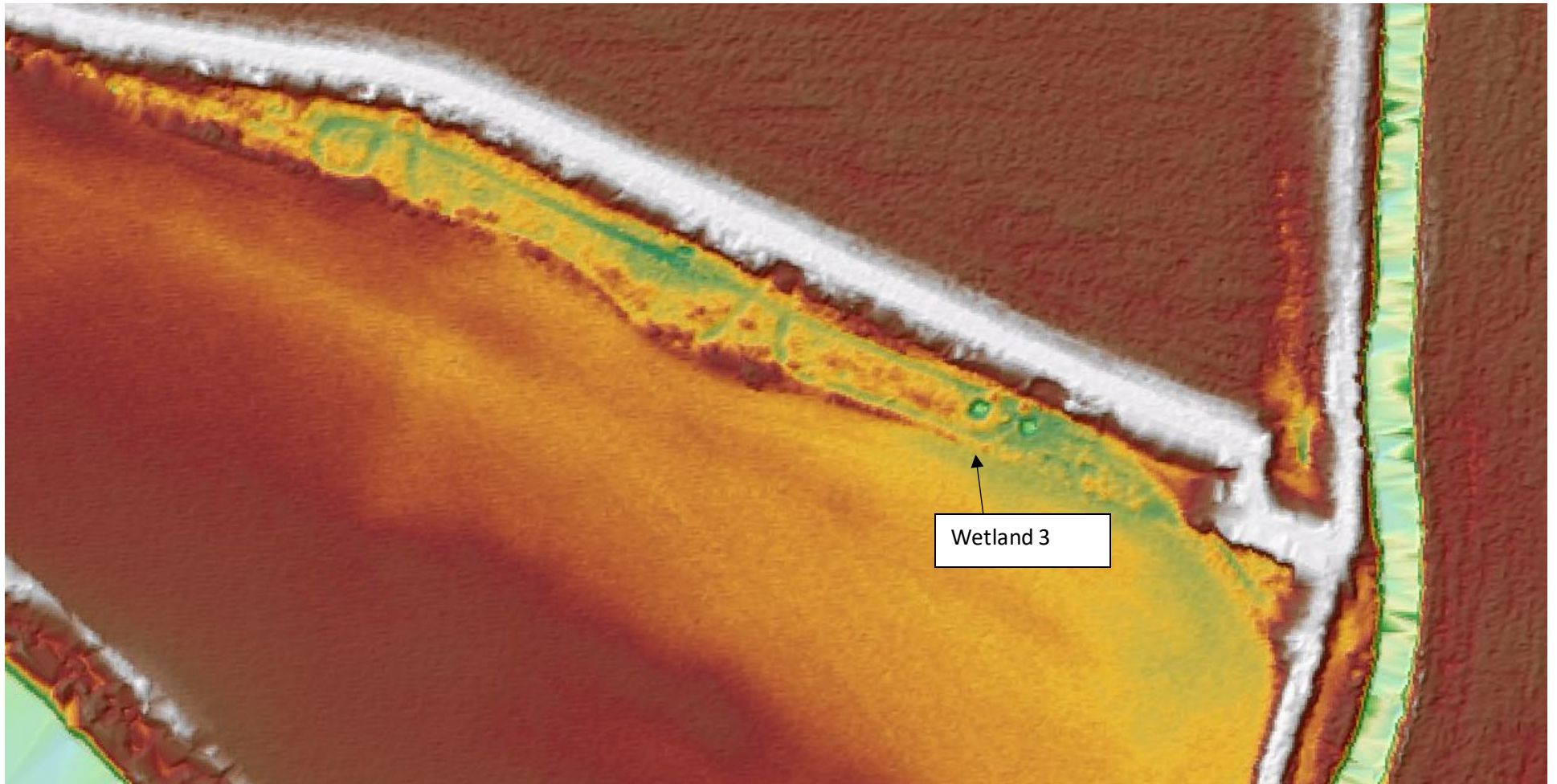






Wetland 2









Wetland 1 – enclosed depression/basin with no direct hydrologic surface connection to an a2 tributary. No culvert within the Vanman Levee.





Wetland 2 - enclosed depression/basin with no direct hydrologic surface connection to an a2 tributary. No culvert within the Vanman Levee.





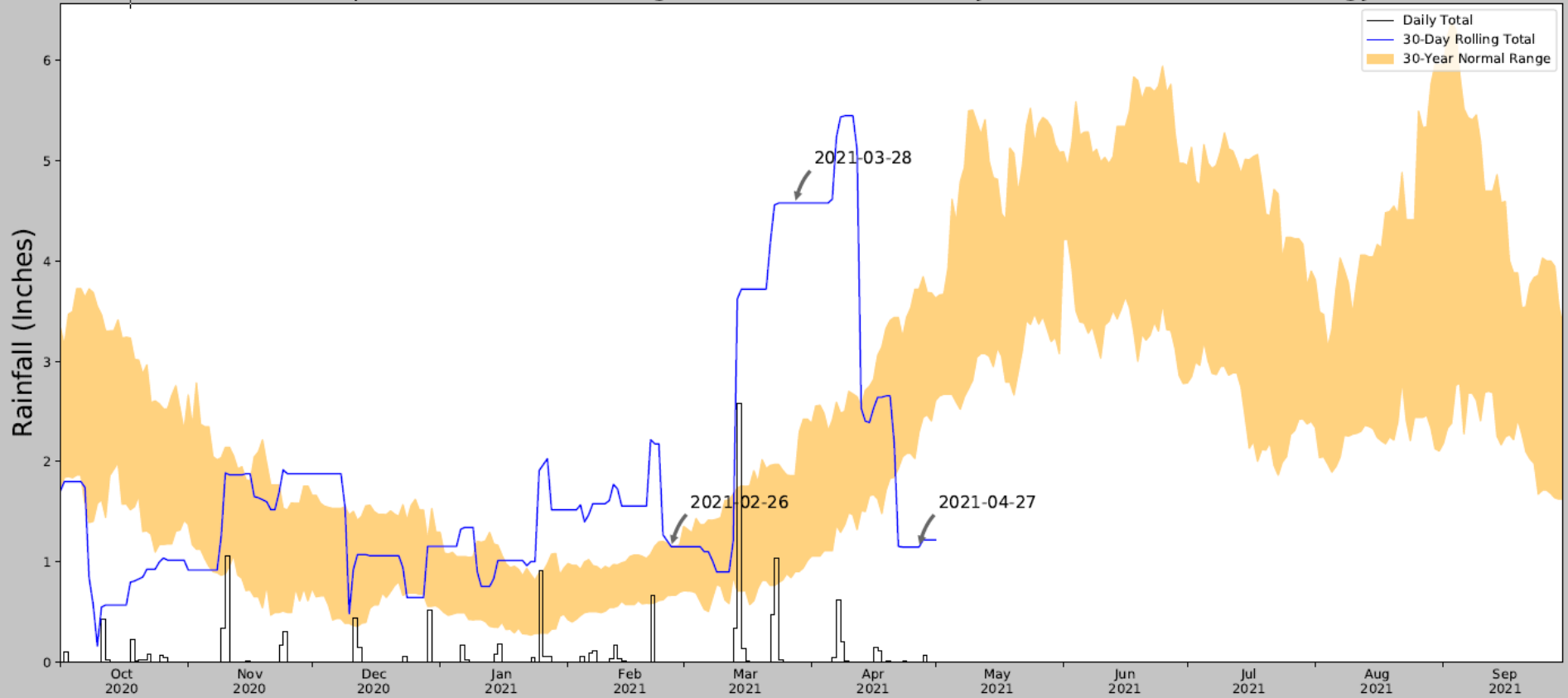
41.46194536N 95.92288704W  
128° SE

Apr 27, 2021 1:31:59 PM

Wetland 3 – enclosed depression/basin with no direct hydrologic surface connection to an a2 tributary. No culvert within the Vanman Levee.

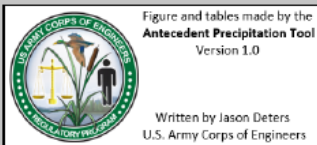


# Antecedent Precipitation vs Normal Range based on NOAA's Daily Global Historical Climatology Network



Coordinates	41.4719, -95.9486
Observation Date	2021-04-27
Elevation (ft)	987.05
Drought Index (PDSI)	Mild drought (2021-03)
WebWIMP H <sub>2</sub> O Balance	Wet Season

30 Days Ending	30 <sup>th</sup> %ile (in)	70 <sup>th</sup> %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-04-27	2.293307	3.717717	1.145669	Dry	1	3	3
2021-03-28	0.901575	1.857874	4.57874	Wet	3	2	6
2021-02-26	0.663386	1.156299	1.149606	Normal	2	1	2
Result							Normal Conditions - 11



Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
OMAHA EPPLEY AIRFIELD	41.3103, -95.8992	981.955	11.455	5.095	5.213	11301	90
BLAIR	41.5536, -96.1406	1089.895	11.426	102.845	6.317	52	0