



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): 07-APR-2021

ORM Number: MVR-2020-01777-SD

Associated JDs: N/A

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

State/Territory: IA City: County/Parish/Borough: Dallas County

Center Coordinates of Review Area: Latitude 41.543831 Longitude -93.820219

**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
2020-1777 ST2	51 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream is shown in delineation and subsequent aerials as likely perennial.
2020-1777 ST3	709 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary leads from jurisdictional impoundment and drains into a perennial stream immediately south of the project area.
2020-1777 ST4	229 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary is directly connected to the north impoundment and provides water to/from the northern agricultural field, south into the perennial stream.

<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.



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2020-1777 ST5	172 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary is directly connected to the north impoundment and provides water to/from the northern agricultural field, south into the perennial stream.
2020-1777 ST6	237 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary is in the southern project area and flows water from the northern intermittent stream/impoundment.

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
2020-1777 Impoundment	1 acre	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Impoundment is directly connected to jurisdictional intermittent streams.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
2020-1777 WLA	0.07 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts intermittent stream 5.
2020-1777 WLB	0.19 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts intermittent stream 4.
2020-1777 WLD	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts perennial stream 2.
2020-1777 WLF	0.07 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts perennial stream 6.
2020-1777 WLG	0.64 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts intermittent stream 3.
2020-1777 WLP	0.38 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts intermittent stream 3.

**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
2020-1777 ST1	235 feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Feature was investigated on site and determined to be caused from upland precipitation and tile drainage. The area in question is of lower elevation nestled between higher elevation agricultural fields. Water will flow down into this area and collect, allowing for certain stream and/or wetland characteristics to be present. The feature is small and lacks a direct connection to the further jurisdictional streams.
2020-1777 WLC	0.06 acres	(b)(1) Non-adjacent wetland	Located within the lower elevation depression, collects water from adjacent uplands and lacks a direct connection to a jurisdictional Waters of the US.
2020-1777 WLE	0.09 acres	(b)(1) Non-adjacent wetland	Located within the lower elevation depression, collects water from adjacent uplands and lacks a direct connection to a jurisdictional Waters of the US.

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<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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2020-1777 WLH	0.01 acres	(b)(1) Non-adjacent wetland	Wetland doesn't directly abut a jurisdictional stream or other Water of the US.
2020-1777 WLI	0.02 acres	(b)(1) Non-adjacent wetland	Wetland doesn't directly abut a jurisdictional stream or other Water of the US.
2020-1777 WLJ	0.27 acres	(b)(1) Non-adjacent wetland	Located within the lower elevation depression, collects water from adjacent uplands and lacks a direct connection to a jurisdictional Waters of the US.
2020-1777 WLK	0.34 acres	(b)(1) Non-adjacent wetland	Located within the lower elevation depression, collects water from adjacent uplands and lacks a direct connection to a jurisdictional Waters of the US.
2020-1777 WLL	0.03 acres	(b)(1) Non-adjacent wetland	Located within the lower elevation depression, collects water from adjacent uplands and lacks a direct connection to a jurisdictional Waters of the US.
2020-1777 WLM	0.04 acres	(b)(1) Non-adjacent wetland	Wetland doesn't directly abut a jurisdictional stream or other Water of the US.
2020-1777 WLN	0.01 acres	(b)(1) Non-adjacent wetland	Wetland doesn't directly abut a jurisdictional stream or other Water of the US.
2020-1777 WLO	0.11 acres	(b)(1) Non-adjacent wetland	Located within the lower elevation depression, collects water from adjacent uplands and lacks a direct connection to a jurisdictional Waters of the US.

**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*) sufficient for purposes of this AJD.

Rationale: *Submitted delineation was adequate for purposes of the jurisdictional determination.*

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

Photographs: (*Google Earth 2017, Topographic, Lidar, ) Title(s) and/or date(s)*.

Corps Site visit(s) conducted on: *Date(s). 3/16/2021*

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: *Title(s) and/or date(s)*.

USFWS NWI maps: *Title(s) and/or date(s)*.

USGS topographic maps: *Title(s) and/or date(s)*.

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.

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USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	RegViewer
State/Local/Tribal Sources	N/A.
Other Sources	National Drought Monitor

- B. Typical year assessment(s):** National Drought Monitor showed Dallas County, Iowa as Abnormally Dry during June 2020, when the delineation was conducted.
- C. Additional comments to support AJD:** Applicant submitted a delineation and JD request for an upcoming project that showed many jurisdictional and non-jurisdictional features. The majority of jurisdictional features are located along an intermittent tributary and impoundment in the western portion of the review area. A centrally located depression and abutting wetlands have been determined to be non-jurisdictional due to their lack of direct connection to further jurisdictional Waters of the United States.

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

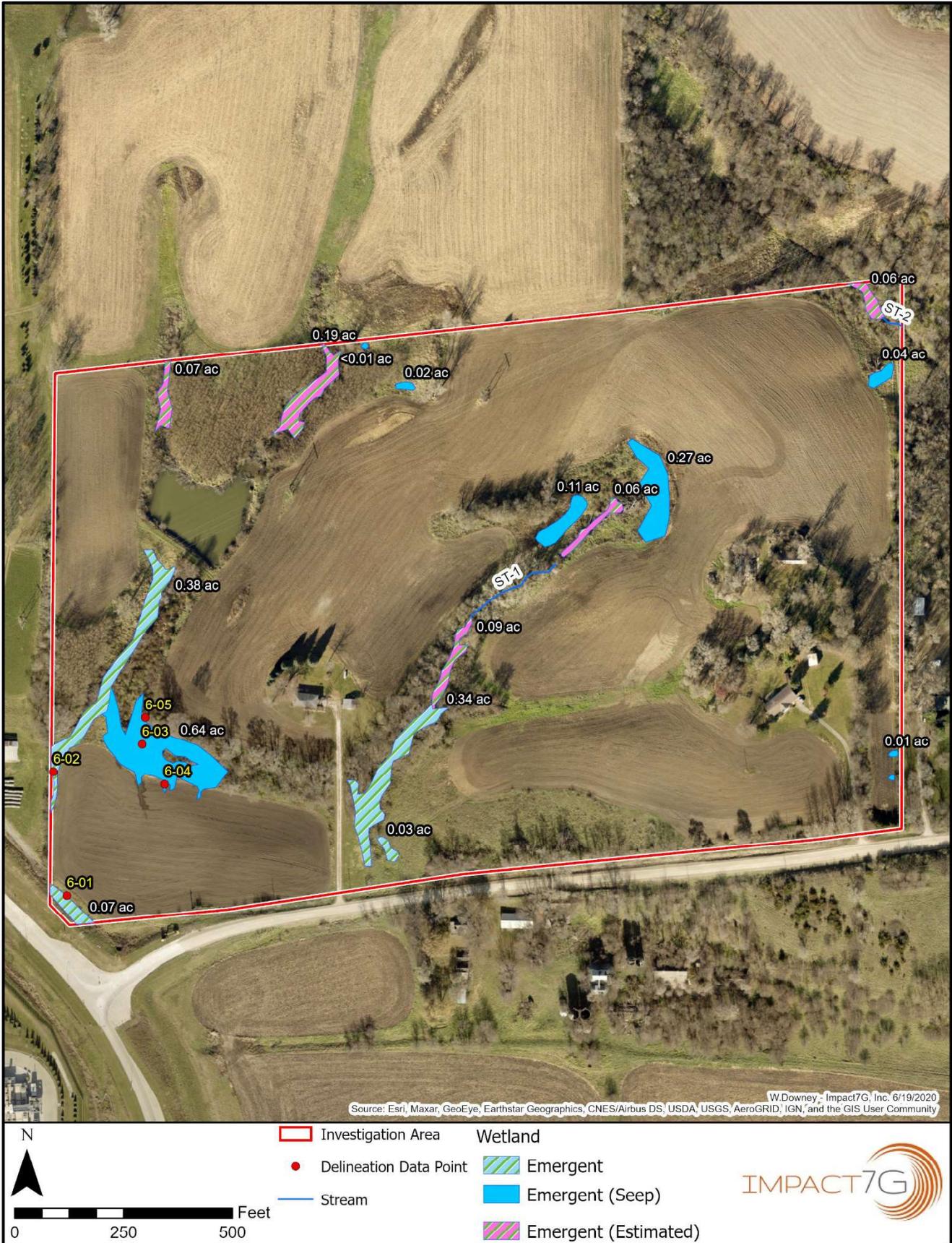
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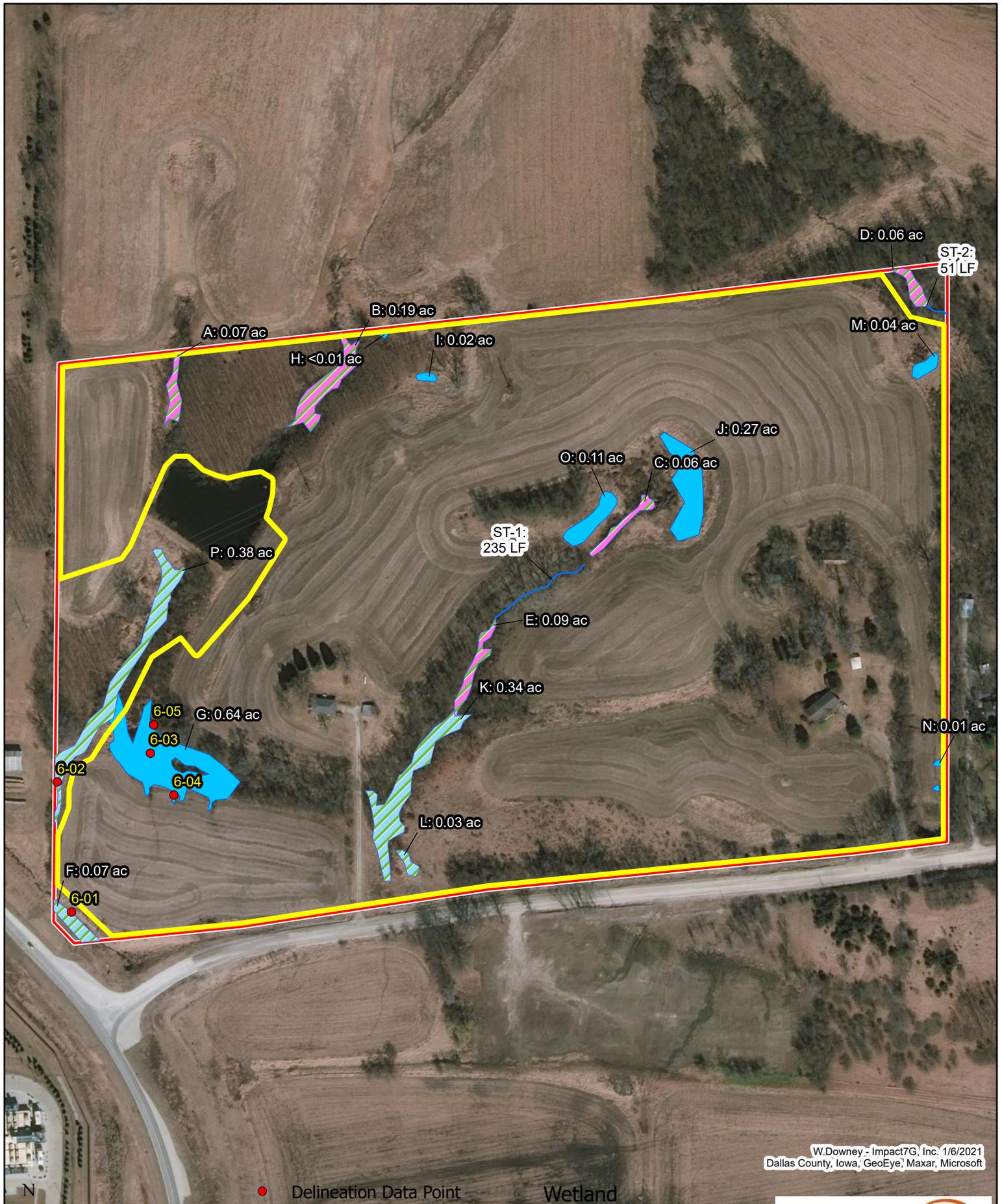
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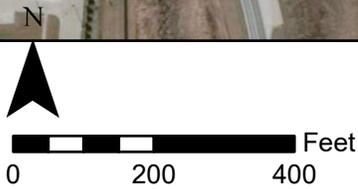
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# Figure A: Wetland Delineation Map





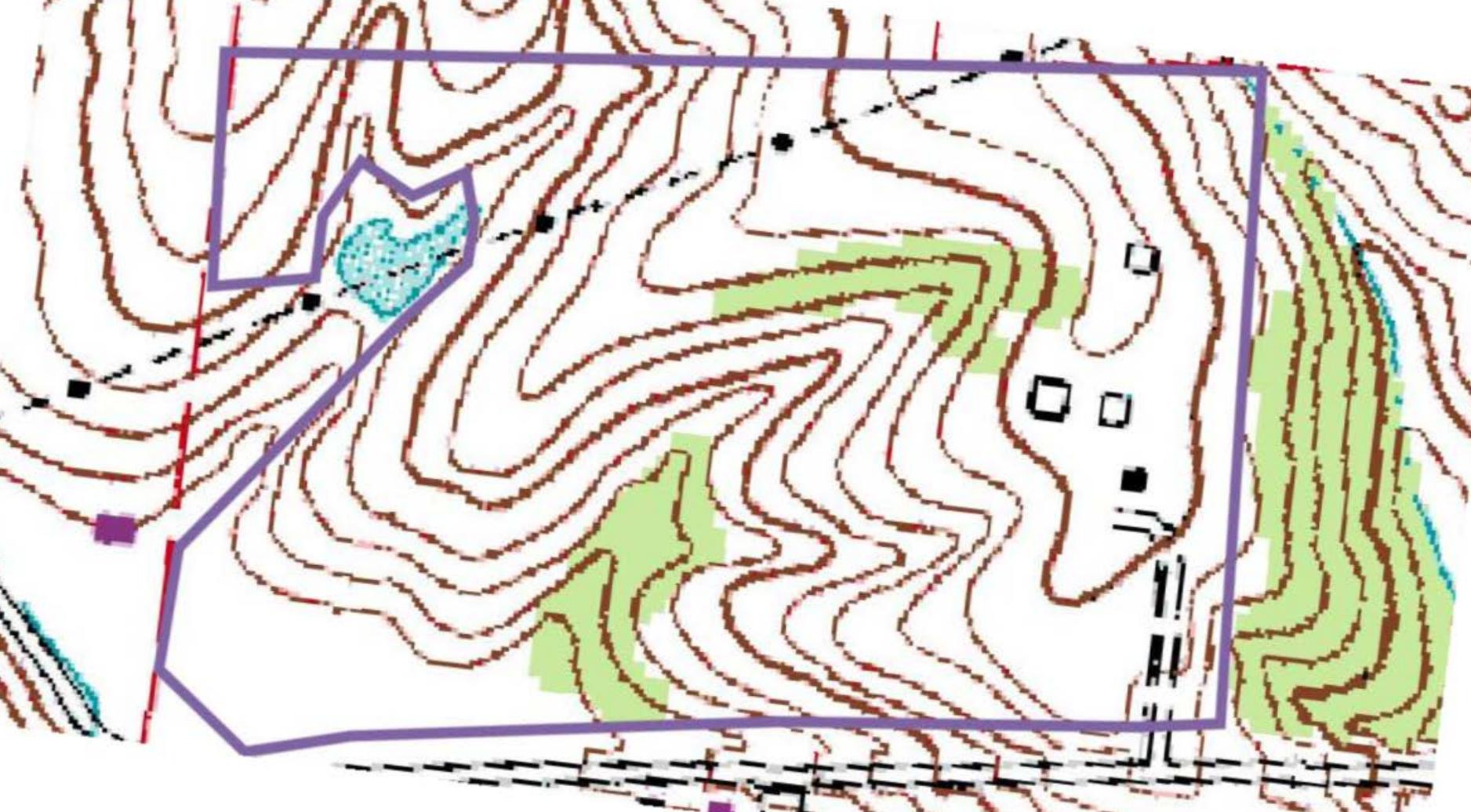
W.Downey - Impact7G, Inc. 1/6/2021  
 Dallas County, Iowa, GeoEye, Maxar, Microsoft



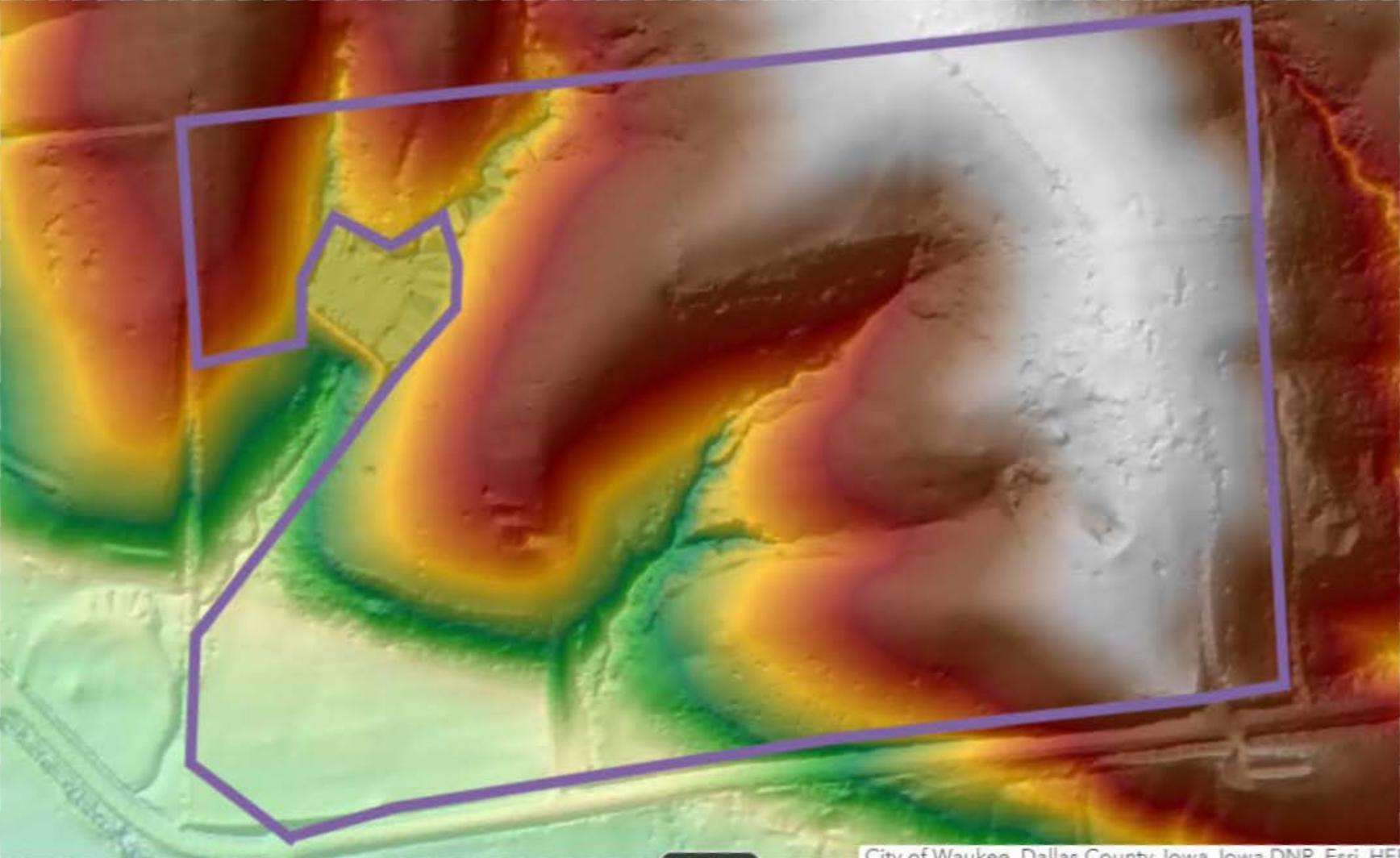
- Delineation Data Point
- Stream
- ▬ Proposed Impact Extent
- ▭ Investigation Area (Delineation)
- ▨ Emergent (Estimated)
- ▨ Emergent
- ▭ Emergent (Seep)













### Google Earth - New Polygon

Name:

Description    Style, Color    View    Altitude    **Measurements**

Perimeter:                      959    Feet    ▾

Area:                              1.0    Acres    ▾

Google Earth - New Path



Name:

- Description
- Style, Color
- View
- Altitude
- Measurements

Length: 709 Feet

OK

Cancel



0219

Google



Google Earth - New Path ✕

Name:

Description    Style, Color    View    Altitude    **Measurements**

Length:                      229    Feet    ▾



Google Earth - New Path

Name:

Description    Style, Color    View    Altitude    **Measurements**

Length:                      172    Feet    ▾

OK    Cancel



Name:

Description	Style, Color	View	Altitude	Measurements
Length:		237	Feet	▼

OK

Cancel