



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): 19-FEB-2021

ORM Number: MVR-2021-00140-KB

Associated JDs: N/A

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

State/Territory: IA City: North Liberty County/Parish/Borough: Johnson

County Center Coordinates of Review Area: Latitude 41.721 Longitude -91.612

**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
2021-140 IS-1	29 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	OHHM, defined bed & bank, sediment sorting, and other characteristics were visible. Unnamed tributary of Clear Creek (a)(2) that connects downstream to the Iowa River, which flows downstream and connects to the Mississippi River, an (a)(1) waters.

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

<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.



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

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
2021-140 WL-2	0.73 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 2 is an emergent wetland that directly touches IS-1, an (a)(2) waters.

**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
2021-140 EF-1	616 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional feature forming on top of a grassed waterway in an agricultural field. Was not a blue line on USGS topographic map; not a relocated waters. Did have water present and an OHWM visible in provided site photo. Did not connect downstream to IS-1, the closest (a)(2) water.
2021-140 WL-1	0.03 acres	(b)(1) Non-adjacent wetland	Depressional wetland. Does not have a direct hydrologic downstream connection to an (a)(1) – (a)(3) waters.
2021-140 WL-3	0.07 acres	(b)(1) Non-adjacent wetland	Depressional wetland connection to EF-1, an excluded (b)(3). Does not have a direct hydrologic downstream connection to an (a)(1) – (a)(3) waters.
2021-140 WL-4	0.03 acres	(b)(1) Non-adjacent wetland	Depressional wetland in a roadside drainage ditch in a grassed waterway in an agricultural field. Does not have a direct hydrologic downstream connection to an (a)(1) – (a)(3) waters.

**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: *T Provided in wetland delineation report dated November 18, 2020.*  
This information is sufficient for purposes of this AJD.  
Rationale: *N/A*
- ☐ Data sheets prepared by the Corps: *N/A.*
- ☒ Photographs: *(aerial and other) Provided in wetland delineation report dated November 18, 2020 including site photos & Google Earth images.*
- ☐ Corps Site visit(s) conducted on: *N/A*
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*
- ☐ Antecedent Precipitation Tool: *N/A provide detailed discussion in Section III.B.*
- ☒ USDA NRCS Soil Survey: *Provided in wetland delineation report dated November 18, 2020*
- ☒ USFWS NWI maps: *Provided in wetland delineation report dated November 18, 2020*
- ☒ USGS topographic maps: *Provided in wetland delineation report dated November 18, 2020.*

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

Data Source (select)	Name and/or date and other relevant information
----------------------	---

<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.



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

USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LiDAR

**B. Typical year assessment(s):** N/A.

**C. Additional comments to support AJD:** See attachments.

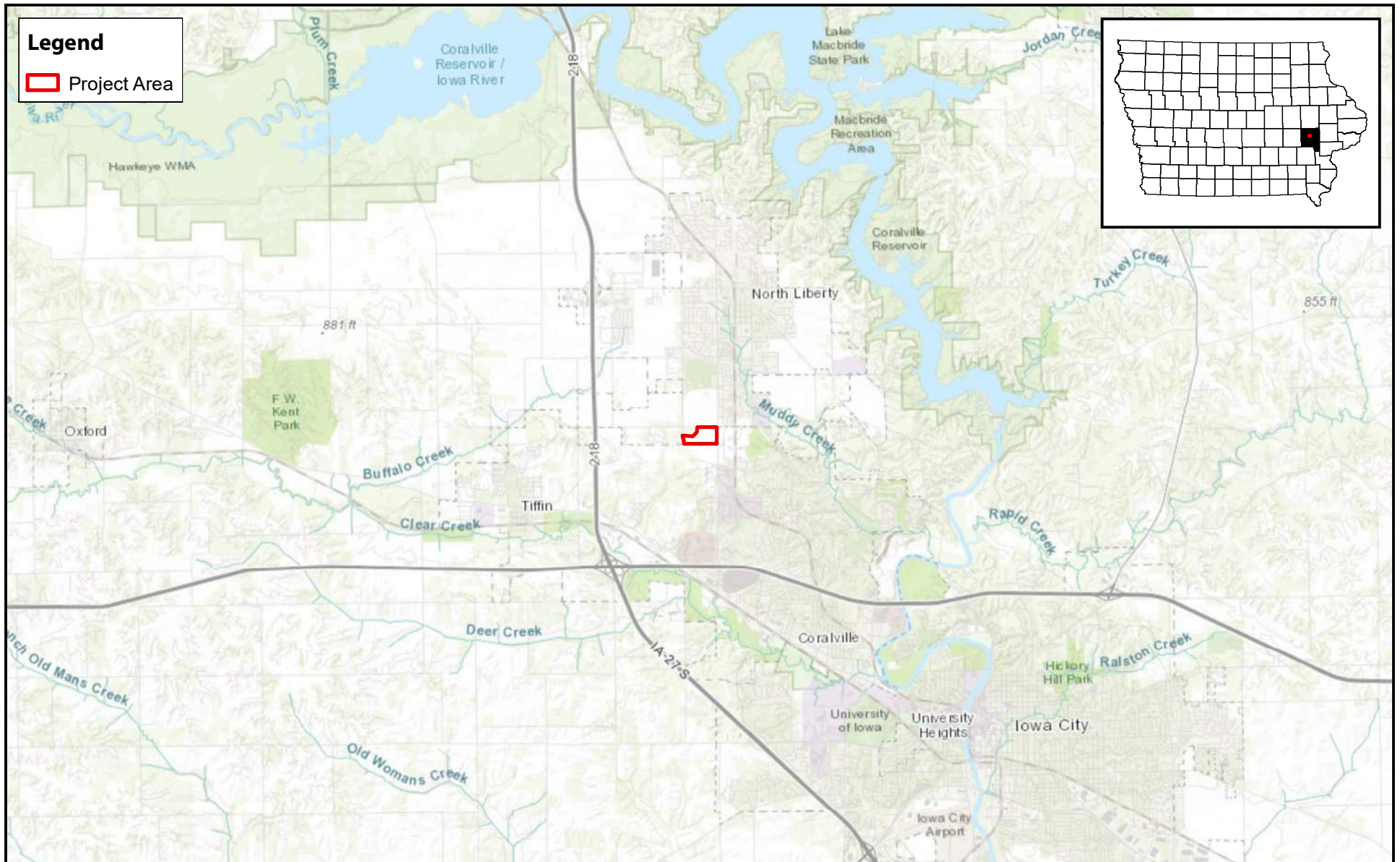
<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<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.



**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

## Figure 1: Project Area Location

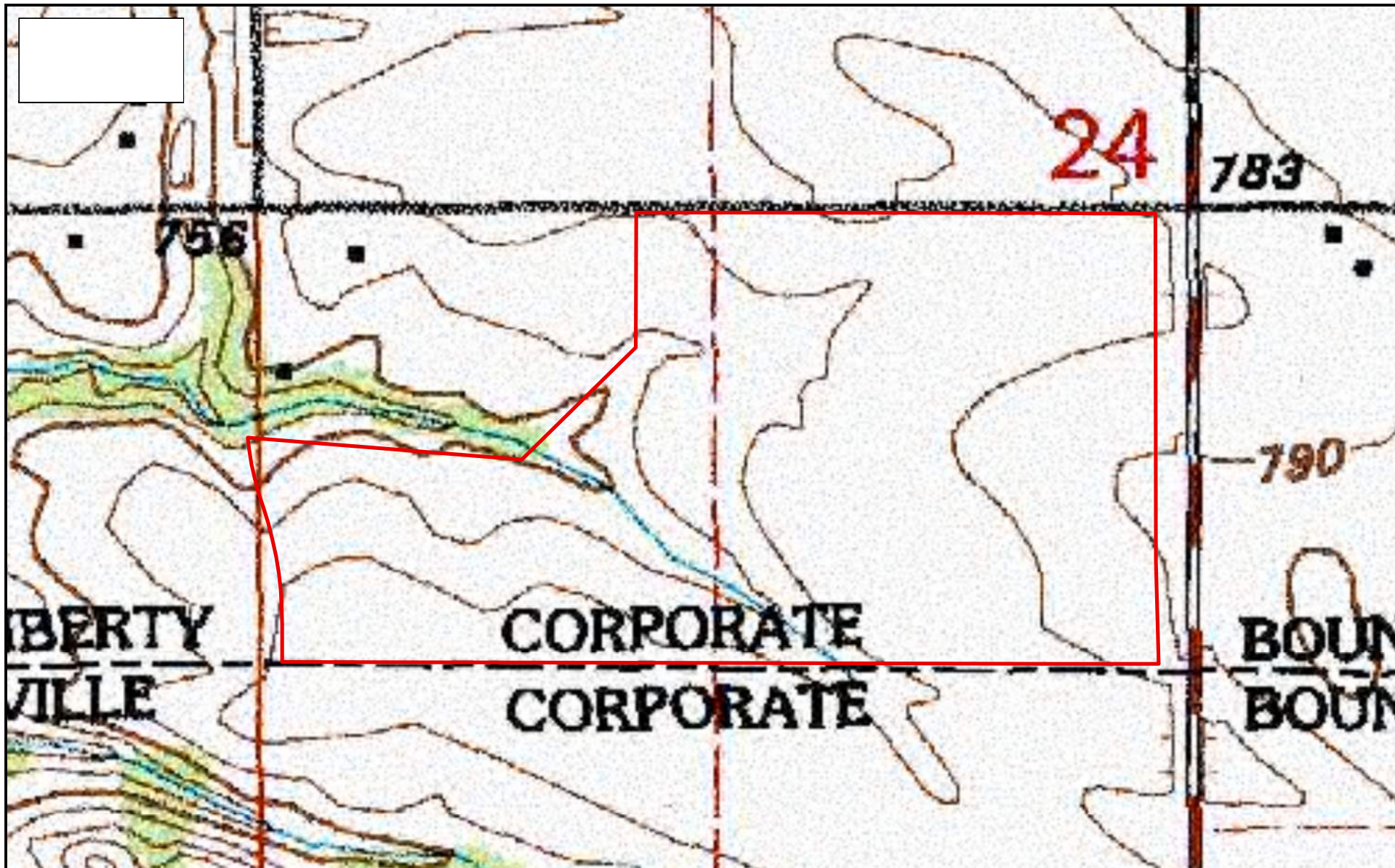
UIHC NL Clinic SD | North Liberty, Iowa | Project #1201580

Data Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, OpenStreetMap contributors, and the GIS User Community

0 1 2  
Miles







**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

**Figure 2: USGS Topographic Map**

UIHC NL Clinic SD | North Liberty, Iowa | Project #1201580

Data Sources: The National Map - USGS

0 200 400  
Feet







**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

### Figure 3: LiDAR 2-Foot Contour Map

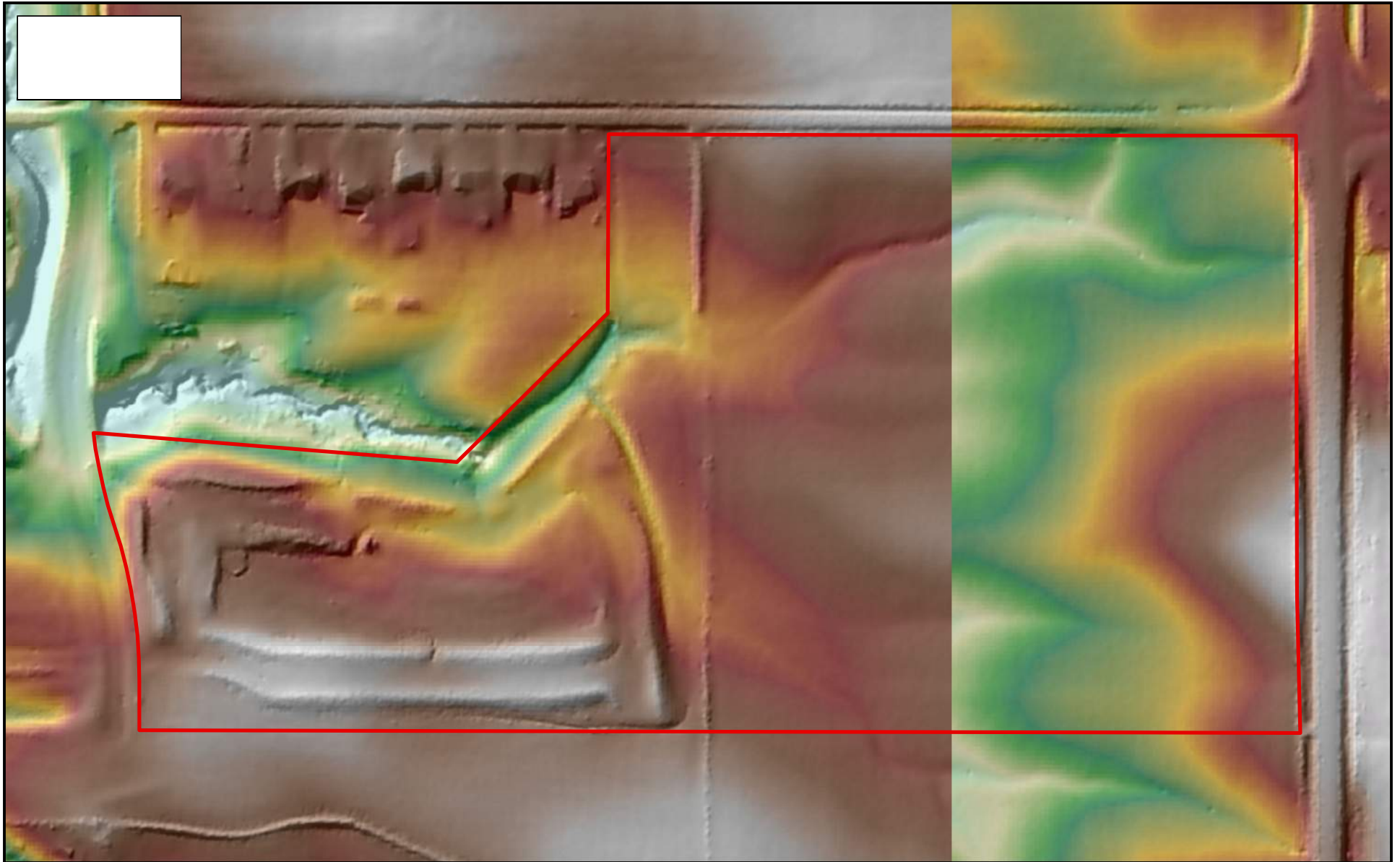
UIHC NL Clinic SD | North Liberty, Iowa | Project #1201580

Data Sources: IDNR NRGIS Library, ISU Iowa Geographic Map Server

0 150 300  
Feet







**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

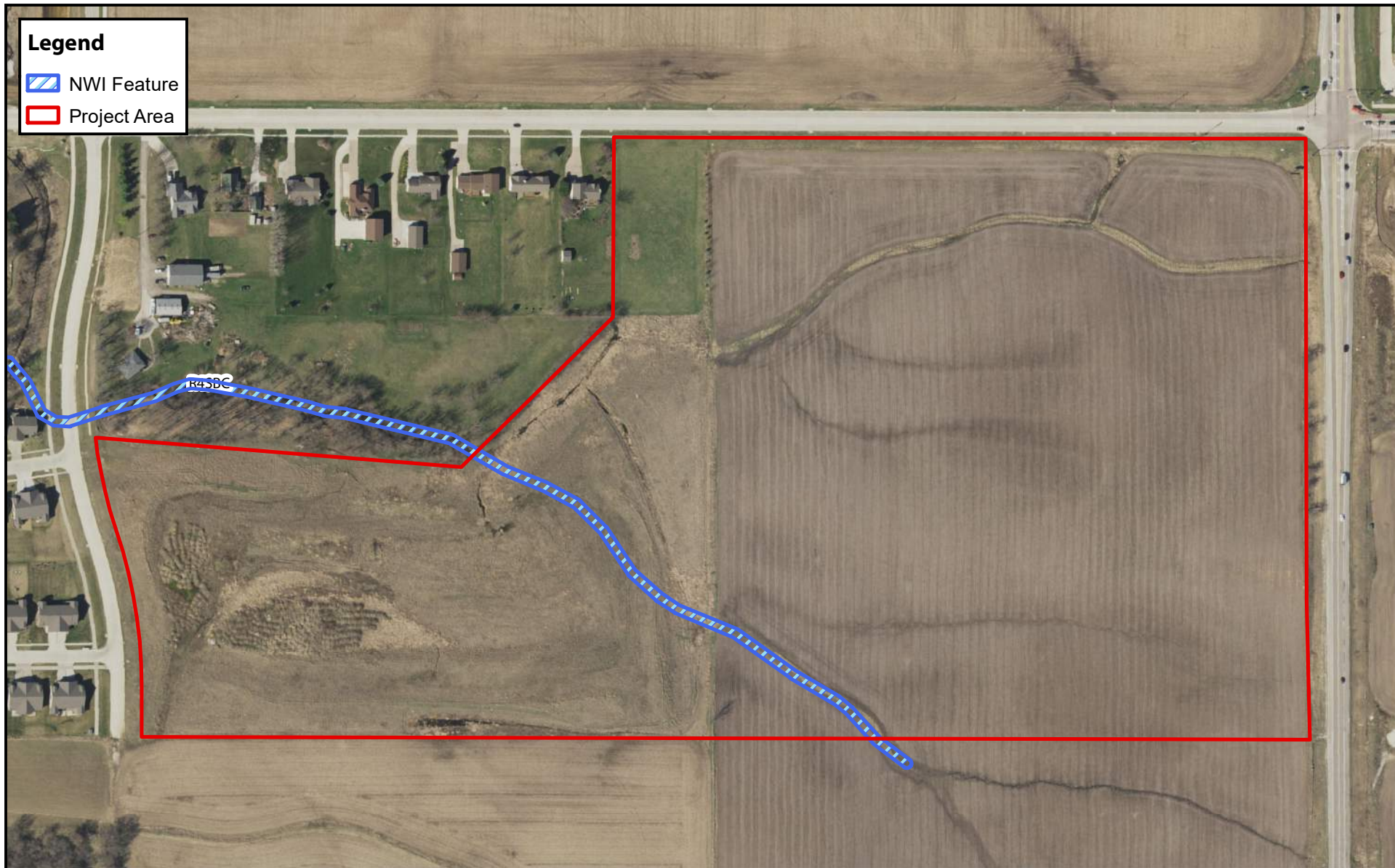
**Figure 4: Hillshade Map**

UIHC NL Clinic SD | North Liberty, Iowa | Project #1201580

Data Sources: IDNR NRGIS Library, ISU Iowa Geographic Map Server

0 150 300  
Feet





**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

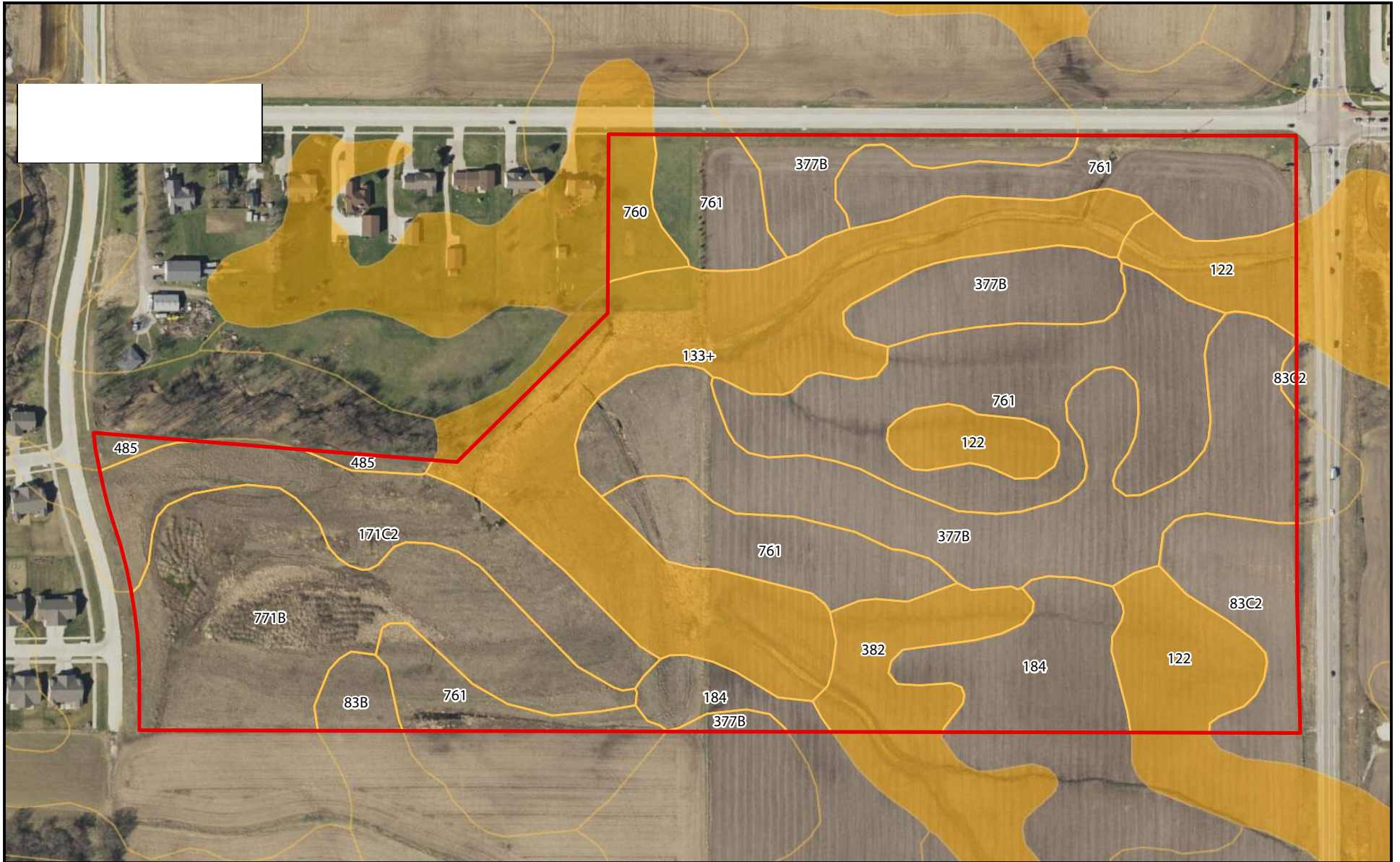
## Figure 5: National Wetlands Inventory

UIHC NL Clinic SD | North Liberty, Iowa | Project #1201580

Data Sources: US Fish & Wildlife Service, ISU Iowa Geographic Map Server







**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

**Figure 6: NRCS Soil Survey Data**

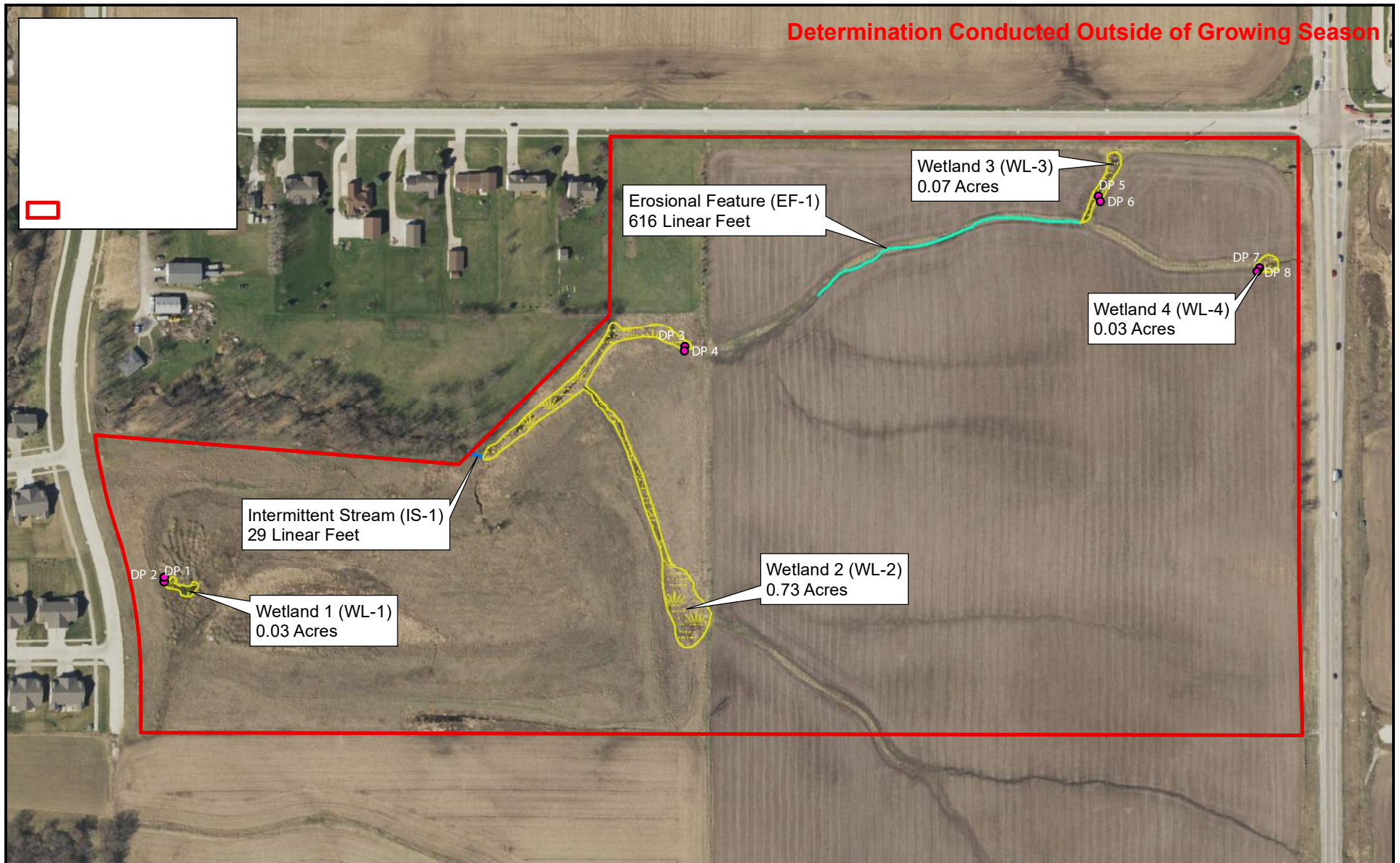
UIHC NL Clinic SD | North Liberty, Iowa | Project #1201580

Data Sources: IDNR NRGIS Library, ISU Iowa Geographic Map Server

0 150 300  
Feet







**SHIVEHATTERY**  
ARCHITECTURE+ENGINEERING

## Figure 7: Wetland Determination

UIHC NL Clinic SD | North Liberty, Iowa | Project #1201580

Data Sources: US Fish & Wildlife Service, ISU Iowa Geographic Map Server

0 150 300  
Feet







**Photo 1:** Looking east at emergent wetland WL-1.



**Photo 2:** Looking southwest at emergent wetland WL-2.







**Photo 3:** Looking southwest at wetland WL-3.



**Photo 4:** Looking east at wetland WL-4.







**Photo 5:** Looking downstream at intermittent stream IS-1.



**Photo 6:** Looking northeast at erosional feature EF-1.

