



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): 01-JUN-2021

ORM Number: MVR-2021-00171-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: Winneshiek County

Center Coordinates of Review Area: Latitude 43.086827 Longitude -91.997075

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
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

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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
W(A)	0.5 acres	(b)(1) Non-adjacent wetland	This is an isolated wetland that is not abutting or adjacent to any waters of the US
W(B)	0.8 acres	(b)(1) Non-adjacent wetland	This is an isolated wetland that is not abutting or adjacent to any waters of the US
W(C)	2.5 acres	(b)(1) Non-adjacent wetland	This is an isolated wetland that is not abutting or adjacent to any 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: *AJD request and NRCS wetland determination, May 2021*

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

Rationale: *The Corps concurs with the NRCS wetland delineation but those do not assess streams, so a site visit was necessary to look for streams and determine jurisdiction.*

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

☒ Photographs: *Regulatory Viewer with LIDAR, hillshade, and aerial layers, June 1, 2021*

☒ Corps Site visit(s) conducted on: *May 10, 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: *Web Soil Survey, June 1, 2021*

☒ USFWS NWI maps: *USFWS NWI Mapper, June 1, 2021*

☒ USGS topographic maps: *Regulatory Viewer with top layer, June 1, 2021*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Regulatory Viewer with NHD layer, June 1, 2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	US Drought Monitor, March 30 & April 6, 2021

B. Typical year assessment(s): The US Drought Monitor had this area labeled as abnormally dry, but the APT showed that this area is in normal conditions.

C. Additional comments to support AJD: A site visit was conducted as the topo map showed multiple streams on site, that were abutting and/or adjacent to the wetlands on site. The site was walked, and

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all the mapped streams on site had no evidence of an OHWM, and were drainage features/grassed waterways. The nearest stream was offsite to the southwest.

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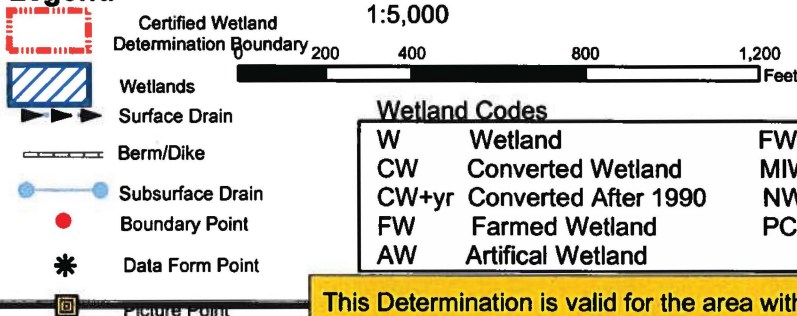
Wetland Determination Map

Land Owner: Leonard Nolte
 Tract & Farm # T4998 F5806
 Legal Description: T. 96N., R10W Sec 35
 Certification Office: New Hampton FO

Certified By: Ben Kuennen
 Map Creation Date: 4/26/2017
 Determination County: Winneshiek



Legend



Agency: USDA-NRCS



This Determination is valid for the area within the Dashed Red Line (Determination Boundary)