



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): 16-FEB-2021
ORM Number: MVR-2021-00232-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: Mitchell County
Center Coordinates of Review Area: Latitude 43.420654 Longitude -92.844516

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 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
FW-1	0.7 acres	(b)(1) Non-adjacent wetland	Not connected to an (a)(1), (a)(2), or (a)(3) water
FW-2	0.1 acres	(b)(1) Non-adjacent wetland	Not connected to an (a)(1), (a)(2), or (a)(3) water

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: *Application, February 2021*
This information is sufficient for purposes of this AJD.
Rationale: *Applicant supplied an NRCS Wetland Determination*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Regulatory Viewer with Aerial & LIDAR layers, February 16, 2021*
- Corps Site visit(s) conducted on: *Date(s).*
- 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: *Websoil Survey, February 16, 2021*
- USFWS NWI maps: *Regulatory Viewer with NWI layer, February 16, 2021*
- USGS topographic maps: *Regulatory Viewer with topo layer, February 16, 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, February 16, 2021
USDA Sources	NRCS Wetland Determination, February 2021
NOAA Sources	N/A.
USACE Sources	N/A. ⁸
State/Local/Tribal Sources	N/A.
Other Sources	US Drought Monitor, February 2021

B. Typical year assessment(s): The US Drought Monitor shows that Mitchell County is in moderately dry conditions but the Antecedent Precipitation Tool showed that this area is wetter than normal.

C. Additional comments to support AJD: The NRCS completed a wetland determination and determined that 307.8 acres of this site is prior converted or non-wetland. The remaining 1 acre on site were determined to be wetlands. Both wetlands are not connected directly or indirectly to a TNW, intermittent, or perennial stream, therefore neither wetland are Waters of the United States.

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.

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Certified Wetland Determination Map

Customer Name: Dane Kuper

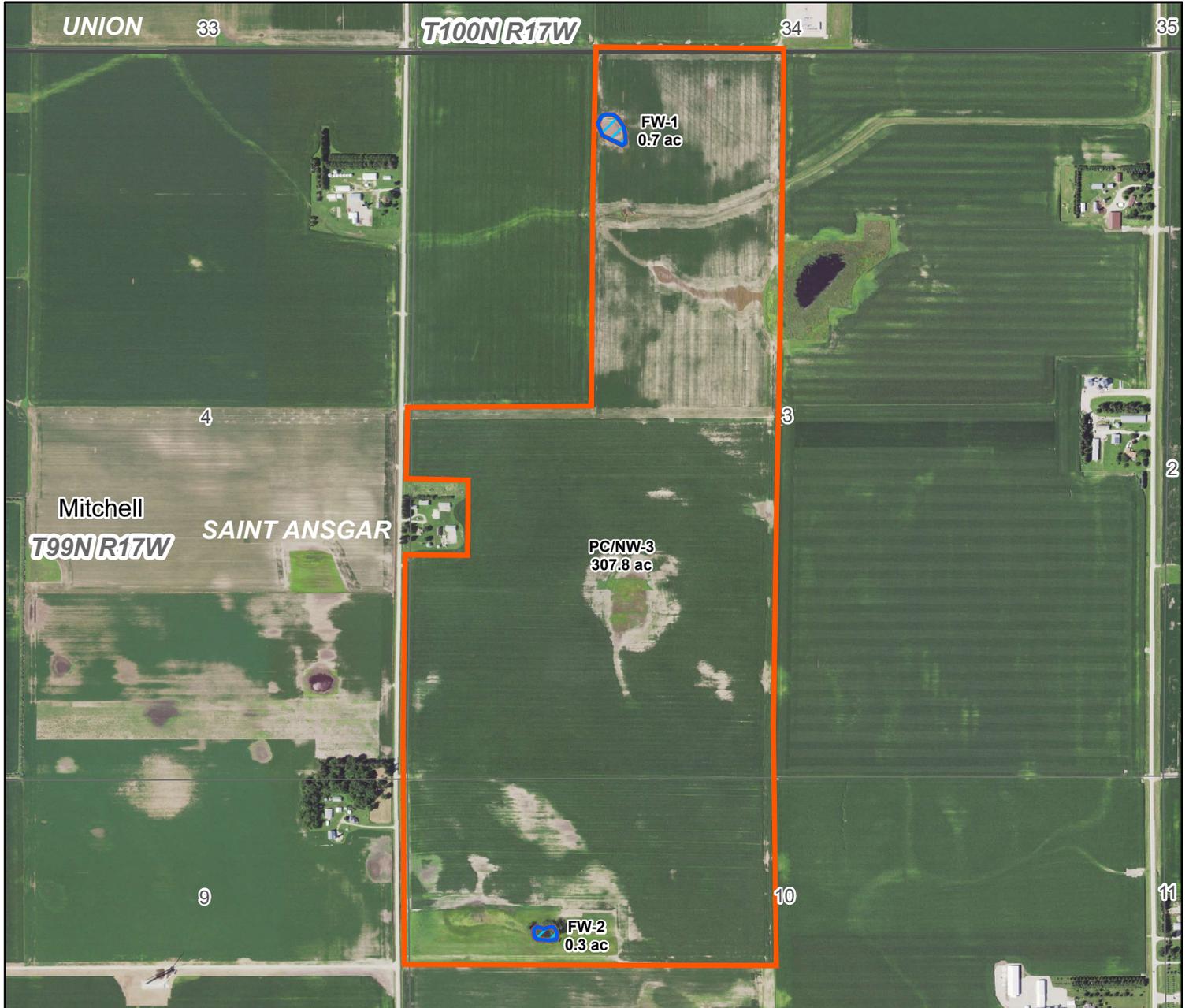
Farm: 993 Tract: 1881



1 inch = 1,062 feet

Administrative Co: Mitchell County, IA
Location County: Mitchell County, IA
Twp-Range-Sec: SEE MAP

Agency: USDA-NRCS
Map Creation Date: 2/2/2021
Certified By: Angie Mohs



2019 Imagery

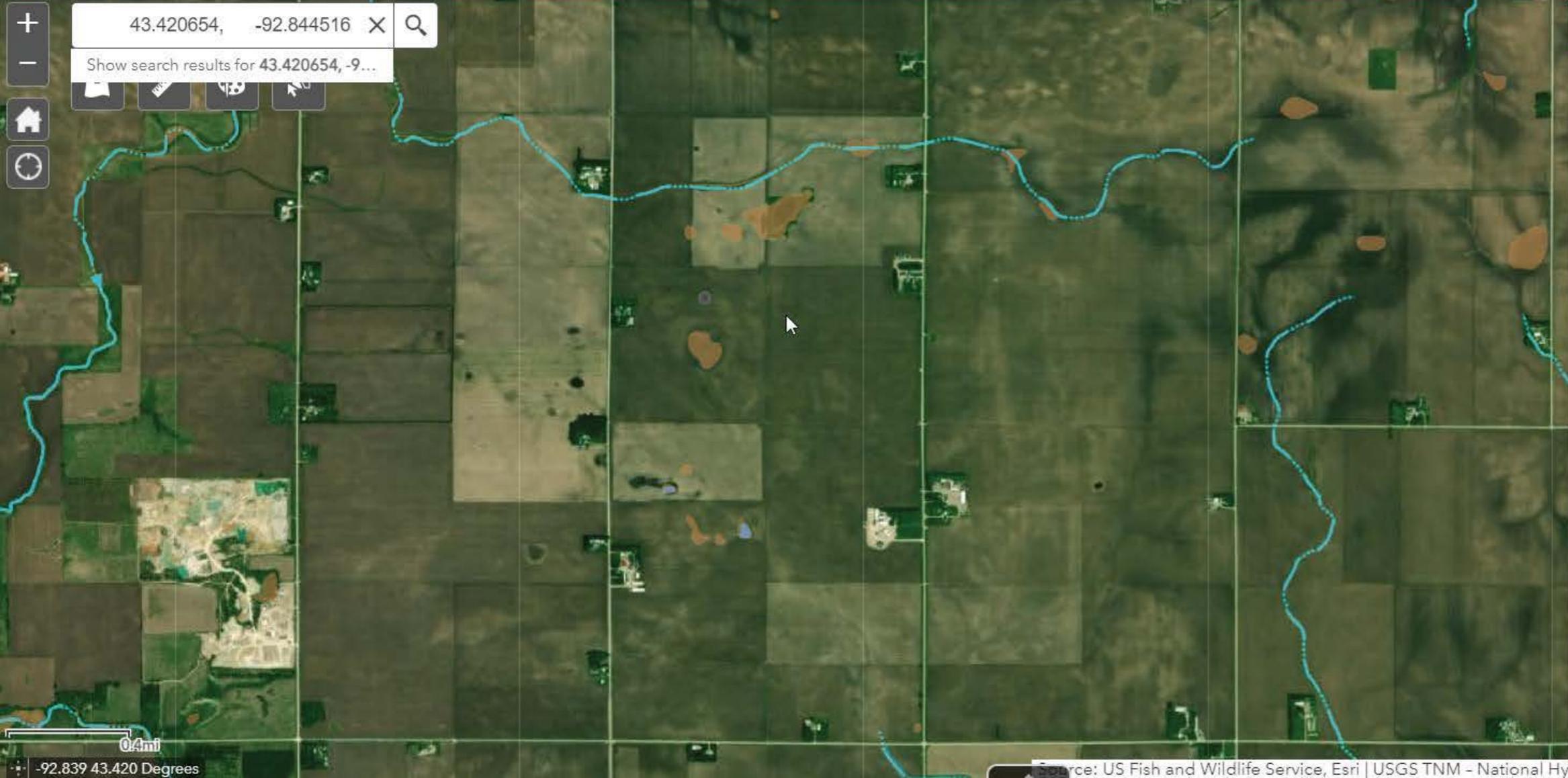
Legend

-  FW - Farmed Wetland
-  PC/NW - Prior Converted/Nonwetland
-  Potential Jurisdictional Waters

This certified wetland determination has been conducted for the purpose of implementing the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. This determination may not be valid for identifying the extent of Clean Water Act jurisdiction for this site. If you intend to conduct any activity that constitutes a discharge of dredged or fill material into wetlands or other waters, you should contact the local district office of the U.S. Army Corps of Engineers prior to starting work.

- Regulatory Viewer
- Regulatory Map
- Compliance Viewer
- IPaC
- I-Sites
- Mitigation Banking
- IL IAS

Rock Island District Regulatory Viewer



Layer List

- USACE_Boundaries - USACE Districts
- MVR Counties
- Roads
- Localities for Reg Viewer
- PLSS
- PADUS (External Web GIS Service)
- Real Estate for Reg Viewer
- National Hydrography Dataset (NHD) (External Web GIS Service)
- Watersheds (External Web GIS Service)
- Section 10 Waters
- National Wetlands Inventory (External Web GIS Service)
- USA Soils Hydric Class (External Web GIS Service)
- USA Soils Map Units (External Web GIS Service)

Regulatory Viewer

Regulatory Map

Compliance Viewer

IPaC

I-Sites

Mitigation Banking

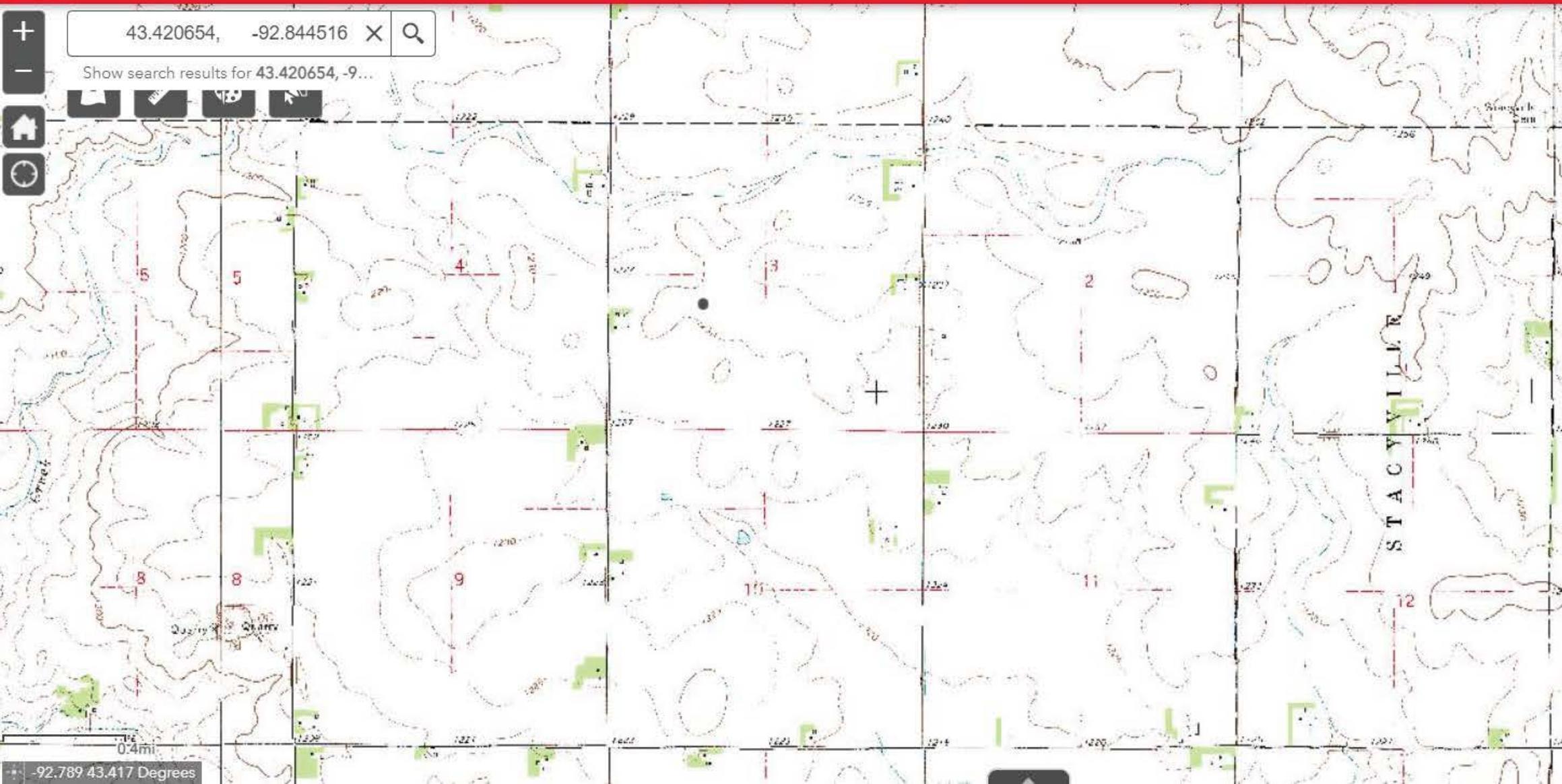
IL IAS

Rock Island District Regulatory Viewer



43.420654, -92.844516 X Q

Show search results for 43.420654, -9...



Imagery and Lidar

- IA naip 2014 nc (External Web GIS Service) ...
- IA naip 2017 cir (External Web GIS Service) ...
- IA naip 2017 nc (External Web GIS Service) ...
- MVR_NAIP_2017 ...
- Photo Dates (External Web GIS Service) ...
- MVR Quad Maps ...
- IA LiDAR DEM 1m NAVD88 ft ...
- IA LiDAR DEM 1m hillshade ...
- IA LiDAR DEM 3m NAVD88 ft ...
- IA LiDAR DEM 3m hillshade ...
- IL_LiDAR_DEM_1m_NAVD88_ft ...
- IL_LiDAR_DEM_1m_hillshade ...
- IL NAIP 2004 (External Web GIS Service) ...

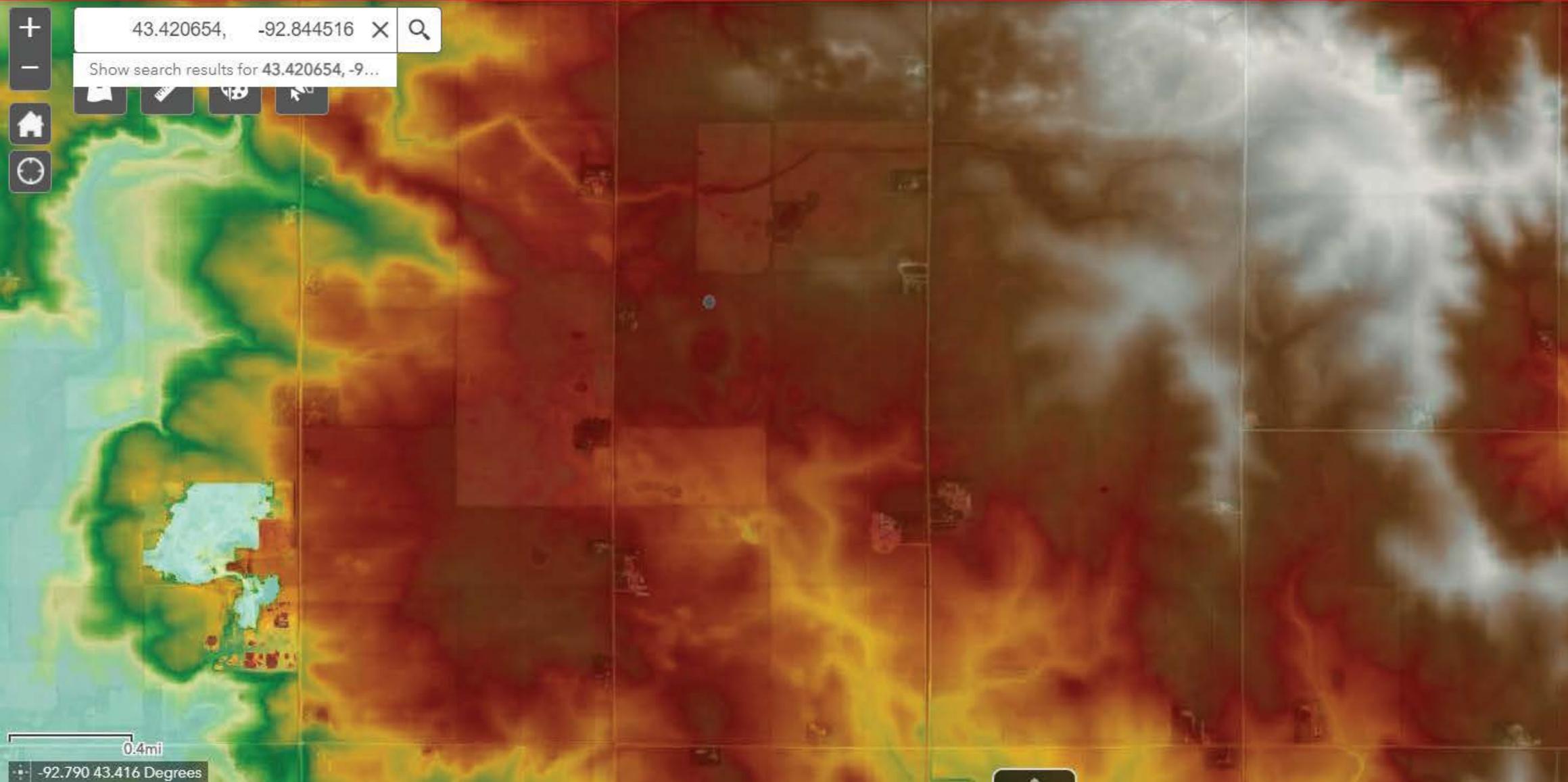
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Rock Island District Regulatory Viewer



43.420654, -92.844516 X Q

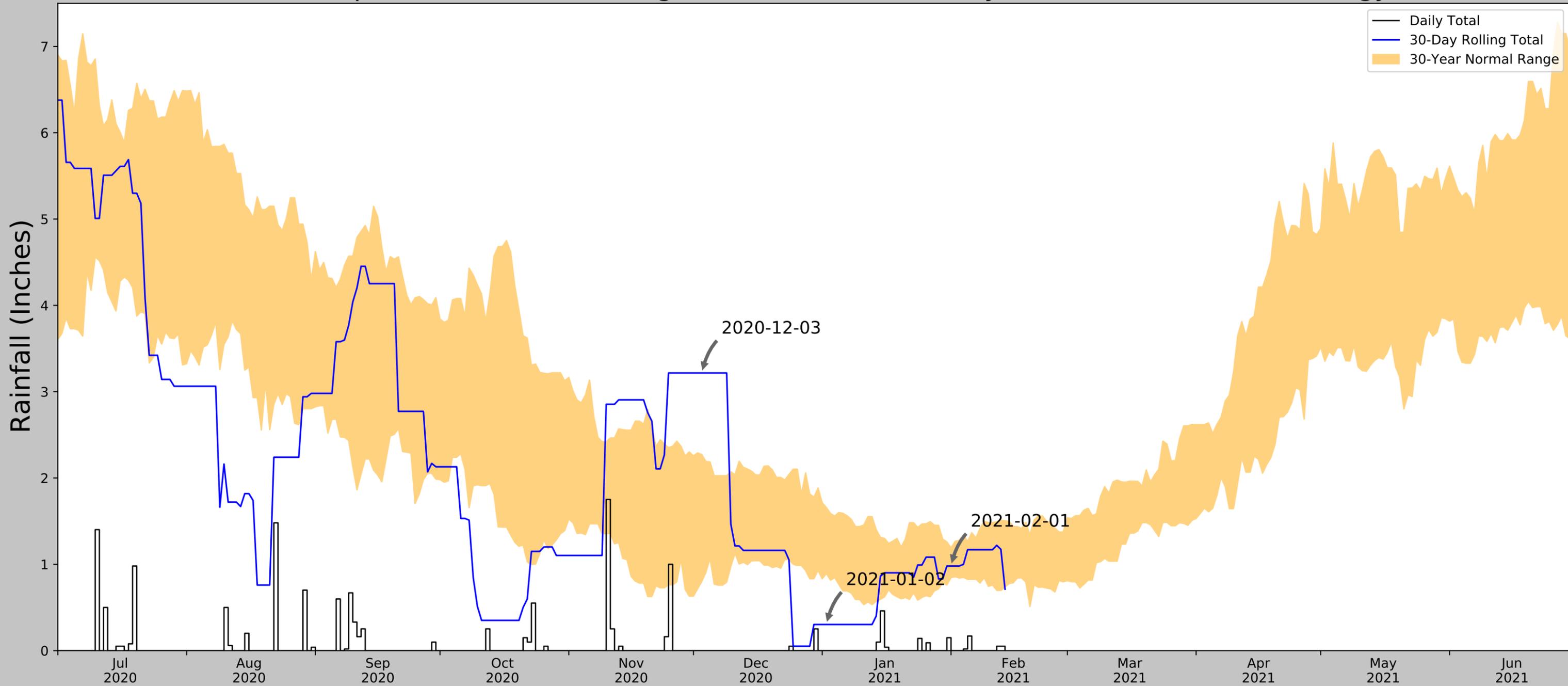
Show search results for 43.420654, -9...



Imagery and Lidar

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- IA LiDAR DEM 3m NAVD88 ft ...
- IA LiDAR DEM 3m hillshade ...
- IL_LiDAR_DEM_1m_NAVD88_ft ...
- IL_LiDAR_DEM_1m_hillshade ...
- IL NAIP 2004 (External Web GIS Service) ...

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



Coordinates	43.420654, -92.844516
Observation Date	2021-02-01
Elevation (ft)	1227.76
Drought Index (PDSI)	Mild drought (2021-01)
WebWIMP H ₂ O Balance	Wet Season

30 Days Ending	30 th %ile (in)	70 th %ile (in)	Observed (in)	Wetness Condition	Condition Value	Month Weight	Product
2021-02-01	0.845276	1.190551	0.980315	Normal	2	3	6
2021-01-02	0.892913	1.65748	0.30315	Dry	1	2	2
2020-12-03	0.8	2.271654	3.216536	Wet	3	1	3
Result							Normal Conditions - 11

Weather Station Name	Coordinates	Elevation (ft)	Distance (mi)	Elevation Δ	Weighted Δ	Days (Normal)	Days (Antecedent)
OSAGE	43.2794, -92.8106	1169.948	9.907	57.812	5.031	10904	86
ST ANSGAR	43.3817, -92.9233	1139.108	4.784	88.652	2.577	9	4
OSAGE 4.7 E	43.2837, -92.7176	1173.885	11.411	53.875	5.749	1	0
AUSTIN WASTE WTP FACILITY	43.6542, -92.9739	1199.147	17.389	28.613	8.323	386	0
NORTHWOOD	43.4386, -93.2253	1189.961	19.147	37.799	9.34	48	0
ALBERT LEA 3SE	43.6064, -93.3019	1229.987	26.267	2.227	11.879	5	0

Figure and tables made by the
Antecedent Precipitation Tool
Version 1.0

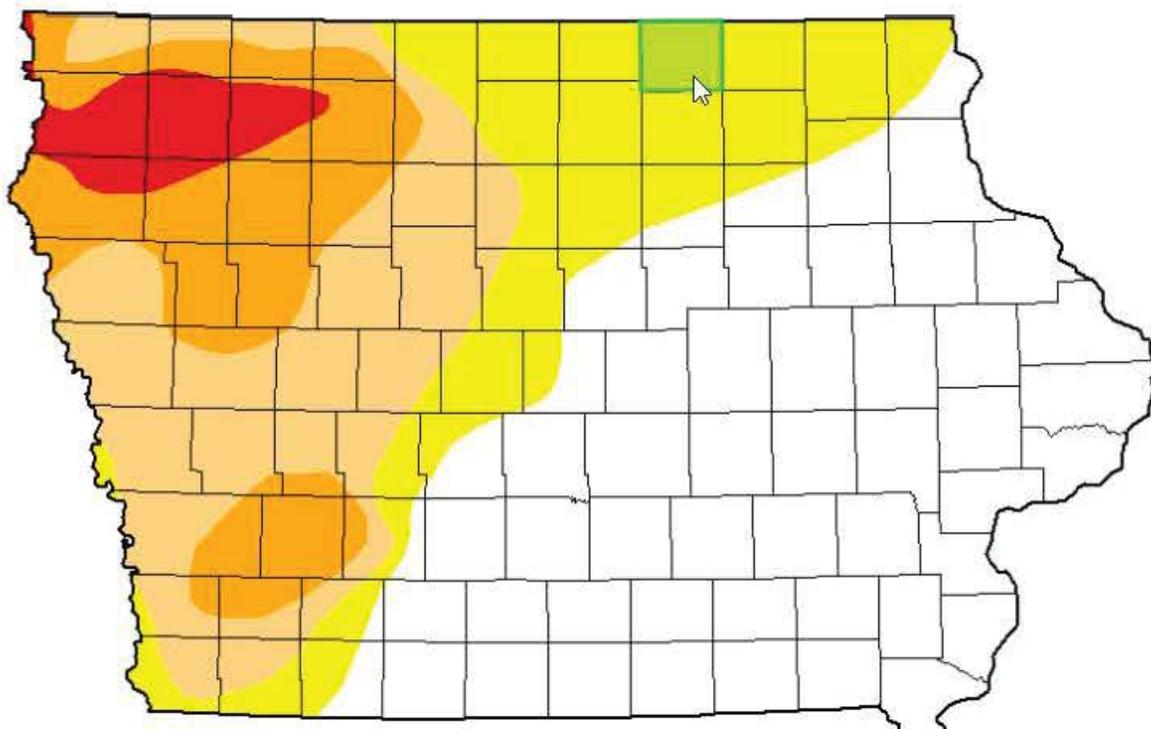
Written by Jason Deters
U.S. Army Corps of Engineers

Iowa

[Current Map](#) > Iowa

Map released: Thurs. February 11, 2021

Data valid: February 9, 2021 at 7 a.m. EST



Intensity:

- None
- D0 (Abnormally Dry)
- D1 (Moderate Drought)
- D2 (Severe Drought)
- D3 (Extreme Drought)
- D4 (Exceptional Drought)
- No Data

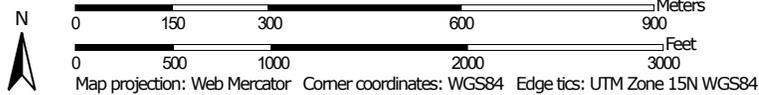
Author(s):

Brad Rippey, U.S. Department of Agriculture

Hydric Rating by Map Unit—Mitchell County, Iowa



Map Scale: 1:11,700 if printed on A portrait (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

Soil Rating Polygons

 Hydric (100%)
 Hydric (66 to 99%)
 Hydric (33 to 65%)
 Hydric (1 to 32%)
 Not Hydric (0%)
 Not rated or not available

Soil Rating Lines

 Hydric (100%)
 Hydric (66 to 99%)
 Hydric (33 to 65%)
 Hydric (1 to 32%)
 Not Hydric (0%)
 Not rated or not available

Soil Rating Points

 Hydric (100%)
 Hydric (66 to 99%)
 Hydric (33 to 65%)
 Hydric (1 to 32%)
 Not Hydric (0%)
 Not rated or not available

Water Features

 Streams and Canals

Transportation

 Rails
 Interstate Highways
 US Routes
 Major Roads
 Local Roads

Background

 Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL:
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Mitchell County, Iowa
 Survey Area Data: Version 26, Jun 10, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jul 12, 2014—Feb 17, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Hydric Rating by Map Unit

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
184	Klinger silty clay loam, 1 to 4 percent slopes	5	66.8	21.6%
377	Dinsdale silty clay loam, 0 to 2 percent slopes	0	127.3	41.2%
377B	Dinsdale silty clay loam, 2 to 5 percent slopes	0	15.6	5.1%
394	Ostrander loam, 0 to 2 percent slopes	0	0.5	0.2%
482	Racine silt loam, 0 to 2 percent slopes	0	0.1	0.0%
760	Ansgar silt loam, 0 to 2 percent slopes	100	81.2	26.3%
761	Franklin silt loam, 1 to 3 percent slopes	5	15.3	5.0%
771	Waubee silt loam, 0 to 2 percent slopes	0	2.3	0.8%
Totals for Area of Interest			309.1	100.0%

Description

This rating indicates the percentage of map units that meets the criteria for hydric soils. Map units are composed of one or more map unit components or soil types, each of which is rated as hydric soil or not hydric. Map units that are made up dominantly of hydric soils may have small areas of minor nonhydric components in the higher positions on the landform, and map units that are made up dominantly of nonhydric soils may have small areas of minor hydric components in the lower positions on the landform. Each map unit is rated based on its respective components and the percentage of each component within the map unit.

The thematic map is color coded based on the composition of hydric components. The five color classes are separated as 100 percent hydric components, 66 to 99 percent hydric components, 33 to 65 percent hydric components, 1 to 32 percent hydric components, and less than one percent hydric components.

In Web Soil Survey, the Summary by Map Unit table that is displayed below the map pane contains a column named 'Rating'. In this column the percentage of each map unit that is classified as hydric is displayed.

Hydric soils are defined by the National Technical Committee for Hydric Soils (NTCHS) as soils that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part (Federal Register, 1994). Under natural conditions, these soils are either saturated or inundated long enough during the growing season to support the growth and reproduction of hydrophytic vegetation.

The NTCHS definition identifies general soil properties that are associated with wetness. In order to determine whether a specific soil is a hydric soil or nonhydric soil, however, more specific information, such as information about the depth and duration of the water table, is needed. Thus, criteria that identify those estimated soil properties unique to hydric soils have been established (Federal Register, 2002). These criteria are used to identify map unit components that normally are associated with wetlands. The criteria used are selected estimated soil properties that are described in "Soil Taxonomy" (Soil Survey Staff, 1999) and "Keys to Soil Taxonomy" (Soil Survey Staff, 2006) and in the "Soil Survey Manual" (Soil Survey Division Staff, 1993).

If soils are wet enough for a long enough period of time to be considered hydric, they should exhibit certain properties that can be easily observed in the field. These visible properties are indicators of hydric soils. The indicators used to make onsite determinations of hydric soils are specified in "Field Indicators of Hydric Soils in the United States" (Hurt and Vasilas, 2006).

References:

Federal Register. July 13, 1994. Changes in hydric soils of the United States.

Federal Register. September 18, 2002. Hydric soils of the United States.

Hurt, G.W., and L.M. Vasilas, editors. Version 6.0, 2006. Field indicators of hydric soils in the United States.

Soil Survey Division Staff. 1993. Soil survey manual. Soil Conservation Service. U.S. Department of Agriculture Handbook 18.

Soil Survey Staff. 1999. Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys. 2nd edition. Natural Resources Conservation Service. U.S. Department of Agriculture Handbook 436.

Soil Survey Staff. 2006. Keys to soil taxonomy. 10th edition. U.S. Department of Agriculture, Natural Resources Conservation Service.

Rating Options

Aggregation Method: Percent Present

Component Percent Cutoff: None Specified

Tie-break Rule: Lower