



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): 26-APR-2021

ORM Number: MVR-2021-00176-AM

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location¹:

State/Territory: IA City: Coralville County/Parish/Borough: Johnson County

Center Coordinates of Review Area: Latitude 41.709773 Longitude -91.553239

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
Stream 1	1695 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This perennial stream flows south into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Stream 2	389 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This intermittent stream flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Stream 6	174 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This intermittent stream flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW

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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Stream 7	417 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	This intermittent stream flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
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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
Wetland A - Emergent	1.05 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Wetland A - Forested	0.91 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Wetland B	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts Stream 2, which flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Wetland C	0.05 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts Stream 2, which flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Wetland D	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts Stream 2, which flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Wetland F	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts Stream 6, which flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Wetland G	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts Stream 7, which flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW
Wetland H	0.01 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection	The wetland is directly connected to Stream 7, via an artificial structure (culvert) which flows under an old farm road into Stream 7, which flows into Stream 1, which flows into Muddy creek, which flows into the Iowa River, and the last 3 river miles of the Iowa River (before it flows into the Mississippi River, a TNW) are a TNW

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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
Stream 3	358 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Under the NWPR, ephemeral streams are no longer jurisdictional
Stream 4	597 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Under the NWPR, ephemeral streams are no longer jurisdictional
Stream 5	151 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Under the NWPR, ephemeral streams are no longer jurisdictional
Wetland E - Emergent	0.07 acres	(b)(1) Non-adjacent wetland	This wetland is not directly or indirectly connected to an (a)(1-3) water
Wetland E - Forested	0.02 acres	(b)(1) Non-adjacent wetland	This wetland is not directly or indirectly connected to an (a)(1-3) water
Wetland I	0.03 acres	(b)(1) Non-adjacent wetland	This wetland is not directly or indirectly connected to an (a)(1-3) 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.

X Information submitted by, or on behalf of, the applicant/consultant: *Delineation and application package, February and April, 2021*

This information is sufficient for purposes of this AJD.

Rationale: *The Corps concurred with the delineation submitted by the consultant. New maps were submitted after a site visit was conducted.*

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

X Photographs: *Site photos, April 22, 2021; Regulatory Viewer with LIDAR, hillshade, and aerial photographs, April 2021*

X Corps Site visit(s) conducted on: *April 22, 2021*

 Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

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

X USDA NRCS Soil Survey: *Web Soil Survey, April 2021*

X USFWS NWI maps: *NWI Mapper, April 2021*

X USGS topographic maps: *Regulatory Viewer topographic layer, April 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, April 2021
USDA Sources	N/A.
NOAA Sources	US Drought Monitor, April 2021
USACE Sources	N/A.

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State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The APT was run for April 22, 2021, the day of the site visit, and it shows that this area is in normal conditions. The US Drought Monitor also shows that this area is not in a drought.
- C. Additional comments to support AJD:** A site visit was conducted due to the high volume of aquatic resources on site. The Corps concurs with the delineation submitted by the consultant, and soil pits were dug at several locations of the submitted wetland/upland data points and the data found was the same as what was submitted in the delineation report. Historic Aerials show that sometime between 1950 and 1960, a small dirt road was built in the northern portion of the site, and that is the artificial structure that separates Wetland H from Stream 7.

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CIVIL ENGINEERS
LAND PLANNERS
LAND SURVEYORS
LANDSCAPE ARCHITECTS
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Date Revision

WETLAND
& STREAM
DELINEATION EXHIBIT

ELEVATION HOME BUILDERS
DUBUQUE ST
SE 1/4, NW 1/4, Sec 28-T80N-R6W
IOWA CITY
JOHNSON COUNTY
IOWA

MMS CONSULTANTS, INC.

Date: 10/21/2020

Designed by: LRS Scale:

Drawn by: LRS Sheet No:

Checked by: LRS Project No:

10533-011 of: 1

WETLAND LEGEND

- EMERGENT WETLAND
(1.16 ACRES)
- WOODED WETLAND
(1.18 ACRES)
- PERENNIAL STREAM
(1,695 LINEAR FEET)
- INTERMITTENT STREAM
(980 LINEAR FEET)
- EPHEMERAL STREAM
(1,106 LINEAR FEET)
- SP SAMPLE POINT
- PX PHOTO POINT

