



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): 17-FEB-2021

ORM Number: MVR-2021-00271-KLB

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 42.758078 Longitude -93.001652

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
2021-271 waterway	1300 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	There is no downstream connection to an (a)(1) – (a)(3) water, see attached aerials.
2021-271 wetlands	2.4 acres	(b)(1) Non-adjacent wetland	The wetlands are adjacent to 2021-271, which is not an (a)(1) – (a)(3) water, see attached aerials.

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: *NRCS Wetland Delineation.*
This information *is* sufficient for purposes of this AJD.
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*
- ☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- ☒ Photographs: *(aerial) Google Earth, Digital Globe,*
☐ Corps Site visit(s) conducted on: *N/A.*
☐ Previous Jurisdictional Determinations (AJDs or PJDs): *N/A.*
☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- ☒ USDA NRCS Soil Survey: *Google Earth overlay and on RegViewer*
- ☒ USFWS NWI maps: *Google Earth overlay*
- ☒ USGS topographic maps: *2018 topo*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD overlay on Reg Viewer & topoView
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LiDAR, RegViewer, FEMA FHL

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

C. Additional comments to support AJD: There is no connection of the stream or wetlands downstream to an (a)(1) – (a)(3) waters; therefore, the Corps determined these to be non-jurisdictional. See attachments.

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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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.

CERTIFIED WETLAND DETERMINATION

Clear Form

1. Name:	P100 LLC	2. Location County:	23
3. Address:		4. Admin. County:	23
5. Request Form:	AD-1026	6. Farm Number:	4491
7. Request Date:	08/19/2020	8. Tract Number:	5816

This certified wetland determination identifies areas subject to the wetland conservation provisions of the 1985 Food Security Act, as amended. See the attached [Definitions of Wetland Labels and Uses](#) for additional information and currently authorized activities under the Act.

Field	Label	Occurrence Year (CW+YEAR)	Acreage
4	NW		5.8
4	W		2.4

9. Remarks: Areas identified as Potential Jurisdictional Waters (PJW) are not subject to the Food Security Act but are potentially subject to the Clean Water Act. You should contact the U.S. Army Corps of Engineers local district office prior to performing work in areas which may be subject to the Clean Water Act. Areas identified as PJW are for informational purposes only and are not appealable to USDA. Additional areas, not identified by NRCS, might also be subject to the Clean Water Act.

I certify that the above determinations are sufficient for the purpose of making a determination of eligibility for program benefits and were conducted in accordance with policies and procedures contained in the National Food Security Act Manual.

10. Signature Designated Conservationist	Date:
LAURA WILDEN Digitally signed by LAURA WILDEN Date: 2020.12.04 12:59:56 -06'00'	12/04/2020

Certified Wetland Determination Map

P100 LLC

Farm: 4491 Tract: 5816



Administrative Co: Butler Co, IA
Location County: Butler Co, IA
Twp-Range-Sec: T-92N R-18W Sec 29-30

Agency: USDA-NRCS
Map Creation Date: 4/13/2020
Certified By: laura.wilden

Durant, IA



Legend

  NW - Nonwetland

Natural Color

RGB

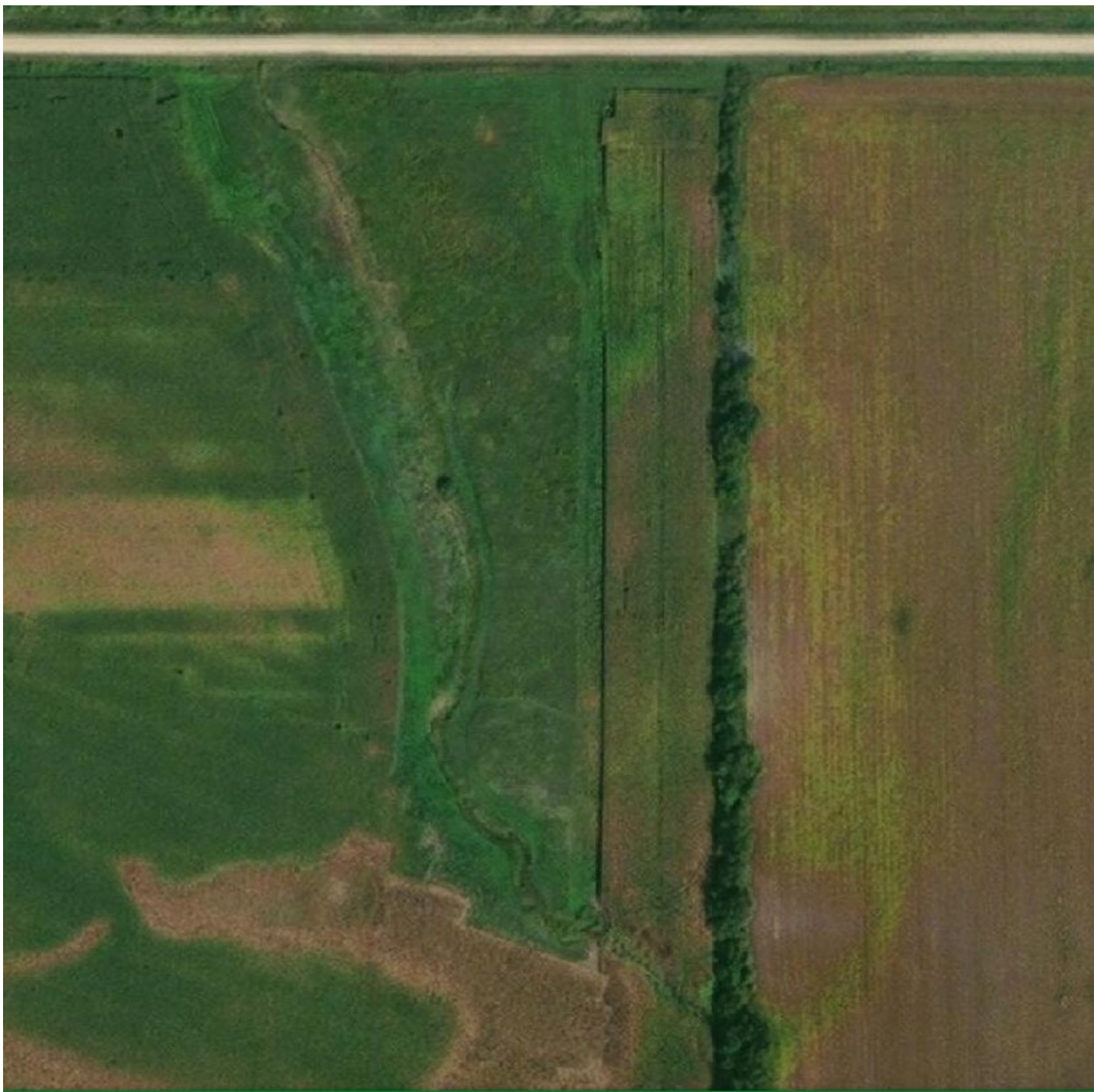
 Red: Band_1
 Green: Band_2
 Blue: Band_3

0 0.125 0.25

This certified wetland determination/delineation has been conducted for the purpose of implementing the FOOD SECURITY ACT 1985 as ammended.

This determination/delineation may or may not be valid for identifying the extent of the UNITED STATES ARMY CORPS of ENGINEERS (COE) Clean Water Act jurisdiction for this site. The determinaton may or may not be valid for work under the NATIONAL ENVIRONMENTAL POLICY ACT (NEPA).

2021-271: Scott Keen – P100, LLC @ 42.7590 -93.0021

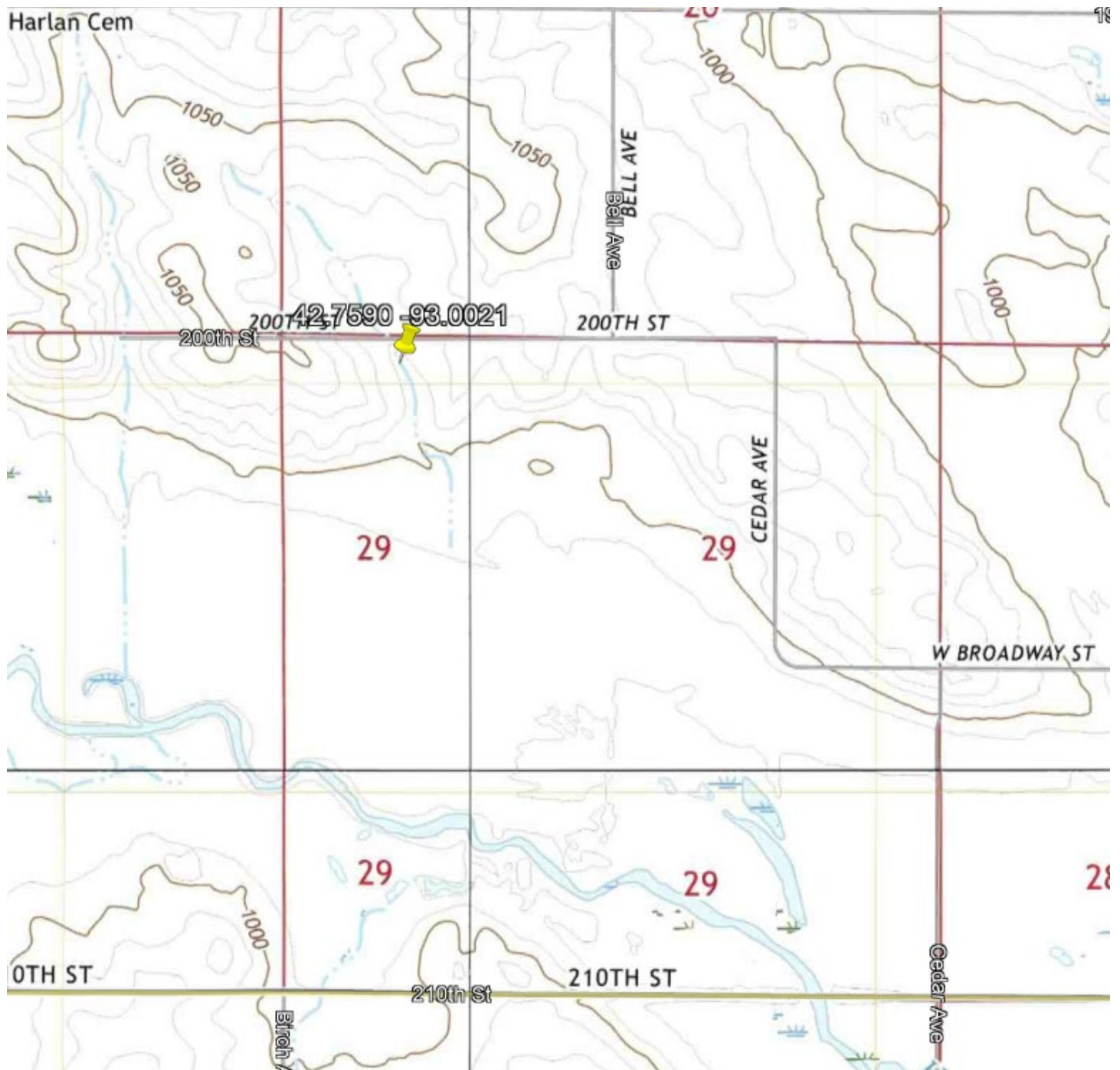


12-1-2020 (Vivid) <https://evwhs.digitalglobe.com/myDigitalGlobe/#18/42.75815/-92.99983>



9-17-2020 Very faint

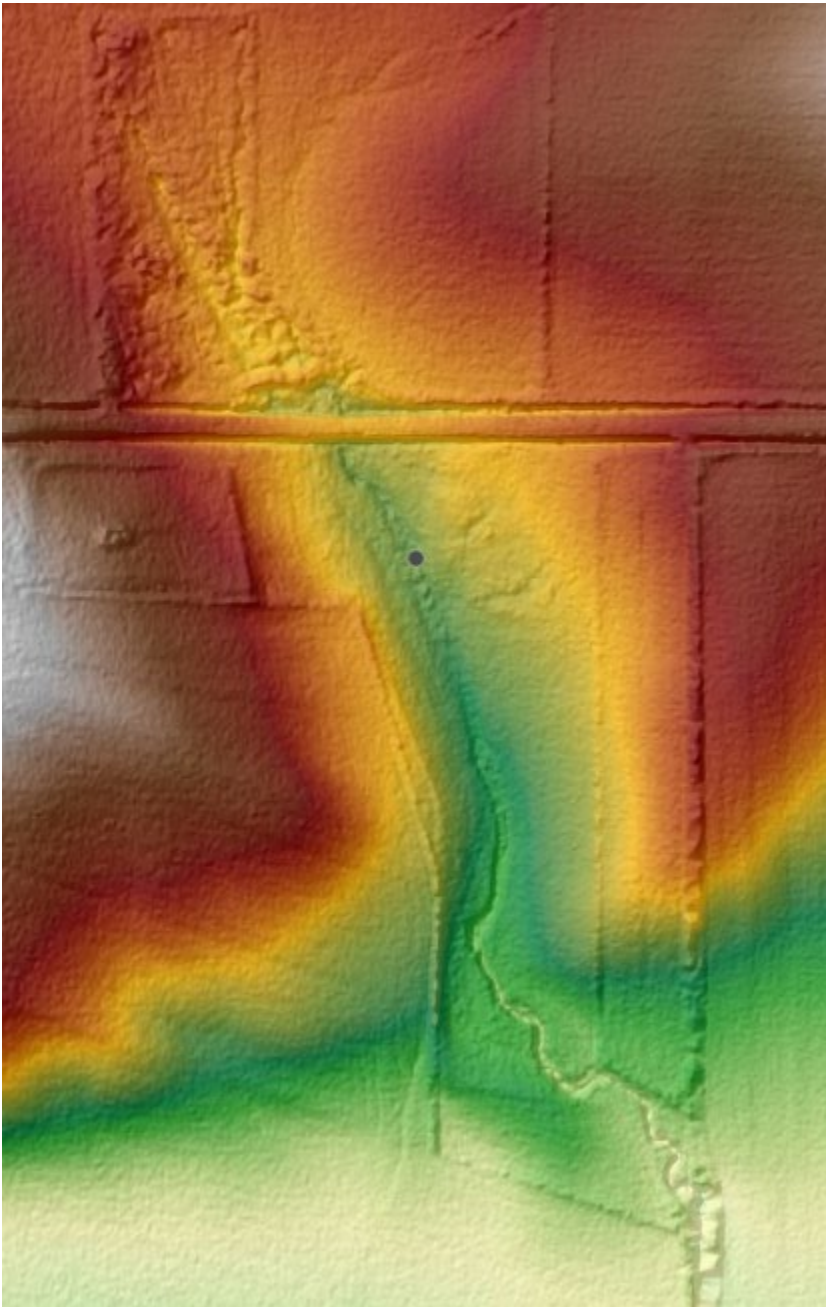




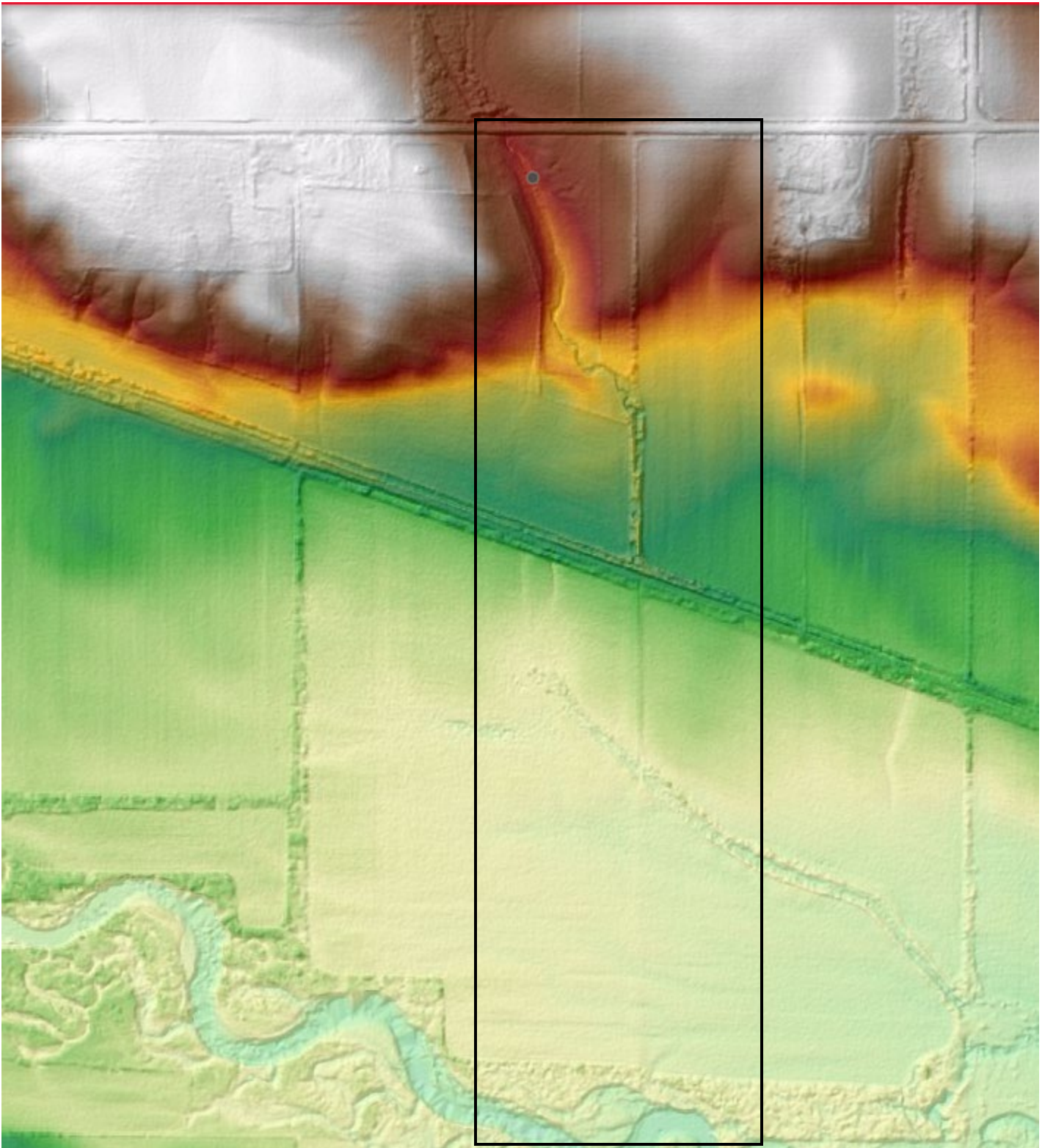
USGS 2018 Topographic (topoView)

No connection to downstream (a)(1) – (a)(3)

<https://ngmdb.usgs.gov/topoview/viewer/#15/42.7526/-92.9912>



<https://geoportal.mvr.usace.army.mil/b5portal/apps/MapSeries/index.html?appid=a8f1e944e1814709b2058092d667d470>

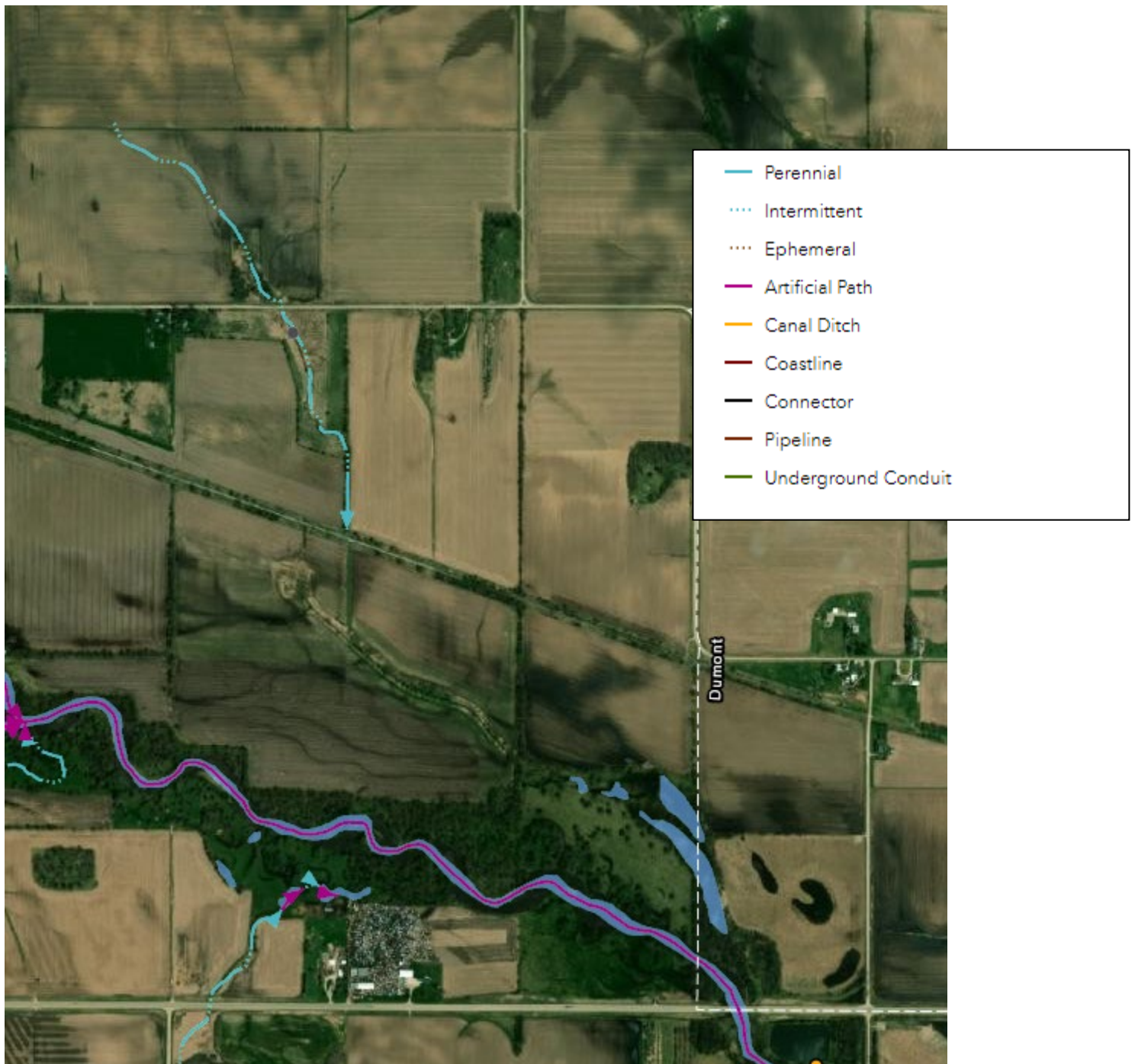


No connection to downstream (a)(1) – (a)(3)

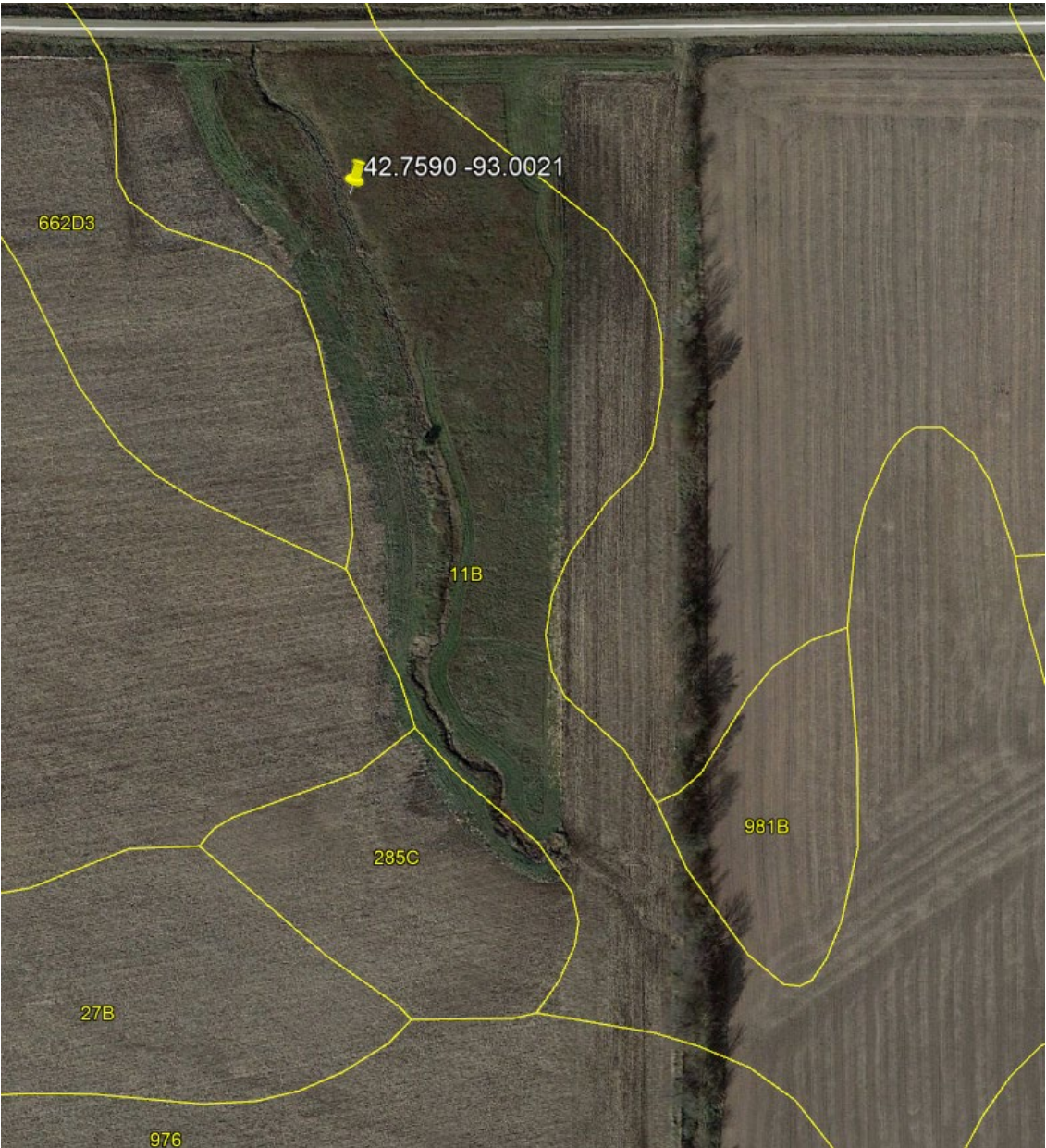
2021-271: Scott Keen – P100, LLC @ 42.7590 -93.0021



USFWS NWI Layer on Google Earth



NHD Layer on Reg Viewer



Partiallyhydic soil conditions (Hydric conditions of 55) and poorly drained

Map Unit Composition

Map units consist of 1 or more soil types, commonly referred to as "components".

Component Name	Geomorphic Position	Area Fraction	Component Type	Horizon Data
Soil Type 1 Colo	drainageways / Toeslope	50%	Major Soil Type	YES
Soil Type 2 Ely	drainageways / Footslope	40%	Major Soil Type	YES
Soil Type 3 Judson	drainageways / Footslope	5%	Inclusion	YES
Soil Type 4 Colo	drainageways / Toeslope	5%	Inclusion	YES

Note: links to horizon data marked with an * are approximate.

Map Unit Data

[What is a Map Unit?](#)

Cartographic information about this map unit.

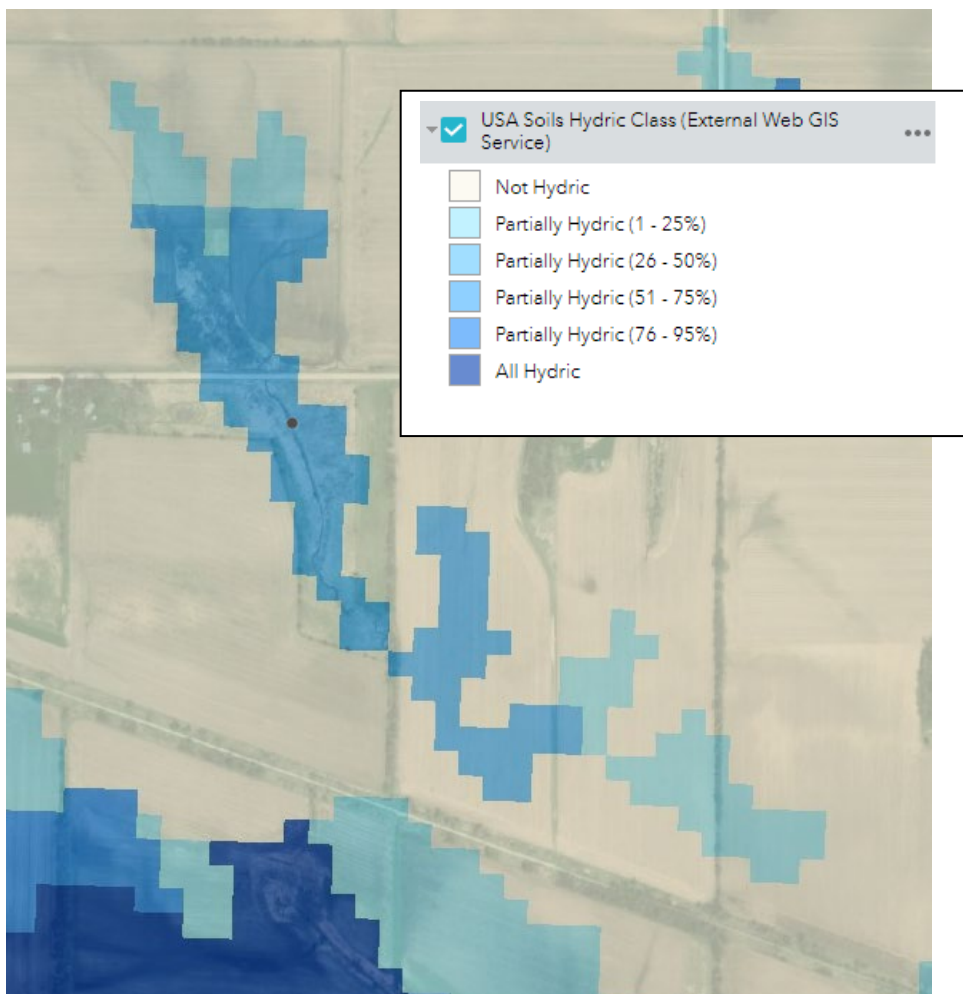
Map Unit Name:	Colo-Ely complex, 0 to 5 percent slopes
Map Unit Type:	Complex
Map Unit Symbol:	11B
Map Unit Area:	2432 acres total in survey area
	Raw Map Unit Data
	Raw Component Data (All Components)

Map Unit Aggregated Data

Generalized soils information within this map unit.

Farmland Class:	Prime farmland if drained
Available Water Storage (0-100cm):	16.86 cm
Max Flood Freq:	None
Drainage Class (Dominant Condition):	Poorly drained
Drainage Class (Wettest Component):	Poorly drained
Hydric Conditions:	55
[Annual] Min. Water Table Depth:	0 cm
[April-June] Min. Water Table Depth:	0 cm
Min Bedrock Depth:	n/a
	Raw Aggregated Map Unit Data

Associated Point Data



Partially hydric soils on RegViewer



FEMA Flood Hazard Layer overlay on Google Earth – no in any flood hazard area