



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-2021-00170-AM

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

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

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

Center Coordinates of Review Area: Latitude 43.186827 Longitude -91.608394

**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
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
Wetland	3.1 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland directly abuts an unnamed intermittent stream just offsite/southwest of it, and the unnamed

<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.



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			intermittent stream flows into an unnamed perennial stream further offsite (to the SW). This wetland continues offsite and also abuts the unnamed perennial stream. This unnamed perennial stream flows into Cook Slough, which flows into the Yellow River, which flows into the Mississippi River, a TNW.
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**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
N/A	N/A	N/A	N/A

**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 and AJD request, May 2021.*

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

Rationale: *The Corps concurs with the NRCS wetland determination but a site visit is necessary to determine jurisdiction and connectivity to any offsite streams.*

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

☒ Photographs: *Regulatory Viewer with aerial, LIDAR, and hillshade layers, Jan 2021 – March 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: *Regulatory Viewer with NWI layer, Jan 2021*

☒ USGS topographic maps: *Regulatory viewer with topo layer, Jan 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, Jan 2021; Stream Stats, June 1, 2021
USDA Sources	NRCS Wetland Determination, Jan 2021
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** The APT showed the area as wetter than normal when the NRCS wetland determination was conducted and dryer than normal when the Corps site visit was conducted,

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but the wetland boundaries looked the same on the NRCS wetland map and during the Corps site visit.

- C. Additional comments to support AJD:** A site visit was conducted by the Corps to determine jurisdiction of the on-site wetland. The entire wetland area was walked, and the drainage feature in the center of the wetland contained enough indicators of an OHWM just offsite that it would become an intermittent stream. This intermittent stream flows directly into a perennial stream, further offsite. The wetland continues offsite and abuts both the intermittent and perennial stream.

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MVR-2021-0170

AJD Area  
Dated: June 1, 2021

Legend

-  AJD Area
-  Wetland

