



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): 22-MAR-2021

ORM Number: MVR-2021-00406-SD

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 42.765164 Longitude -91.717889

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
2021-0406 WL1	6 acres	(b)(1) Non-adjacent wetland	Wetland is located within a grassed waterway and lacks a direct connection to a jurisdictional stream or other Waters of the U.S.
2021-0406 WL2	0.3 acres	(b)(1) Non-adjacent wetland	Wetland is located within a grassed waterway and lacks a direct connection to a jurisdictional stream or other Waters of the U.S.

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: *Title(s) and date(s)*.

☐ This information *(is)* sufficient for purposes of this AJD.

Rationale: *NRCS provided a map with their wetland determinations. USACE has determined these wetlands are Non-Jurisdictional due to their lack of direct connectivity to a stream or other regulated aquatic resource.*

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

☒ Photographs: *(Aerial 2017, Topographic, NWI, Lidar) Title(s) and/or date(s)*.

☐ 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: *Title(s) and/or date(s)*.

☐ USFWS NWI maps: *Title(s) and/or date(s)*.

☐ USGS topographic maps: *Title(s) and/or date(s)*.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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

C. Additional comments to support AJD: NRCS provided a map with their wetland determinations. USACE has determined these wetlands are Non-Jurisdictional due to their lack of direct connectivity to

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a stream or other regulated aquatic resource. WL-1 is a grassed waterway that is fed by tile and precipitation drainage. WL-2 is a grassed waterway adjacent to an established road that is fed through tile drainage and precipitation runoff from the adjacent upland roadway.

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Existing Certified Wetland Determination Map

Customer Name: Tim Burrack

Farm: 8153

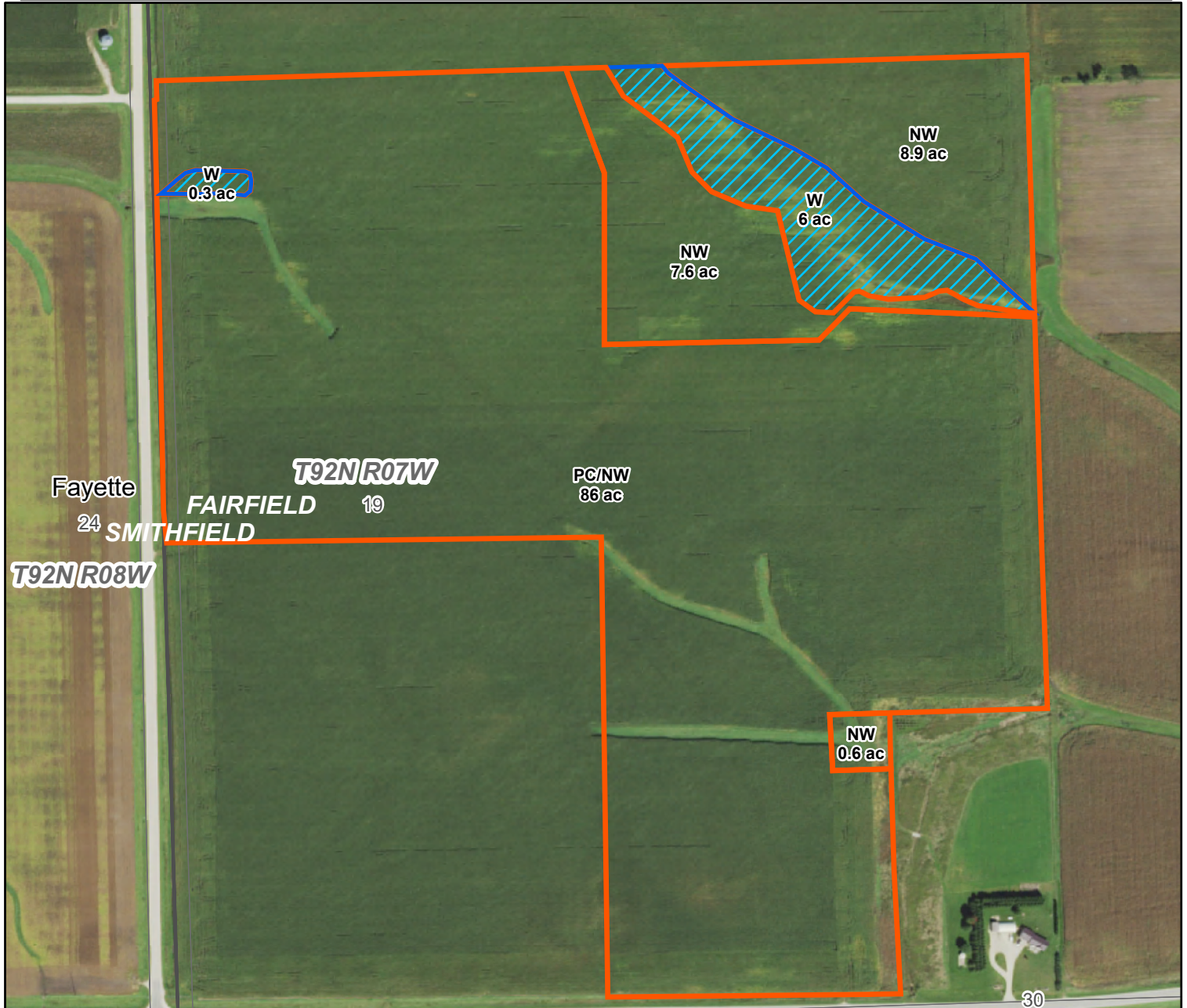
Tract: 10283



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

Agency: USDA-NRCS
Map Creation Date: 3/8/2021
Certified By: Angie Mohs

This map includes all previous certified wetland determinations on this tract of land. This copy is only being provided as a courtesy copy, and is not included within the scope of a new determination. Therefore, it is not subject to the respective appeal rights.



Legend

- NW - Nonwetland
- PC/NW - Prior Converted/Nonwetland
- W - Wetland
- Potential Jurisdictional Waters

2019 Imagery

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.





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