



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): 31-MAR-2021

ORM Number: MVR-2021-00374-SD

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.543623 Longitude -93.664973

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
2021-0374 S	1504 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Past aeriels show the tributary contributing water to greater Frink Creek in a typical year. Presence of established bed and bank indicate that water flow is persistent enough to be classified as more than ephemeral flow.

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

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2021-0374 WL	0.13 acres	(b)(1) Non-adjacent wetland	Wetland does not directly abut a jurisdictional waterway and is most likely fed from precipitation and stormwater runoff from the adjacent uplands.

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: *Applicants submitted wetland delineation is sufficient and adequate.*
– Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
☒ Photographs: *(Aerial 2017, NWI, LiDAR) Title(s) and/or date(s)*.
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– 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: *NWI*
–
☒ USGS topographic maps: *USGS Aerial and Topographic*
–

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS StreamStats: https://streamstats.usgs.gov/ss/
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE Rock Island RegViewer
State/Local/Tribal Sources	N/A.
Other Sources	National Drought Monitor: https://droughtmonitor.unl.edu/

B. Typical year assessment(s): National Drought Monitor for Polk County, Iowa showed the area to be Abnormally Dry to Moderate Drought for the month of July 2020, when the delineation was conducted.

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- C. Additional comments to support AJD:** The presence of water as shown in Photo Point 2 in the delineation during a drought is further evidence to support the conclusion that the stream is adequately classified Intermittent. This tributary ceases to show intermittent characteristics such as an established bed and bank immediately after flowing under the road through a culvert. Anything after the culvert could be considered an ephemeral feature as water hasn't been shown in this aerial throughout past aerials. Further east, the delineated wetland does not directly abut the intermittent stream or any other Waters of the U.S. and as such can be considered Non-Jurisdictional due to its non-adjacency.

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Figure 1. Project Vicinity Map

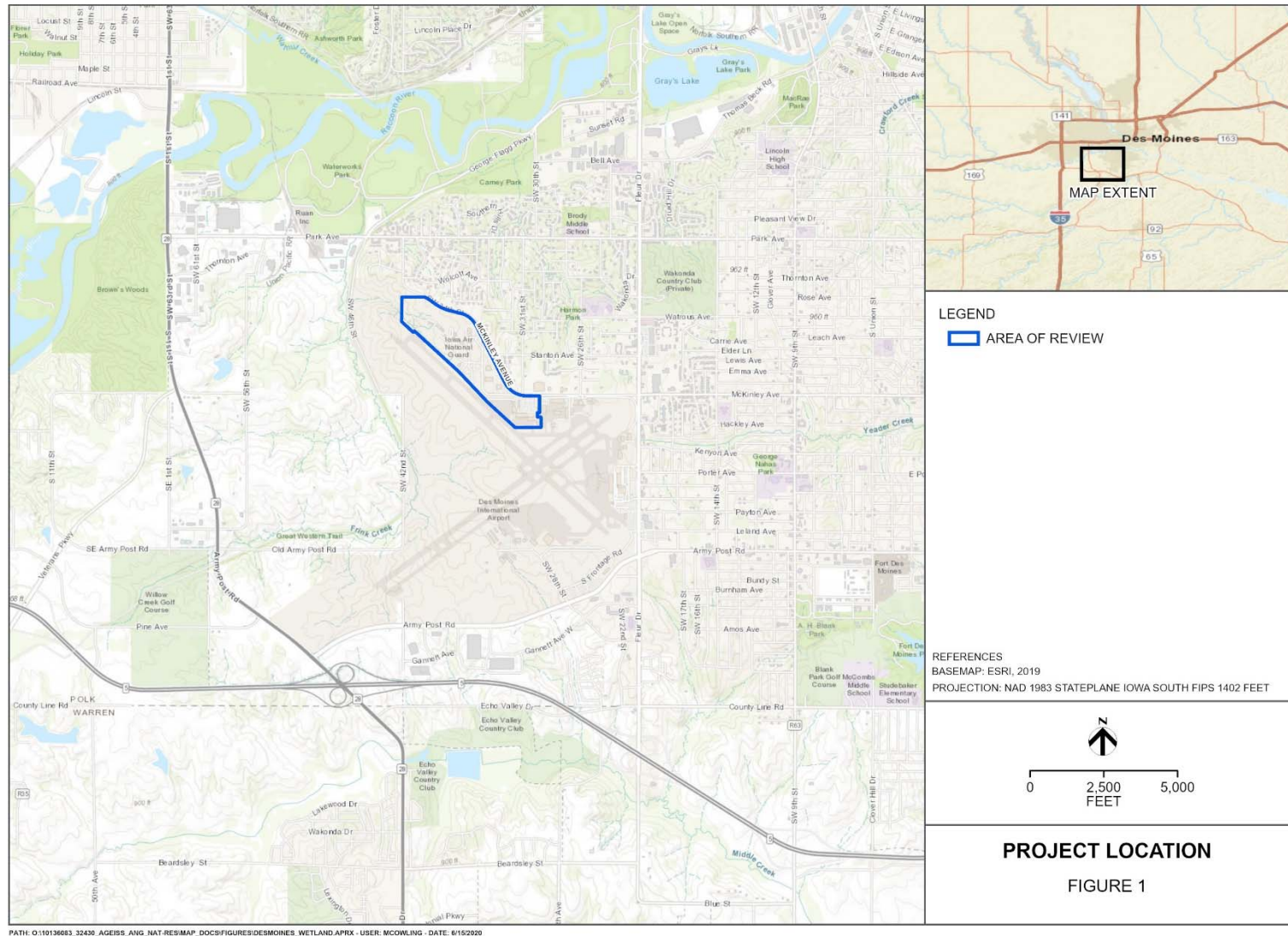


Figure 2. Area of Review

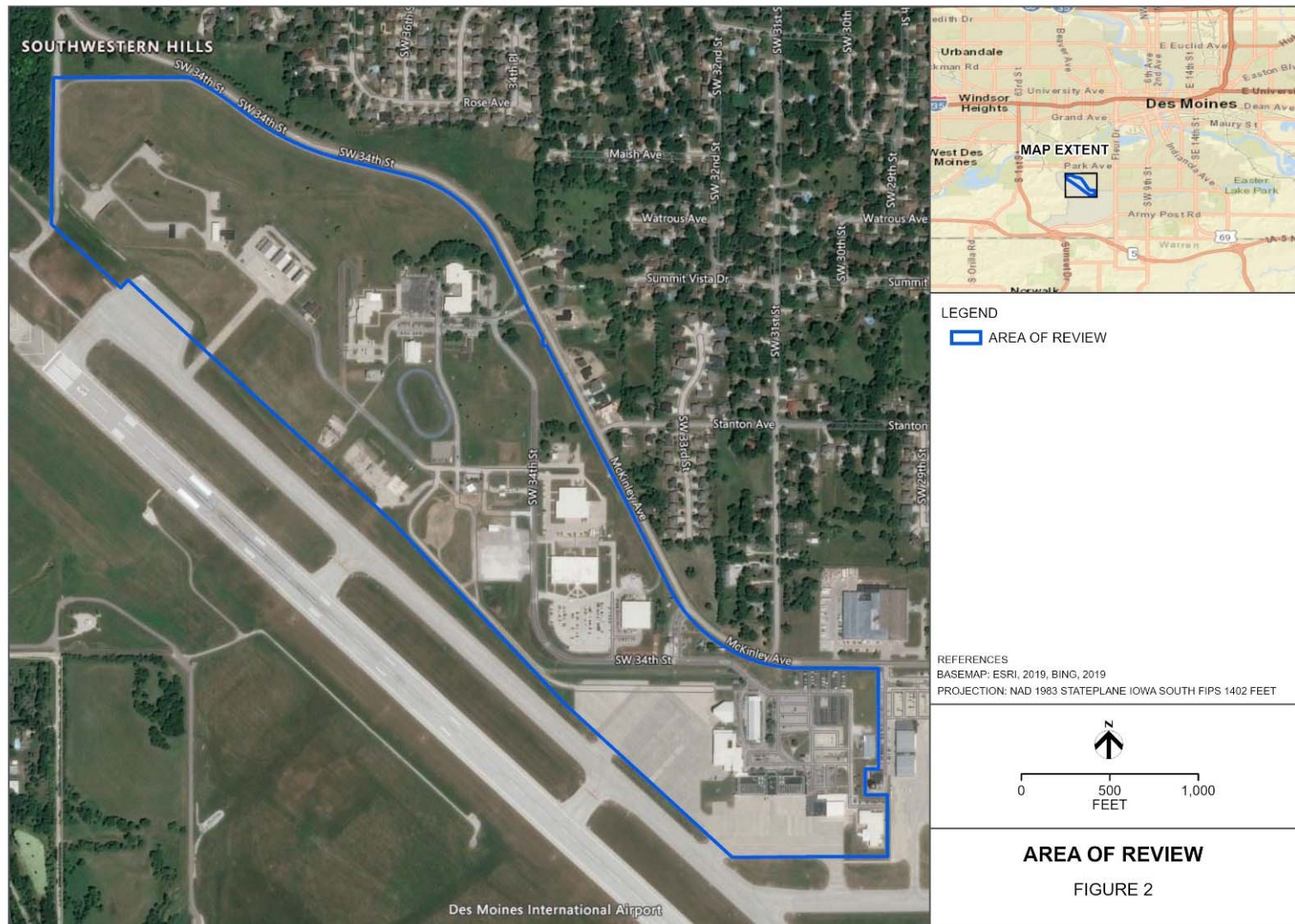


Figure 3. USGS Topographic Map

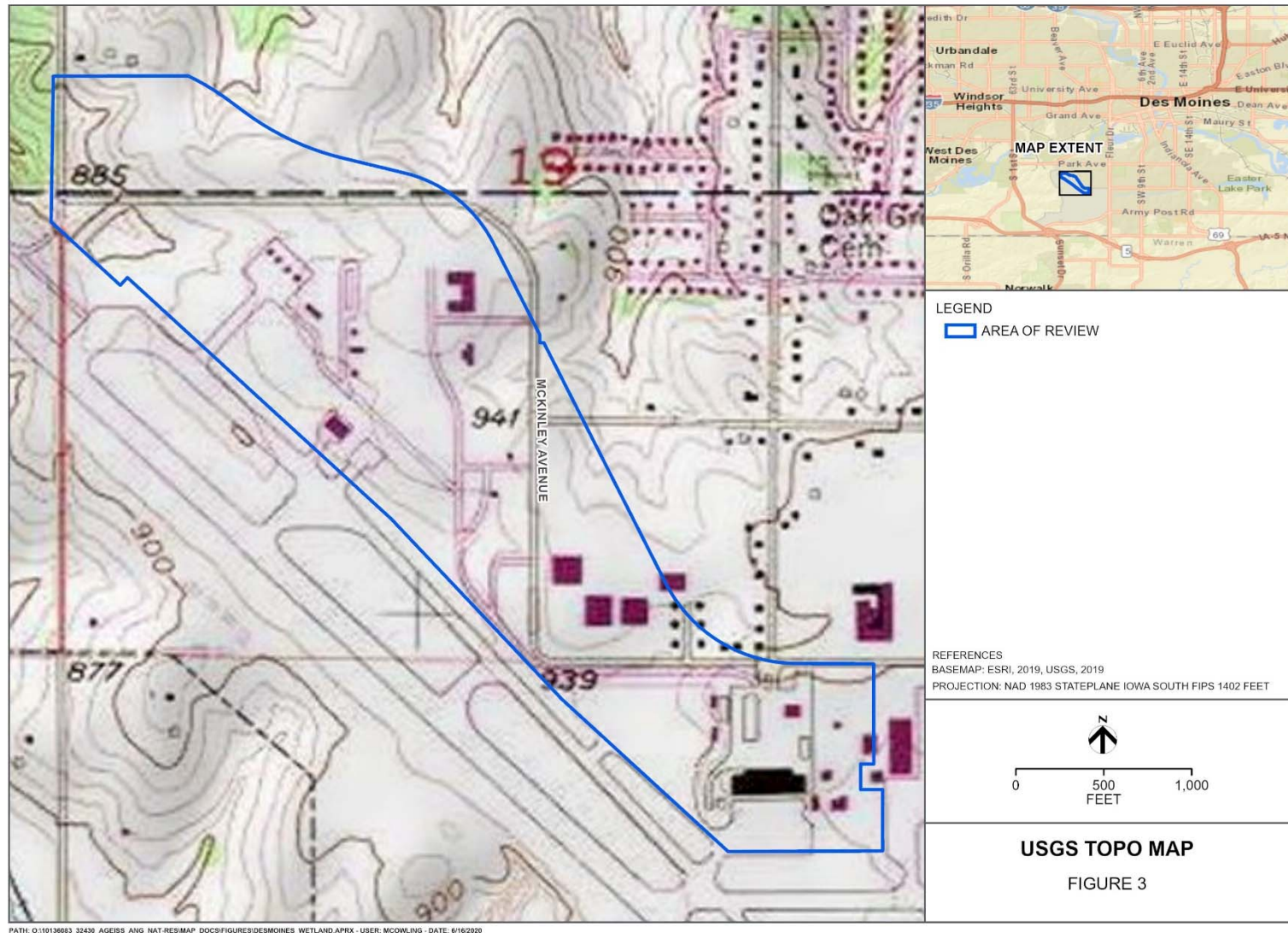


Figure 4. Soil Survey Map

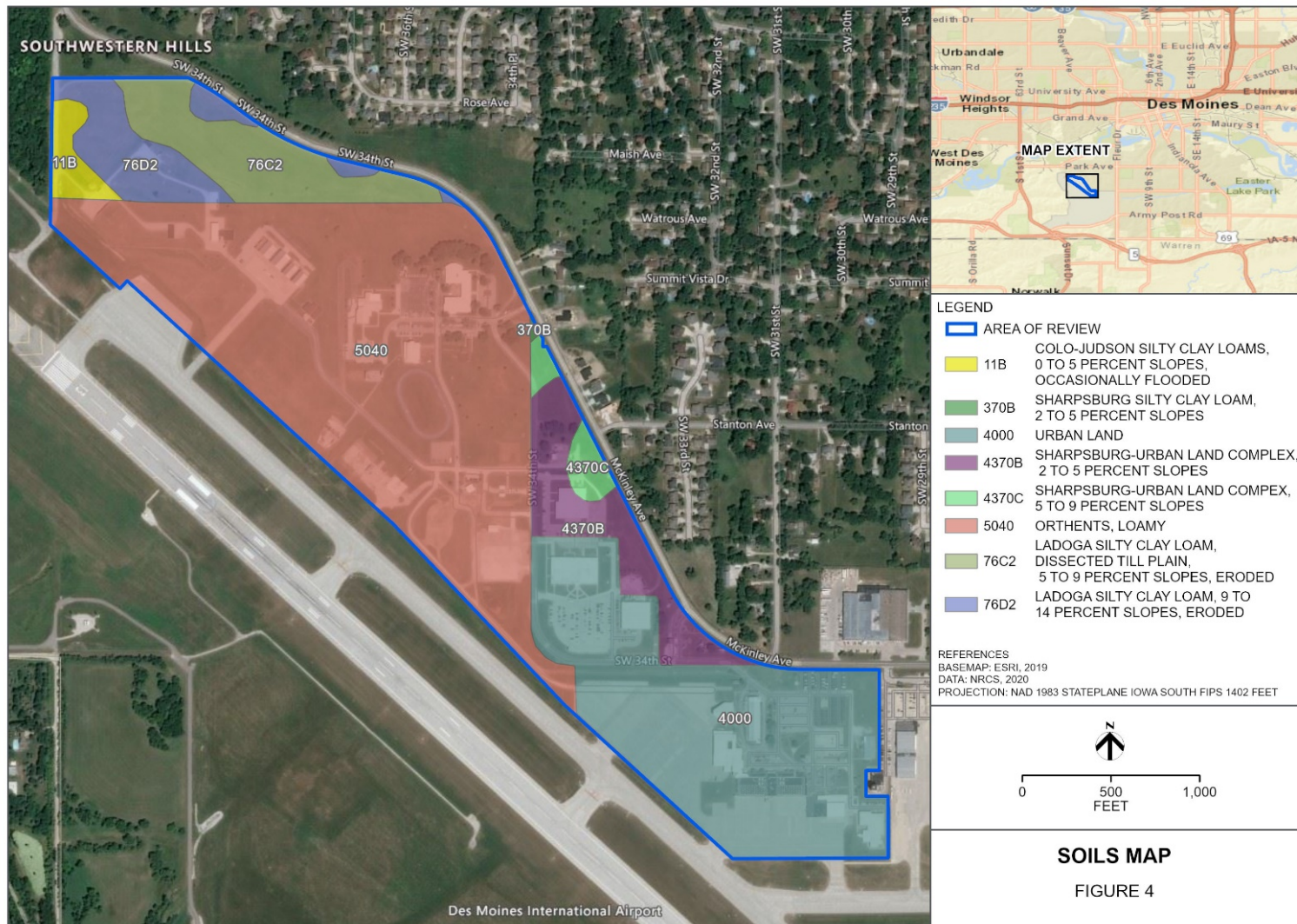


Figure 5. Delineation Overview Map

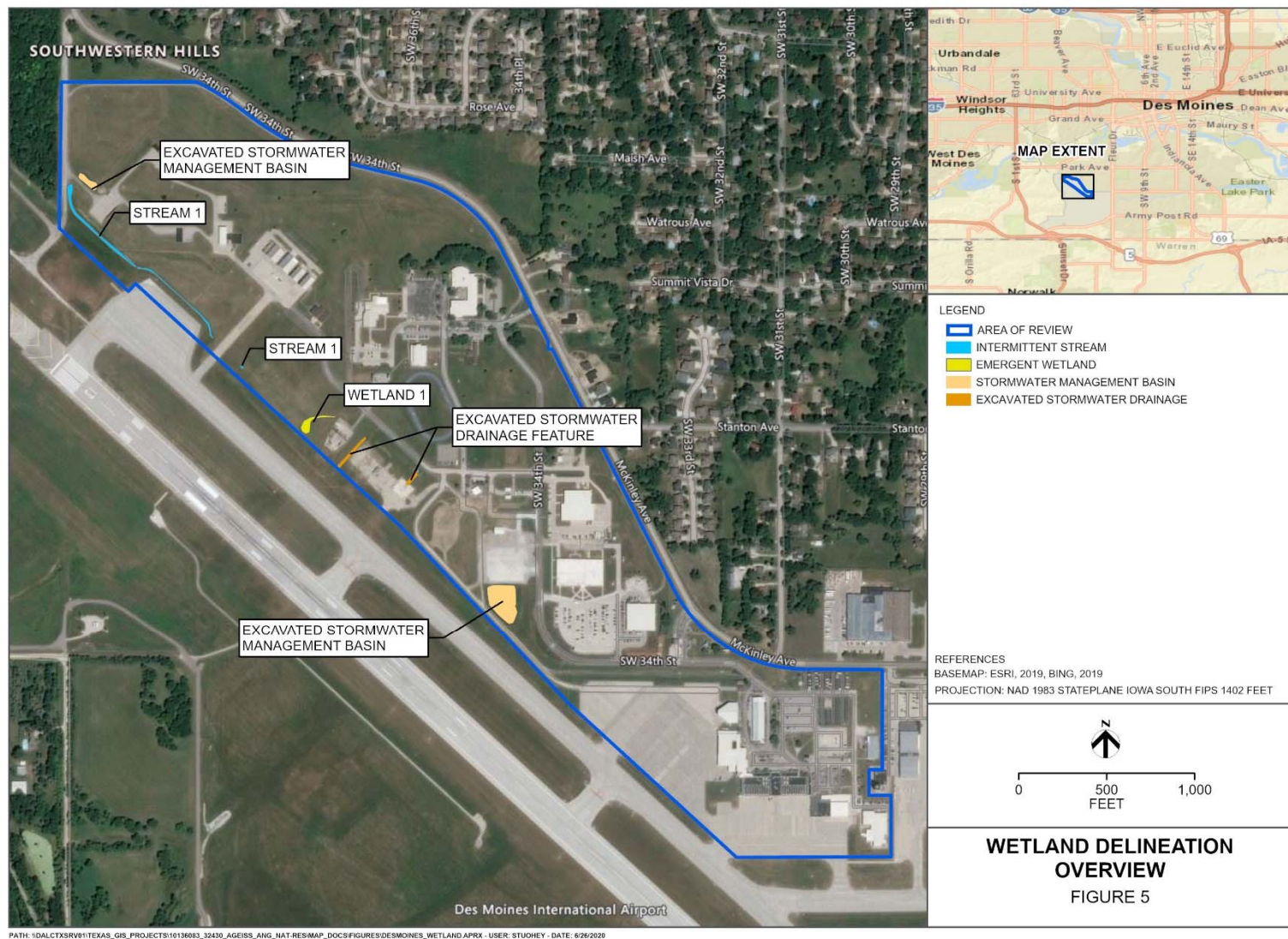


Figure 6. Delineation Detail Map

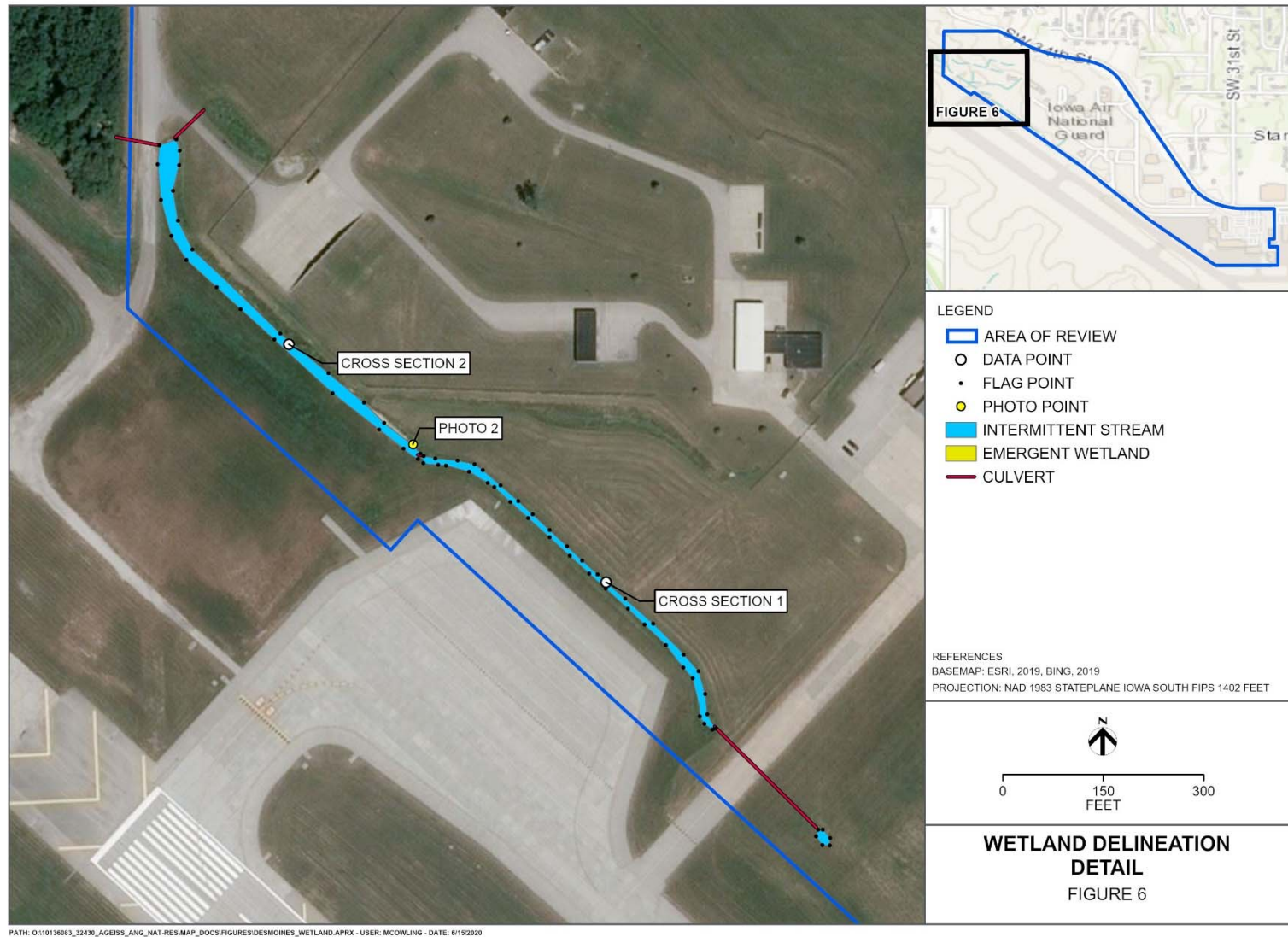


Figure 7. Delineation Detail Map

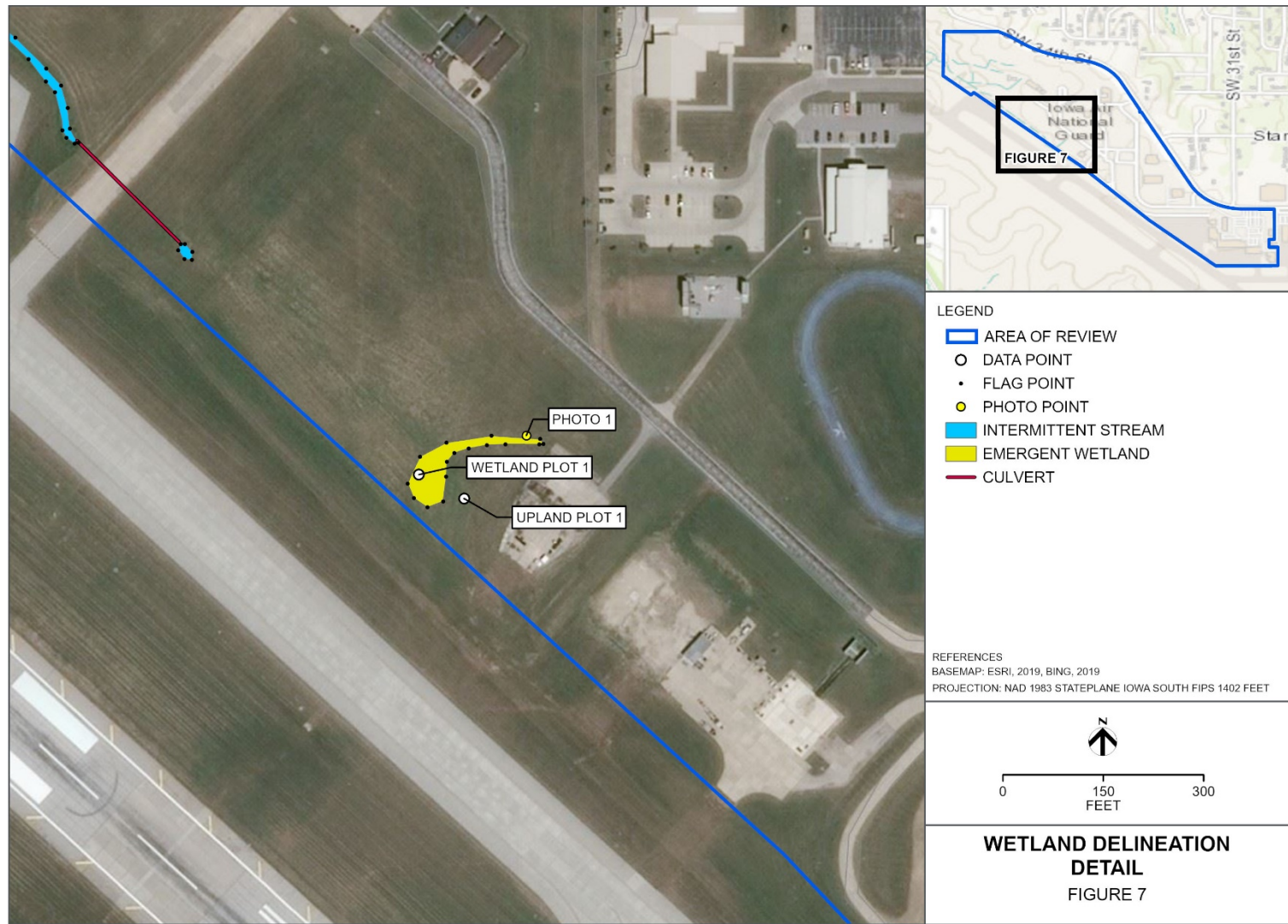


Table 2. Identified Features

Feature ID	Resource	WOTUS/Wetland	Dimensions (within the AOR)	Latitude	Longitude
Wetland 1	Emergent Wetland	Potentially	0.13 acre	41.544682	-93.669204
Stream 1	Intermittent Stream	Potentially	1504 linear feet (0.83 acre)	41.545582	-93.670676

Photographs of Identified Features



Photo Point 1: Wetland 1, emergent wetland area dominated by foxtail sedge, orientation south.



Photo Point 2: Stream 1, intermittent stream channel lined with rip rap, orientation west.



