



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): 03-JUN-2021

ORM Number: MVR-2021-00746-SD

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.670538 Longitude -93.573099

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
2021-0746	1700 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Intermittent Stream is a direct tributary to Fourmile Creek. Aerials, Lidar, and on-site photographs from the applicants show defined bed/bank, OHWM, vegetation changes, and current flow. Topographic maps from the applicant, USACE, & USGS show the stream as classified Intermittent.

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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
2021-0746 WL3	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts listed intermittent stream.
2021-0746 WL4	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland directly abuts listed intermittent stream.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2021-0746 WL1	0.04 acres	(b)(1) Non-adjacent wetland	Wetland is separated from intermittent stream or other regulated Waters of the U.S. Wetland is located within an adjacent agricultural field.
2021-0746 WL2	0.73 acres	(b)(1) Non-adjacent wetland	Wetland is separated from intermittent stream or other regulated 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: Supplied wetland delineation is adequate for the purposes of review. Investigation was completed thoroughly by the applicant and USACE agrees with the WOTUS initial determinations.

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

☒ Photographs: *(Google Earth 2017, Topographic, 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: *Used for extra intermittent stream confirmation.*

☐

Other data sources used to aid in this determination:

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



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

Other Sources	N/A.
---------------	------

- B. Typical year assessment(s):** National Drought Monitor showed Polk County, Iowa as Abnormally Dry for the date the wetland investigation was conducted (4/27/21).
- C. Additional comments to support AJD:** *Supplied wetland delineation is adequate for the purposes of review. Investigation was completed thoroughly by the applicant and USACE agrees with the WOTUS initial determinations.*

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

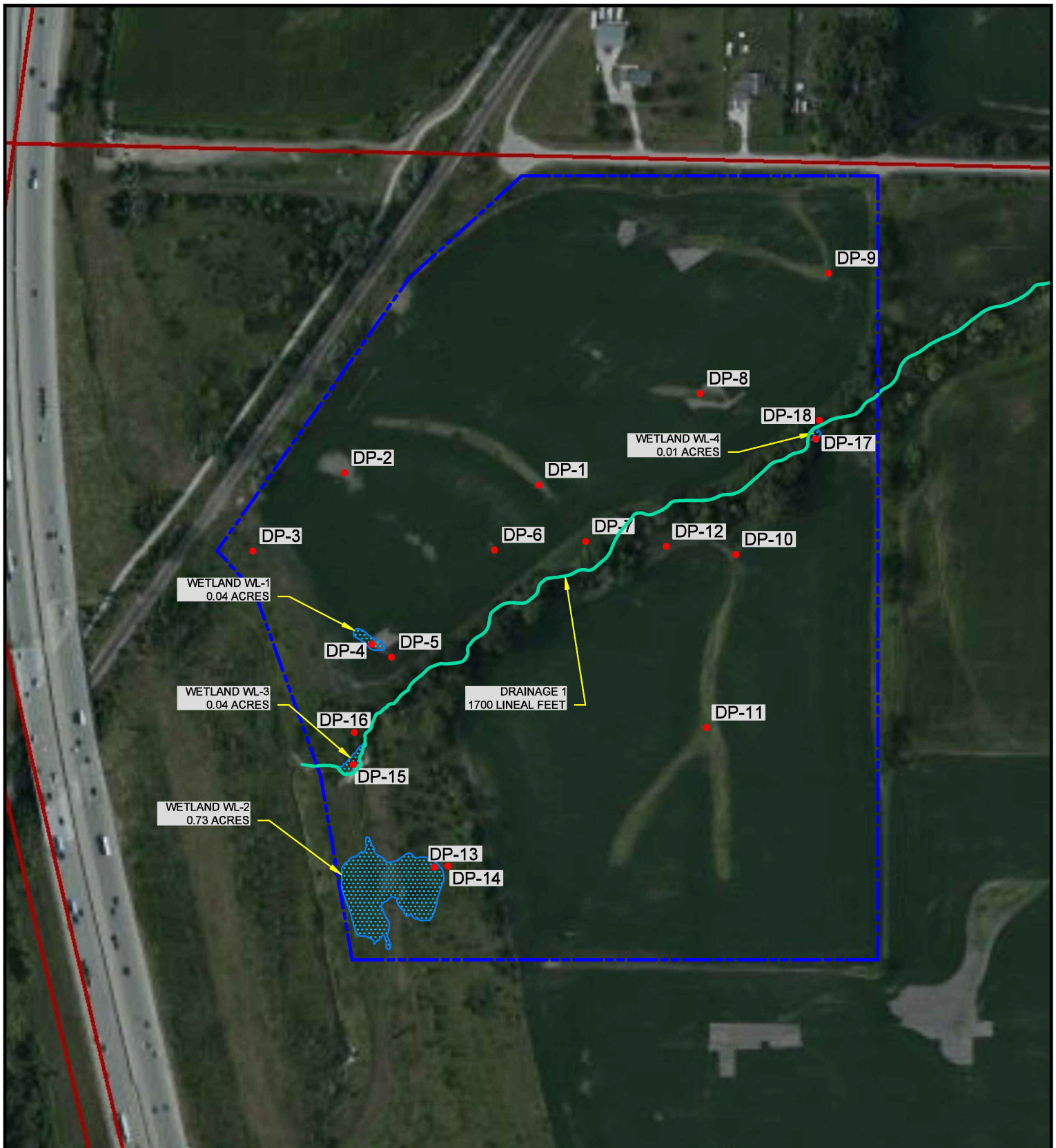
² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 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.

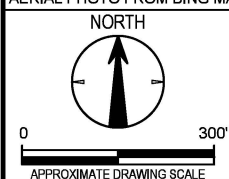




LEGEND

- - BOUNDARY OF ASSESSED AREA
- WETLAND AREA
- - DATA POINT LOCATION
- - DRAINAGE

AERIAL PHOTO FROM BING MAPS



Project No.	Date:
08217042	5/16/2021
Project Mng:	Drawn By:
ACC	JAL
File Name:	
08217042-01.dwg	
Layout Name:	
E5-WDM	

Terracon
Consulting Engineers and Scientists

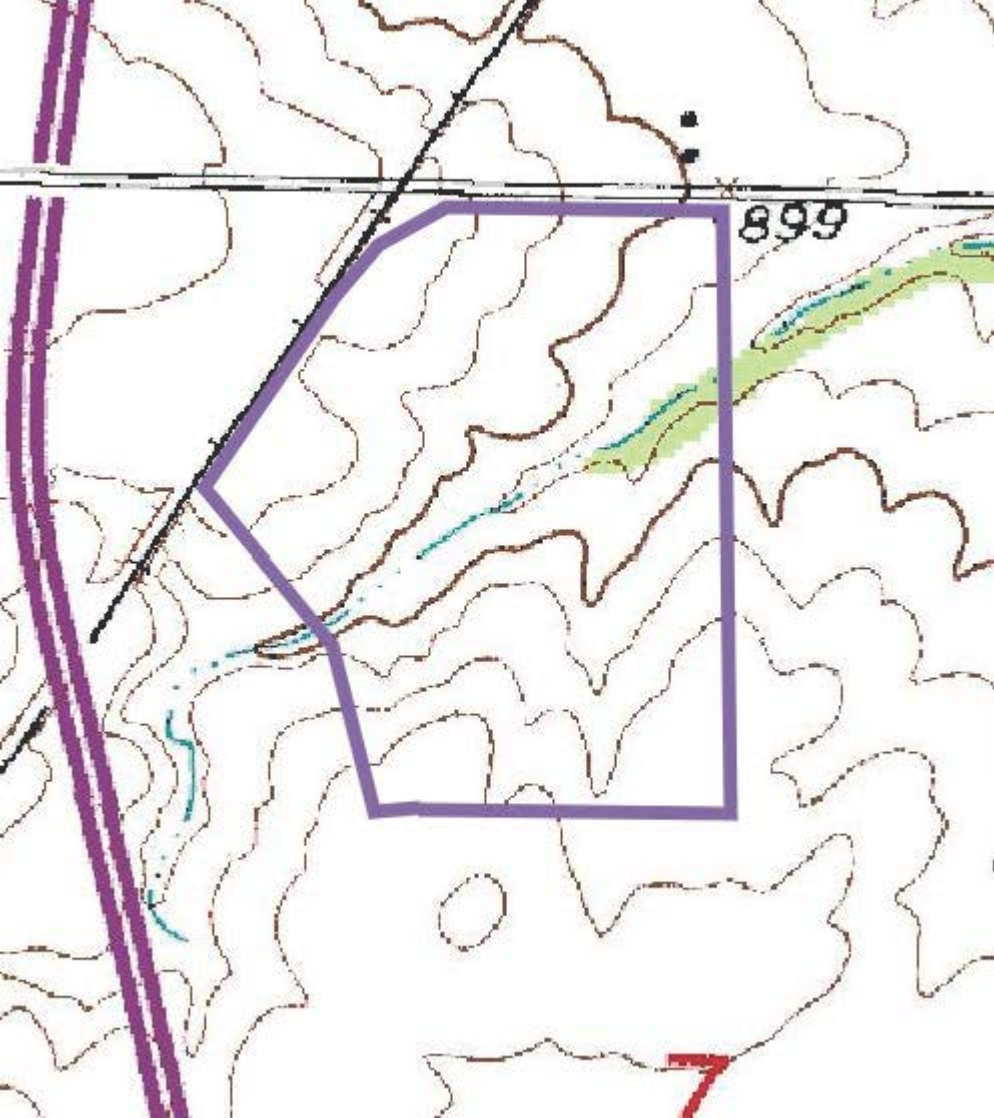
600 SW 7TH STREET DES MOINES, IOWA 50309
PH. (515) 244-3184 FAX. (515) 244-5249

WETLAND DELINEATION MAP

WETLAND DELINEATION
SWANWOOD WETLAND DELINEATION
SE 72ND STREET AND SE CORPORATE WOODS DRIVE
ANKENY, IOWA

EXHIBIT

5



A topographic map showing contour lines, a road labeled 'SE 72ND AVE', and a red location pin. A white popup box is overlaid on the map, containing coordinate information. The map also shows a blue dashed line and a black solid line.

Label: Coordinate 41.670538, -93.573099

ElevFt: N/A

Lat: 41.670538

Lon: -93.573099

Source: LAT_LON

