



**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): 6/14/2021

ORM Number: CEMVR-RD-2021-776

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Iowa City: Clayton County/Parish/Borough: Clayton

Center Coordinates of Review Area: Latitude 42.8974 Longitude -91.1378

**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: Reviewed aerial maps from 2017 to present
- ☐ 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
N/A.	N/A.	N/A.	N/A.

<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 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.



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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: [Mr. Jerri Thibaut / Consolidated Grain and Barge Co., May 25, 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [Information sufficiently showed the area and the current area is a gravel parking lot.](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

☒ Photographs: [Aerial: Google Earth - 2017](#)

☐ 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
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	Corps Reg. Viewer, LiDAR.JPG, 2017 aerial.JPG
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	<a href="#">49439_JointApplication.pdf</a> , <a href="#">210300 CGB_Car Storage-Layout for NT.pdf</a> , <a href="#">Clatyon - Temporary Tracks Layout.pdf</a> , <a href="#">Clatyon Wetlands Mapper.pdf</a> , <a href="#">Clayton FEMA's National Flood Hazard Layer.pdf</a> ,

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

**C. Additional comments to support AJD:** [The proposed temporary laydown for RR tracks and cars is currently a gravel parking lot and is being built in uplands.](#)

<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.



Regulatory Viewer

Regulatory Map

Compliance Viewer

IPaC

I-Sites

Mitigation Banking

IL IAS

## Rock Island District Regulatory Viewer

42.8974 -91.1378

Show search results for 42.8974 -91....

### Layer List

- ☐ NLD - Floodwalls (External Web GIS Service) ...
- ☐ NLD - Gravity Drains (External Web GIS Service) ...
- ☐ NLD - Rehabilitations (External Web GIS Service) ...
- ☐ NLD - Toe Drains (External Web GIS Service) ...
- ☐ NLD - Leveed Areas (External Web GIS Service) ...
- ☐ USACE\_Boundaries - USACE Districts ...
- ☐ MVR Counties ...
- ☐ Roads ...
- ☐ Localities for Reg Viewer ...
- ☐ PLSS ...
- ☐ PADUS (External Web GIS Service) ...
- ☐ Real Estate for Reg Viewer ...
- ☐ National Hydrography Dataset (NHD) (External Web GIS Service) ...
- ☐ Watersheds (External Web GIS Service) ...
- ☐ Section 10 Waters ...

300ft

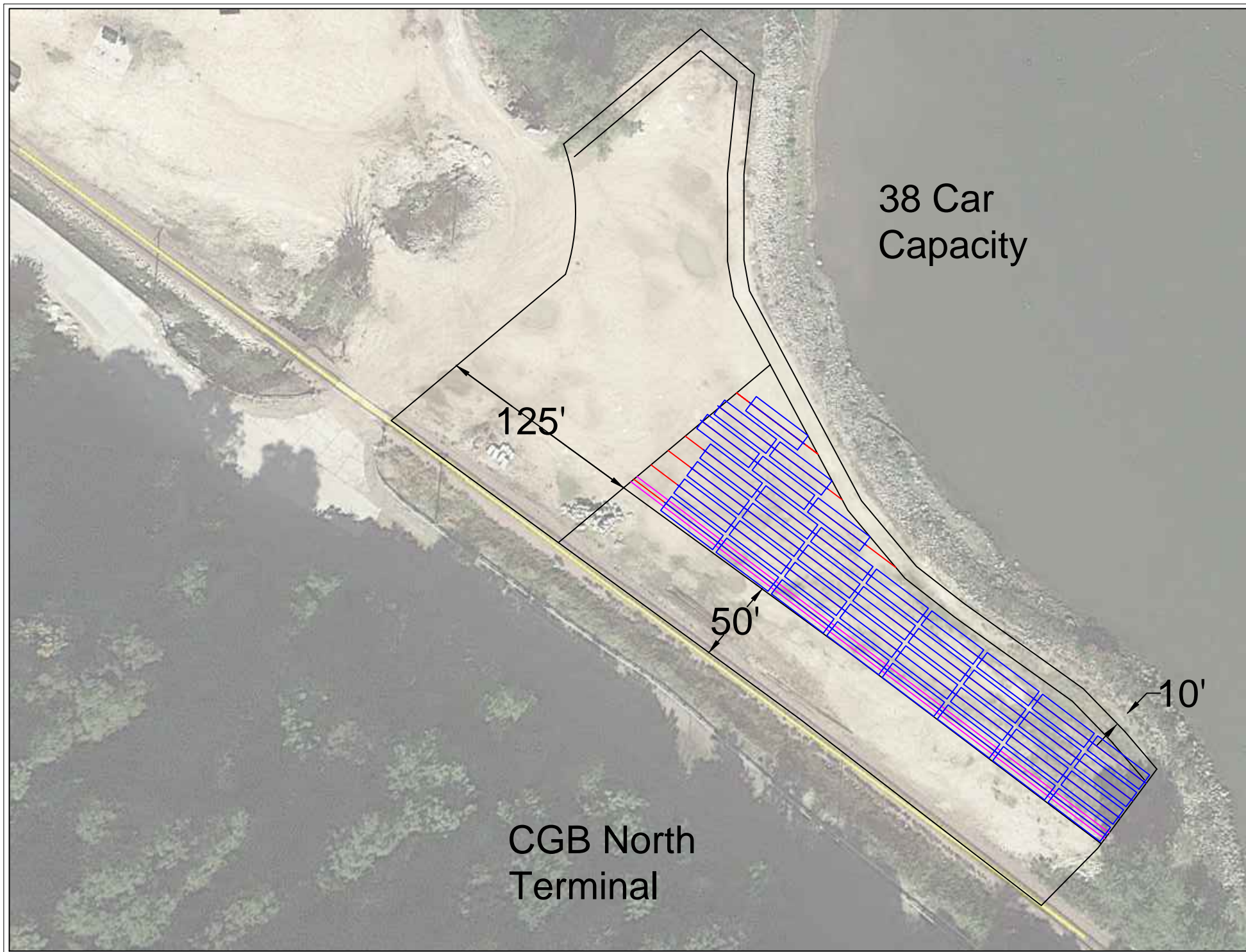
-91.138 42.900 Degrees

0 items 1 item selected 258 KB State: On

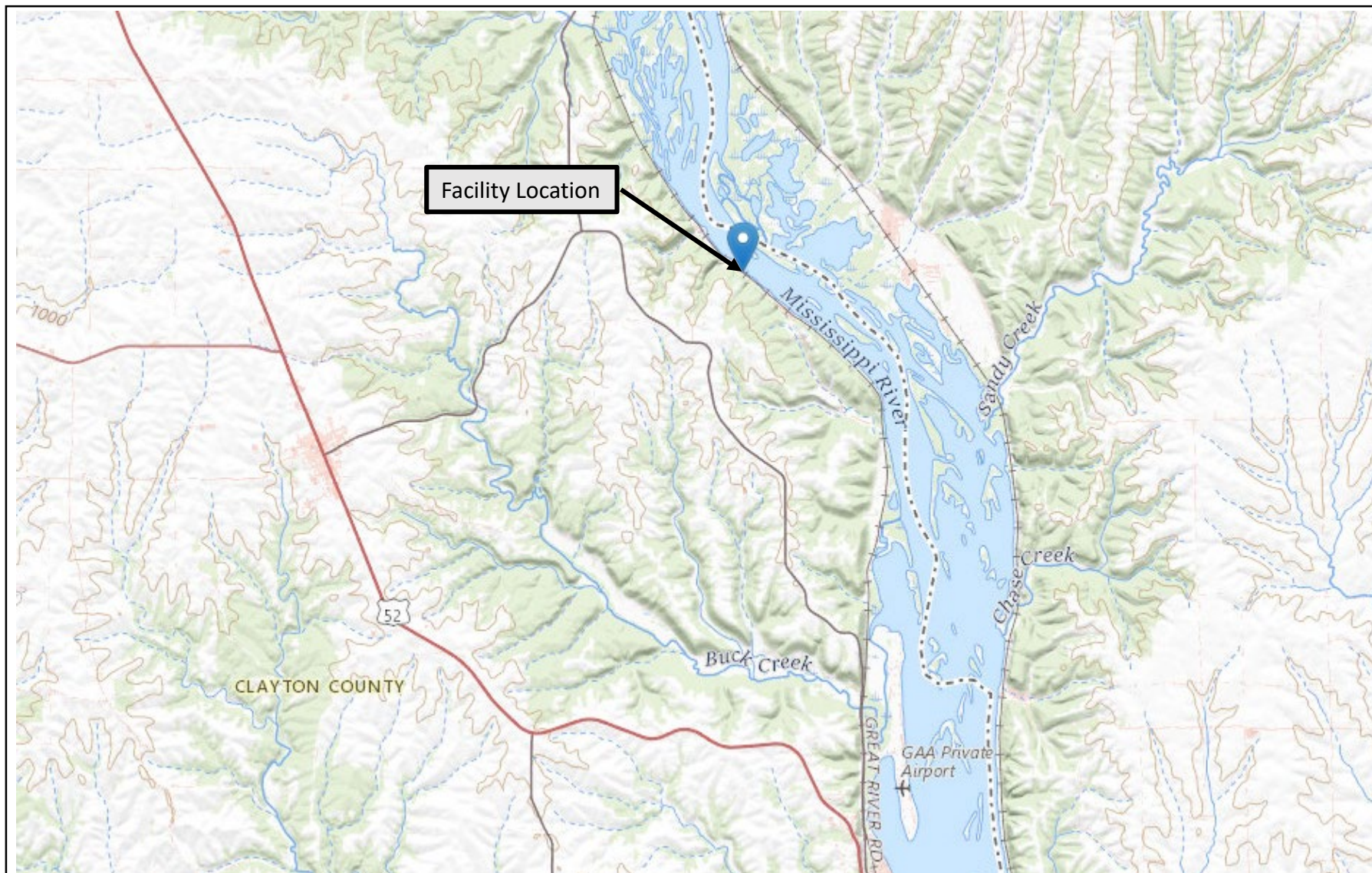
CGB is leasing a section of their property to Patison Sand Company (PSC) to allow for the installation of temporary rail for the storage of empty railcars.

Iowa DNR, Esri Canada, Esri, HERE, Garmin, INCREMENT P, USGS, EPA









Notes:

### Facility Location

703 1<sup>st</sup> Street  
Clayton, Clayton County, Iowa 52049



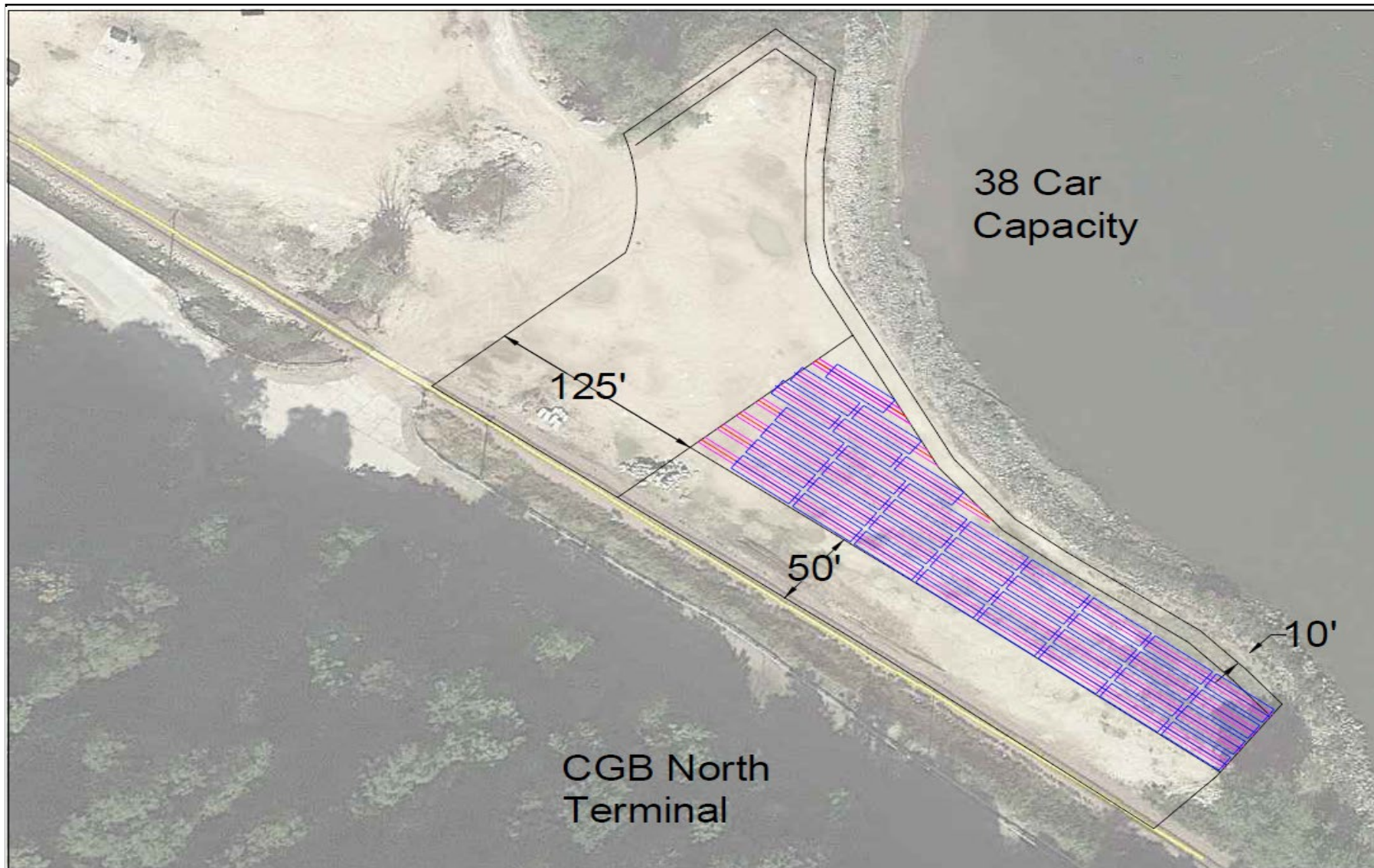
**Consolidated Grain  
and Barge Co.**

Clayton

May 2021

Figure  
1





Notes:  
1. Temporary Track Location

### Temporary Track Area Layout

703 1st Street  
Clayton, Clayton County, Iowa 52049



**Consolidated Grain  
and Barge Co.**

Clayton

May 2021

Figure  
2



Notes:  
1. Temporary Tracks on Property

### Temporary Track Area Layout

703 1st Street  
Clayton, Clayton County, Iowa 52049



**Consolidated Grain  
and Barge Co.**

Clayton

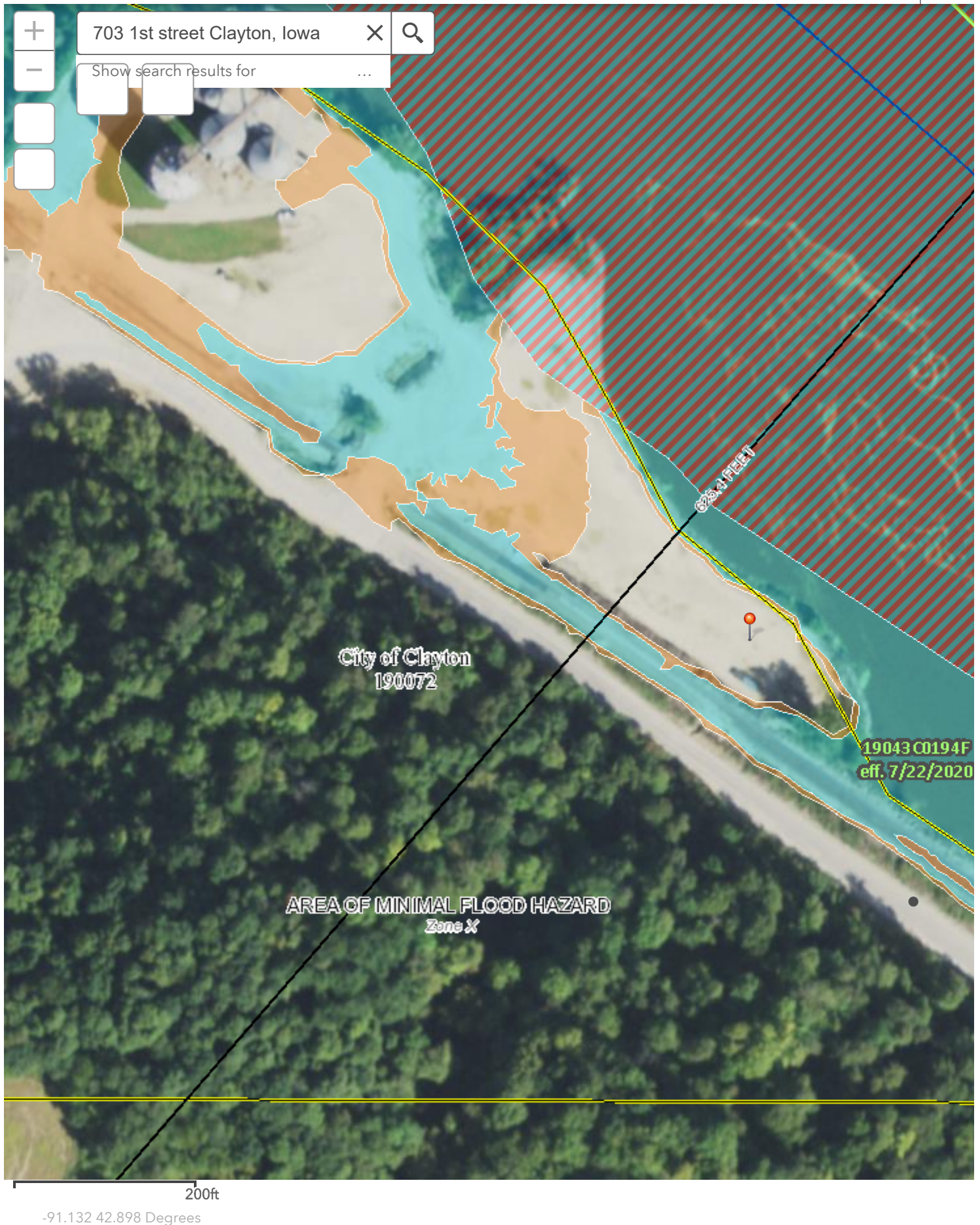
May 2021

Figure  
3











Regulatory Viewer

Regulatory Map

Compliance Viewer

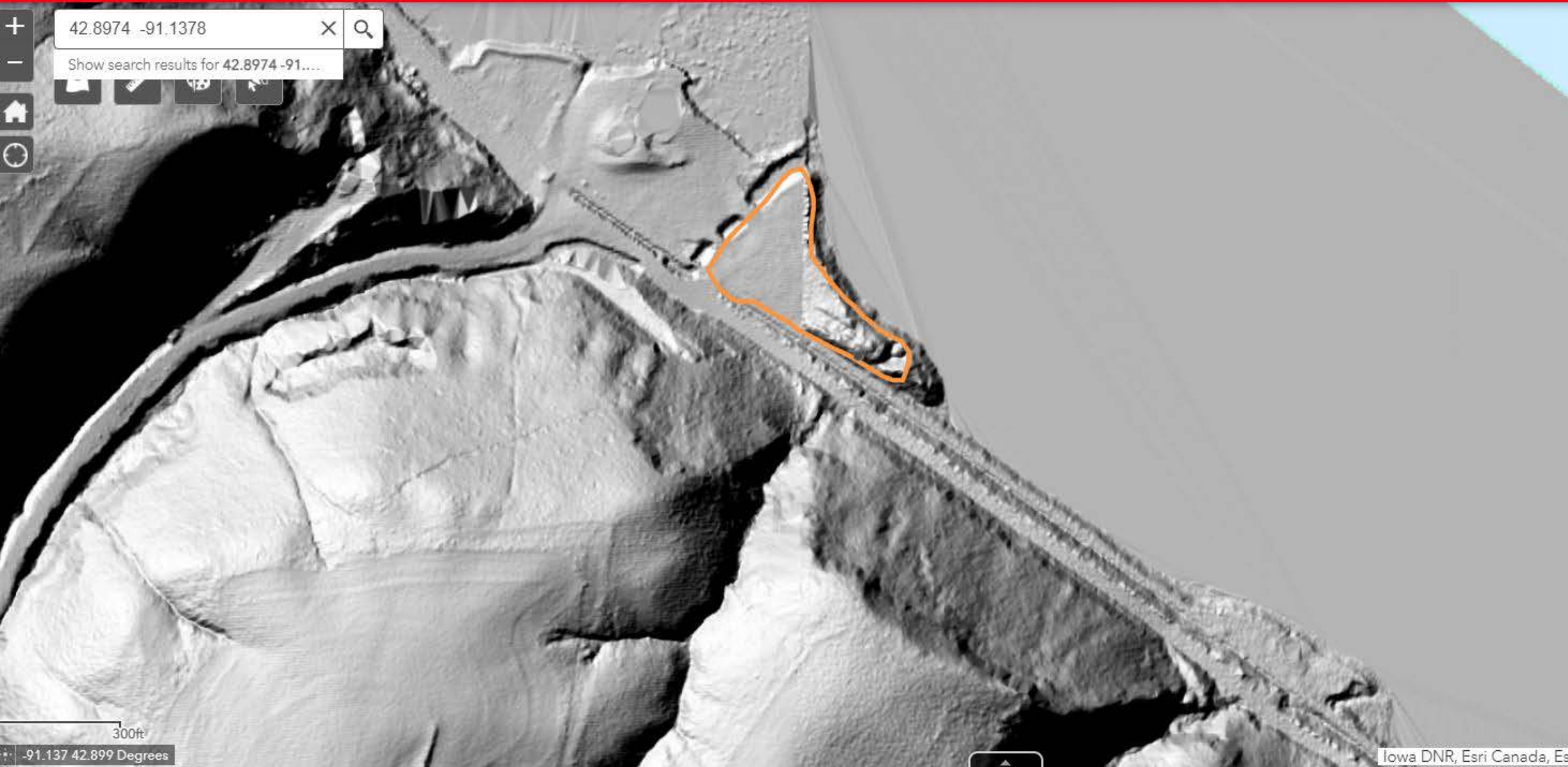
IPaC

I-Sites

Mitigation Banking

IL IAS

## Rock Island District Regulatory Viewer



### Imagery and Lidar

- ☐ IA naip 2017 cir (External Web GIS Service) ...
- ☐ IA naip 2017 nc (External Web GIS Service) ...
- ☐ MVR\_NAIP\_2017 ...
- ☐ Photo Dates (External Web GIS Service) ...
- ☐ MVR Quad Maps ...
- ☐ IA LiDAR DEM 1m NAVD88 ft ...
- ☒ IA LiDAR DEM 1m hillshade ...
- ☒ IA LiDAR DEM 3m NAVD88 ft ...
- ☐ IA LiDAR DEM 3m hillshade ...
- ☐ IL\_LiDAR\_DEM\_1m\_NAVD88\_ft ...
- ☐ IL\_LiDAR\_DEM\_1m\_hillshade ...
- ☐ IL NAIP 2004 (External Web GIS Service) ...
- ☐ IL NAIP 2005 (External Web GIS Service) ...
- ☐ IL NAIP 2006 (External Web GIS Service) ...
- ☐ IL NAIP 2007 (External Web GIS Service) ...