



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): 16-JUN-2021

ORM Number: MVR-2021-00799-JN

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: Cerro Gordo County

Center Coordinates of Review Area: Latitude 43.0992 Longitude -93.293

**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: The area was reviewed for wetlands and no WOTUS are present in the review area.
- ☐ 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
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<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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N/A	N/A	N/A	N/A
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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: 2021-0799 JN  
DownloadJointApplication.pdf, ALTA-101512.pdf, ITC.pdf, Killdeer Permitting Drawings for Review 20210514.pdf. 5/21/2021

This information is sufficient for purposes of this AJD.

Rationale: N/A.

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

☒ Photographs: Corps Reg Viewer for Quad Map. 6/16/2021

☐ 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 Map 6/16/2021

☐ 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 or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

**C. Additional comments to support AJD:** Review of the area shows no WOTUS in the review area. No impact to wetlands.

<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.

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ALTA / ACSM LAND TITLE SURVEY  
KILLDEER SUBSTATION  
MASON CITY, CERRO GORDO COUNTY, IOWA

SURVEYORS CERTIFICATE

TO: ANDREW B. KUMPF, ITC MIDWEST LLC and their affiliates, successors and assigns:

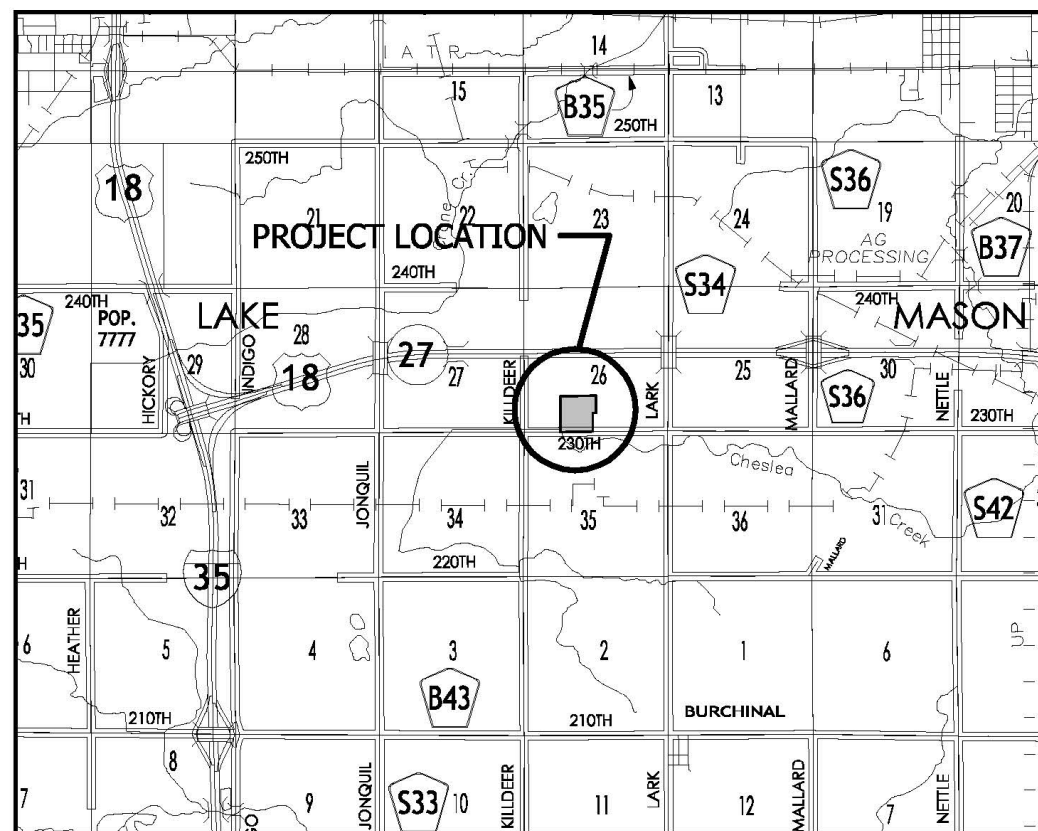
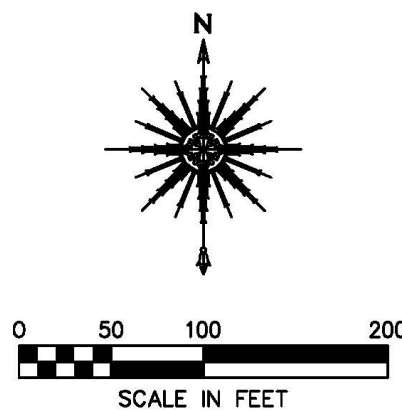
This is to certify that this map or plot of survey of the premises specifically described in the Shuttworth & Ingersoll Title Opinion dated May 28, 2012 is based on a field survey made on September 27, 2012 by me or directly under my supervision in accordance with the Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys jointly established and adopted by ALTA and NSPS in 2011, and includes items 1, 2, 3, 4, 5, 6 (a), 6(b), 8, 11(a), 13, 14, 16, 17 and 18 of Table A thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor licensed in the State of Iowa, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.



PRELIMINARY

Leo P. Bonifazi  
PLS No. 13480

Dated \_\_\_\_\_



1 VICINITY MAP  
NOT TO SCALE

LEGEND	
	SECTION LINE
	PROPERTY LINE
	ADJOINING LOT LINE
	EASEMENT LINE
	YARD SETBACK LINE
	EXISTING GRADE CONTOUR LINE
	EXISTING OVERHEAD ELECTRIC LINE
	EXISTING BARBED WIRE FENCE
	ZONE A FLOOD HAZARD LINE
	EXISTING TELEPHONE PEDESTAL
	EXISTING UTILITY POLE
	FOUND 5/8" REBAR
	FOUND MONUMENT AS NOTED
	SET 5/8" IRON REBAR
	W/ORANGE CAP NO. 13480
	FOUND MONUMENT AS NOTED

PROJECT ADDRESS: AGRICULTURAL LAND (VACANT)  
1300'± EAST OF THE INTERSECTION  
KILLDEER AVENUE/230th STREET  
LAKE TOWNSHIP

DATE OF SURVEY: 10/03/2012

OWNER:  
ANDREW B. KUMPF  
13946 KILLDEER AVENUE  
CLEAR LAKE, IA 50428

LEGAL DESCRIPTION

The Southeast Quarter of the Southwest Quarter of Section 26, Township 96 North, Range 21 West of the 5th P.M., Cerro Gordo County, Iowa, except the East 49.5 feet of the South 661.0 feet of the Southeast Quarter of the Southwest Quarter of said Section 26, described as follows:

Beginning at the Southwest Corner of the Southeast Quarter of the Southwest Quarter of said Section 26;  
thence North 0° 03' 20" East 1322.14 feet along the West line of said Southeast Quarter to the Northwest corner thereof;  
thence North 89° 29' 42" East 1316.06 feet along the North line of said Southeast Quarter to the Northeast corner thereof;  
thence South 0° 10' 18" West 662.03 feet along the East line of the Southeast Quarter of the Southwest Quarter of said Section 26;  
thence South 89° 32' 00" West 49.50 feet;  
thence South 0° 10' 18" West 661.00 feet to a point of intersection with the South line of the Southeast Quarter of the Southwest Quarter of said Section 26;  
thence South 89° 31' 58" West 1263.87 feet along said South line to the point of beginning, containing 39.16 acres subject to easements, covenants and restrictions of record.

For the purpose of this description, the South line of said Section 26 is assumed to bear South 89° 31' 58" West.

SCHEDULE B - SECTION 2 STANDARD EXCEPTIONS

SHUTTLEWORTH & INGERSOLL, PLC TITLE OPINION DATED MAY 28, 2012 AT 8:00 AM.

SURVEY EXCEPTIONS:

- This examination is limited to the above described property.
- Not a condition of survey.
- (Environmental) no subsurface investigations were made at the time of the survey. There were no environmental conditions observed or encountered at the time of the survey.
- (Zoning & governmental regulations) zoning & flood map information as listed on the face of the survey.
- Personal Taxes (not a condition of survey).

TABLE A NOTES

- ITEM 4 - LAND AREA - 37.13 AC/NET & 2.03 AC/R.O.W. TOTAL 39.16 ACRES MEASURED.
- ITEM 5 - VERTICAL DATUM IS NAVD 88 AND DERIVED FROM THE IOWA DEPARTMENT OF TRANSPORTATION REAL TIME NETWORK. SITE CONTOURS ARE CALCULATED AT A 1 FOOT INTERVAL.
- ITEM 6(c) - ZONING INFORMATION WAS DERIVED FROM THE CERRO GORDO COUNTY ZONING ORDINANCE
- ITEM 11 - EVIDENCE OF EXISTING DRAIN TILE SYSTEM. INLET & OUTLETS ARE LOCATED BY VISUAL INSPECTION. NO MARKINGS OR RECORDS OF THE MAGNITUDE OR LOCATION IS PLOTTED.
- ITEM 14 - PROJECT IS LOCATED 1930' FROM THE INTERSECTION OF KILLDEER AVENUE AND 230TH STREET.
- ITEM 16 - THERE IS NO OBSERVABLE EVIDENCE OF ONGOING BUILDING CONSTRUCTION ON THE SUBJECT PARCEL.
- ITEM 17 - THERE ARE NO PROPOSED CHANGES IN THE WIDTH OF THE STREET RIGHT OF WAY LINES.
- ITEM 18 - NO APPARENT EVIDENCE OR RECORDS OF THE SITE BEING USED AS A WASTE DUMP, SUMP OR SANITARY LANDFILL WERE FOUND.

ZONING INFORMATION

AGRICULTURAL LAND

SETBACKS:  
FRONT YARDS - 50 FEET  
SIDE YARD - 25 FEET  
REAR YARD - 30 FEET

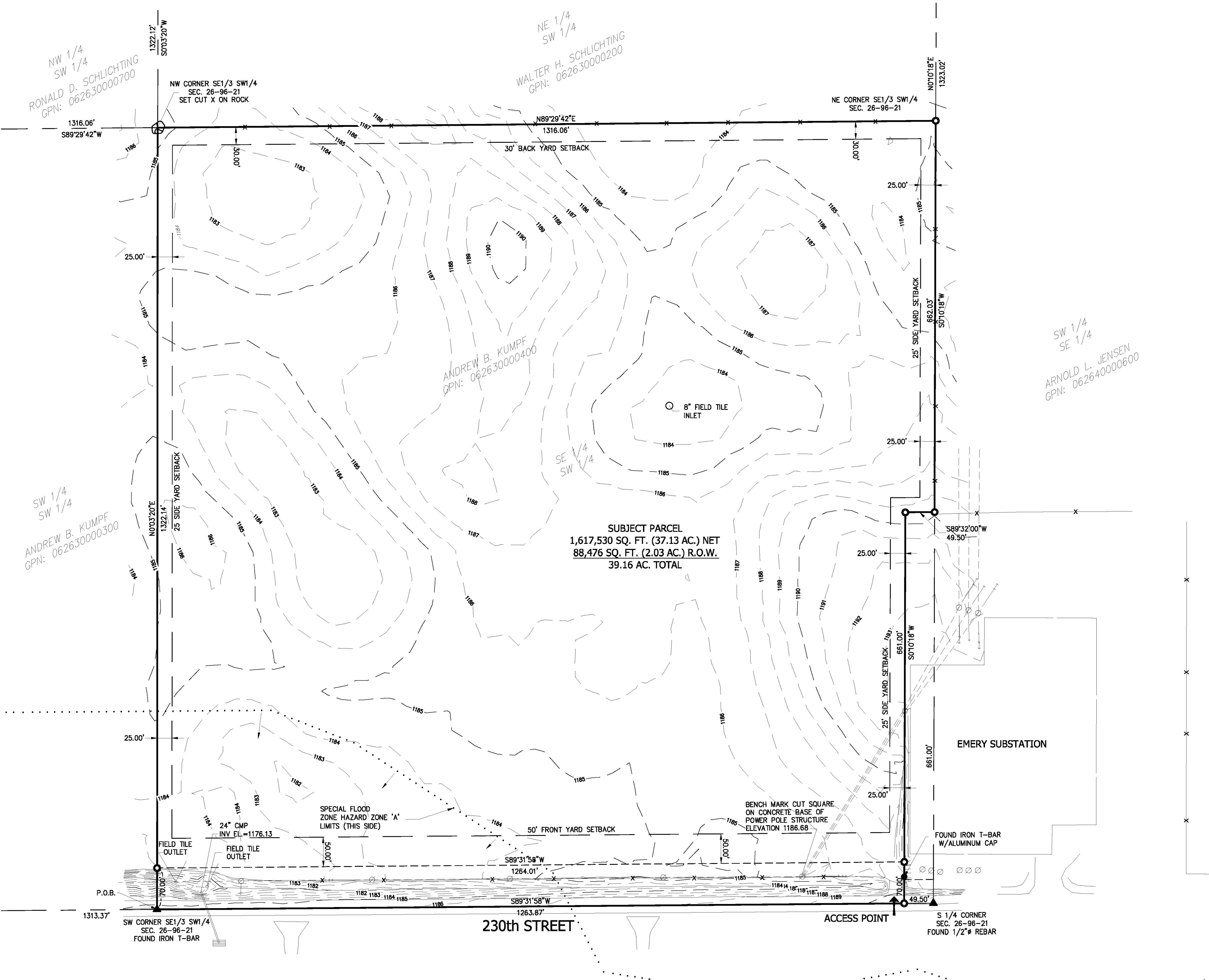
FLOOD ZONE DESIGNATION

A PORTION OF THIS PROJECT SITE IS LOCATED WITHIN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD.

THE 1% ANNUAL CHANCE FLOOD (100 YEAR FLOOD), ALSO KNOWN AS THE BASE FLOOD, IS THE FLOOD THAT HAS A 1% CHANCE OF BEING EQUALED OR EXCEEDED IN ANY GIVEN YEAR. THE SPECIAL FLOOD HAZARD AREA IS THE AREA SUBJECT TO FLOODING BY THE 1% ANNUAL CHANCE OF FLOOD. AREAS OF SPECIAL FLOOD HAZARD MAY INCLUDE ZONES A, AE, AH, AO, AR, A99, V, AND VE. THE BASE FLOOD ELEVATION IS THE WATER SURFACE ELEVATION OF THE 1% ANNUAL CHANCE FLOOD.

ZONE A - NO BASE FLOOD ELEVATIONS DETERMINED.

FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER: 19033C0250C - EFFECTIVE DATE MAY 16, 2012.



SCHNOOR-BONIFAZI  
ENGINEERING & SURVEYING, LC  
2750 FIRST AVE. NE, STE. 110  
CEDAR RAPIDS, IA 52402  
(319) 298-8888 (PHONE)  
(319) 298-8889 (FAX)  
s-b-engineering.com

REVISIONS

DRAWN: LARRISON

APPROVED: BONIFAZI

ISSUED FOR:

DATE: 10/12/12

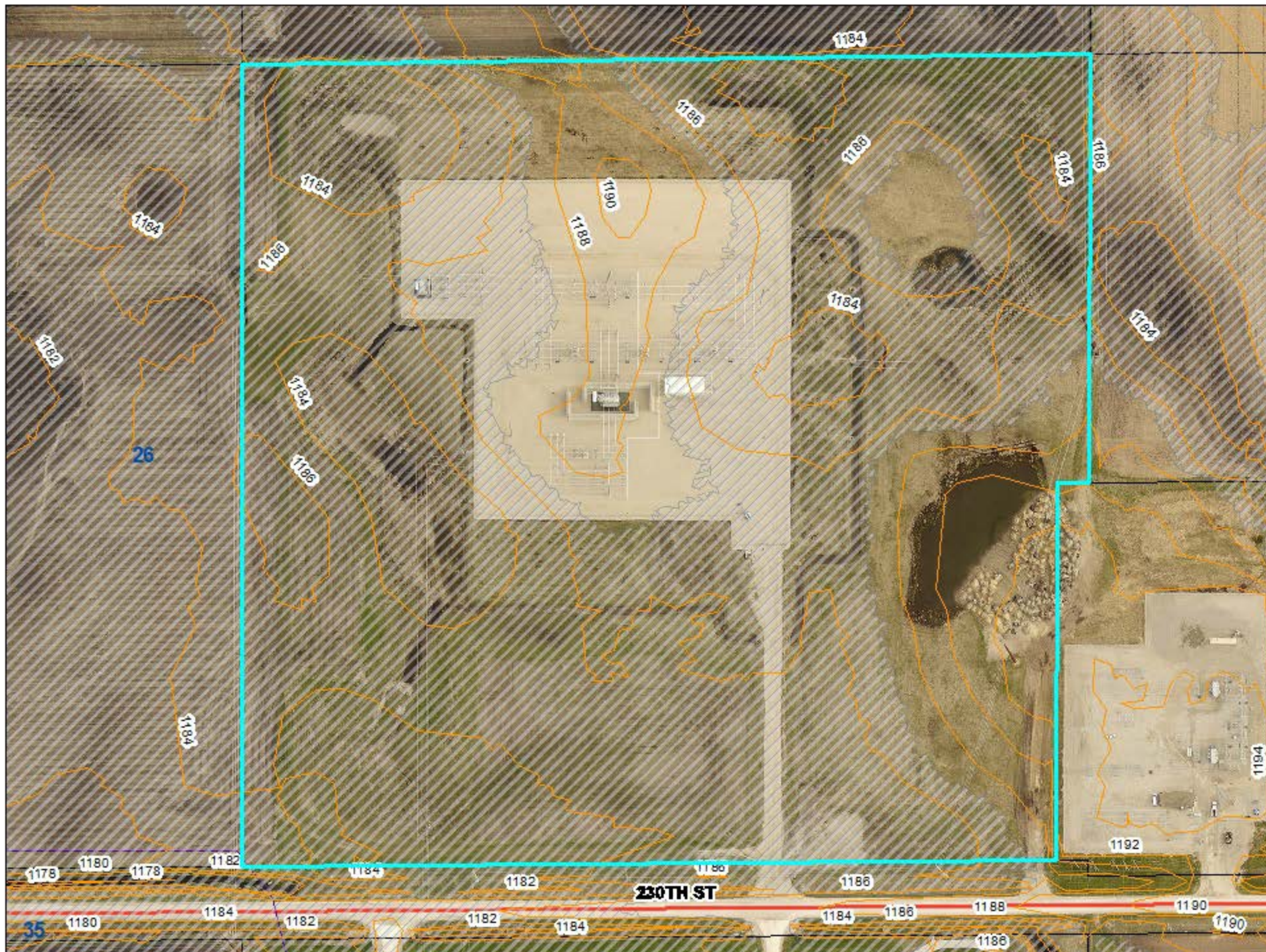
PROJECT NO.: 12118

ALTA / ACSM LAND TITLE SURVEY  
KILLDEER SUBSTATION  
MASON CITY, CERRO GORDO COUNTY, IOWA

PREPARED BY

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BASEMAPS >

MAP LAYERS >

- ☒ Wetlands  
- ☒ Riparian  
- ☐ Riparian Mapping Areas  
- ☒ Data Source  
  - ☐ Source Type
  - ☐ Image Scale
  - ☐ Image Year
- ☐ Areas of Interest 
- ☐ FWS Managed Lands  
- ☐ Historic Wetland Data  



Measure

LEGEND



1:4,514  
43.101 | -93.292

- Regulatory Viewer
- Regulatory Map
- Compliance Viewer
- IPaC
- I-Sites
- Mitigation Banking
- IL IAS

Rock Island District Regulatory Viewer



43.0992 -93.2930

Show search results for 43.0992 -93...



Imagery and Lidar

- ☐ IA naip 2013 nc (External Web GIS Service) ...
- ☐ IA naip 2014 cir (External Web GIS Service) ...
- ☐ IA naip 2014 nc (External Web GIS Service) ...
- ☐ 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) ...

300ft  
-93.293 43.102 Degrees