



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): 13-NOV-2020

ORM Number: MVR-2020-01340-AM

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.573742 Longitude -93.828205

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
WL-2	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	This wetland abuts Jordan Creek, which flows into the Racoon River, which flows into the Des Moines River, 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

WL-3	0.05 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	TNW This wetland flows into a culvert, which flows directly into Jordan Creek, which flows into the Racoon River, which flows into the Des Moines River, a TNW
------	------------	--	---

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
WL-1	0.09 acres	(b)(1) Non-adjacent wetland	This wetland is not near any other aquatic resource and is not abutting or connected to an aquatic resource

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 and is not* sufficient for purposes of this AJD.
Rationale: *The Corps concurred with the delineation, but needed to conduct a site visit to determine WL-2 and WL-3's connectivity to Jordan Creek.*
- ☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- ☒ Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*
- ☒ Corps Site visit(s) conducted on: *October 21, 2020*
- ☐ 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: *In Consultant's application*
- ☒ USFWS NWI maps: *Regulatory Viewer with NHD, NWI, and Topo Layer. Nov 2020*
- ☒ USGS topographic maps: *Regulatory Viewer with NHD, NWI, and Topo Layer, Nov 2020*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<i>Regulatory Viewer with NHD, NWI, and Topo Layer, Nov 2020</i>
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	US Drought Monitor Website, Nov 2020

B. Typical year assessment(s): The US Drought Monitor has Dallas County as Abnormally Dry in some areas to a Moderate Drought in other areas.

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

- C. Additional comments to support AJD:** The Corps concurs with the delineation provided by the consultant. After review of GIS data, a site visit was necessary to determine connectivity of WL-2 and WL-3 to Jordan Creek. After the site visit was conducted, WL-2 directly abuts Jordan Creek, just offsite of this project, and WL-3 flows into a culvert, which flows into Jordan Creek. WL-1 is not connected to any other aquatic resources and has no indicators of being regulated under the NWPR. The enclosed exhibits show

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.

Client's Name:
City of West Des Moines

Site Location:
88th Street Paving Project

Project No.
20M095.00

Photo No.
3

Date:
8/31/20

Direction Photo Taken:
Southwest

Photo Taken By:
Katie Goff

Description:
WL-1 stormwater basin, near DP-1



Photo No.
4

Date:
8/31/20

Direction Photo Taken:
North

Photo Taken By:
Katie Goff

Description:
88th Street ROW



Client's Name:
City of West Des Moines

Site Location:
88th Street Paving Project

Project No.
20M095.00

Photo No.
5

Date:
8/31/20

Direction Photo Taken:
Northwest

Photo Taken By:
Katie Goff

Description:
WL-3, DP-5



Photo No.
6

Date:
8/31/20

Direction Photo Taken:
South

Photo Taken By:
Katie Goff

Description:
WL-3



Client's Name:
City of West Des Moines

Site Location:
88th Street Paving Project

Project No.
20M095.00

Photo No.
7

Date:
8/31/20

Direction Photo Taken:
South

Photo Taken By:
Katie Goff

Description:
WL-2, DP-3



Photo No.
8

Date:
8/31/20

Direction Photo Taken:
West

Photo Taken By:
Katie Goff

Description:
WL-2

