



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): 01-DEC-2020

ORM Number: MVR-2020-01527-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: Cerro Gordo County

Center Coordinates of Review Area: Latitude 43.205829 Longitude -93.256752

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
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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
pond 1	20 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	This pond was excavated in the uplands for mining activities
pond 2	1.25 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	This pond was excavated in the uplands for mining activities

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 not* sufficient for purposes of this AJD.
Rationale: *A joint application form and current map was submitted but more maps were needed to make this determination.*

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

☒ Photographs: *Historic Aerials, dates: 1953, 1972, 2008, and 2013*

☐ 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: *Regulatory Viewer with Hydric Soils layer, December 1, 2020*

☒ USFWS NWI maps: *Regulatory Viewer with NWI layer, December 1, 2020*

☒ USGS topographic maps: *Regulatory Viewer with Topo layer, December 1, 2020*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Regulatory Viewer with NHD Layer, December 1, 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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- B. Typical year assessment(s):** The antecedent rainfall tool was not working due to external website errors. The US Drought Monitor shows this area of Cerro Gordo County is abnormally dry.
- C. Additional comments to support AJD:** This review area is shown on the enclosed exhibit entitled, "Site Plan, DMCN Properties Pit Cerro Gordo County, IA, dated October 2, 2020. This review area is the area contained in the outlined polygon labeled "Area of Crushing". This review area does not contain any hydric soils, mapped wetlands or streams, or any other information to indicate the presence of Waters of the US on site. There are portions of two ponds on site, but after looking through historic aerials, these ponds were constructed in uplands between 2008 and 2013 to assist with the mining operation on site.

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

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MVR-2020-01527

Site Map, dated December 1, 2020

Legend

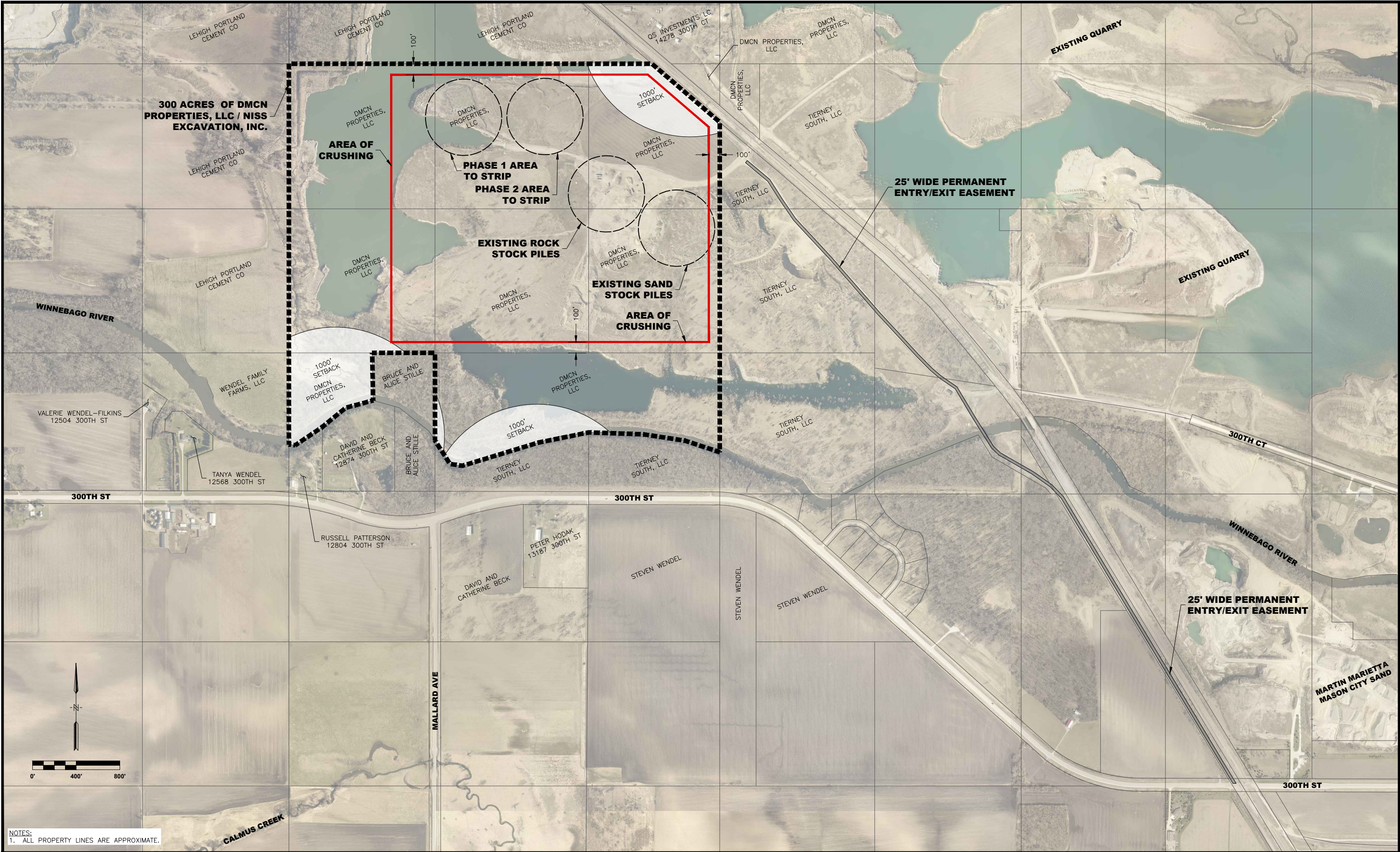
-  43.205829, -93.256752
-  Pond 1
-  Pond 2
-  Site Area

 43.205829, -93.256752



PLOTTED: Monday, October 5, 2020 3:59:10 PM

X-REFS: 2016 County Photo
FILE PATH: C:\USERS\TOPPERMAN\KIM\DESKTOP\NISSEXCAVATION\OVERALL SITE PLAN



NOTES:
1. ALL PROPERTY LINES ARE APPROXIMATE.

DATE	REVISIONS	SCALE	AS NOTED
		DRAWN	TLO
		CHECKED	JAP
		APPROVED	JAP
		DATE	10/2/2020
		ISSUED FOR	

VERIFY SCALE
BAR IS ONE INCH ON ORIGINAL DRAWING.
0 1"
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.



VEENSTRA & KIMM, INC.

DMCN PROPERTIES PIT
CERRO GORDO COUNTY, IA

2000 Fourth Street SW • Suite 9 • Mason City, Iowa 50401-1596
641-421-8008 • 641-380-0313(FAX) • 877-241-8008(VA73)

SITE PLAN

PROJECT 364-306

DWG. NO.
1

PROJECT_LOCATION

Rock Island District Regulatory Vi

New Tab

geoportal.mvr.usace.army.mil/b5portal/apps/MapSeries/index.html?appid=a8f1e944e1814709b2058092d667d470

Apps

_USACE

DigiGlobe

StreamStats

Historic Aerials

I-Sites

Iowa Bridges

MVR

MVR Regulatory

ORM

Reg Viewer

IPaC

Soils

GMaps

RIBITS

Drought

Rock Island District Regulatory Viewer

Digital Global Link

US Army Corps of Engineers

Regulatory Viewer

Regulatory Map

Compliance Viewer

IPaC

I-Sites

Mitigation Banking

IL IAS

Rock Island District Regulatory Viewer

43.2056

-93.2556

Search result

43°12'20.159"N 93°15'20.160"W

Zoom to

Layer List

☐

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

☒

National Wetlands Inventory (External Web GIS Service)

☐

USA Soils Hydric Class (External Web GIS Service)

☐

USA Soils Map Units (External Web GIS Service)

0.2mi

-93.228 43.215 Degrees

Source: US Fish and Wildlife Service, Esri | USGS TNM - National Hy

10:29 AM

12/1/2020

19

43.2056 -93.2556

Imagery and Lidar

- ☐ 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)
- ☐ IL NAIP 2010 (External Web GIS Service)
- ☐ IL NAIP 2011 (External Web GIS Service)

0.2mi

-93.240 43.206 Degrees

US

United States Drought Monitor

| Login

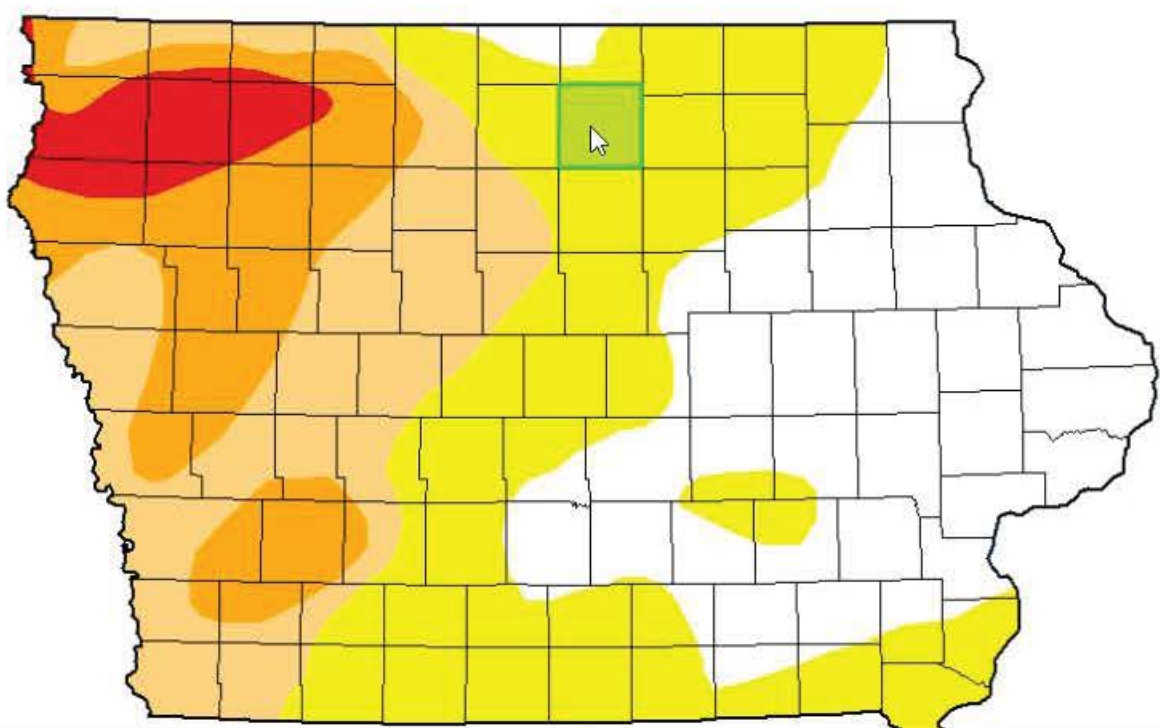
Current Map Maps Data Summary About Conditions & Outlooks En Español NADM

Iowa

Current Map > Iowa

Map released: Weds. November 25, 2020

Data valid: November 24, 2020 at 7 a.m. EST



Intensity:

- None
- D0 (Abnormally Dry)
- D1 (Moderate Drought)
- D2 (Severe Drought)
- D3 (Extreme Drought)
- D4 (Exceptional Drought)
- No Data

Author(s):

Richard Heim, NOAA/NCEI



aerials

2017

1953

2015

topos

2014

atlases

2013

compare

2011

overlays

2010

measure

2009

2008

2006

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1994

1972

1957

1953

1939



+ 43.2056, -93.2556

go



← purchase image and/or print

Tweet

aerials

1972

topos

atlases

compare

overlays

measure



2017

2015

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2011

2010

2009

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1994

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1953

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+ 43.2056, -93.2556

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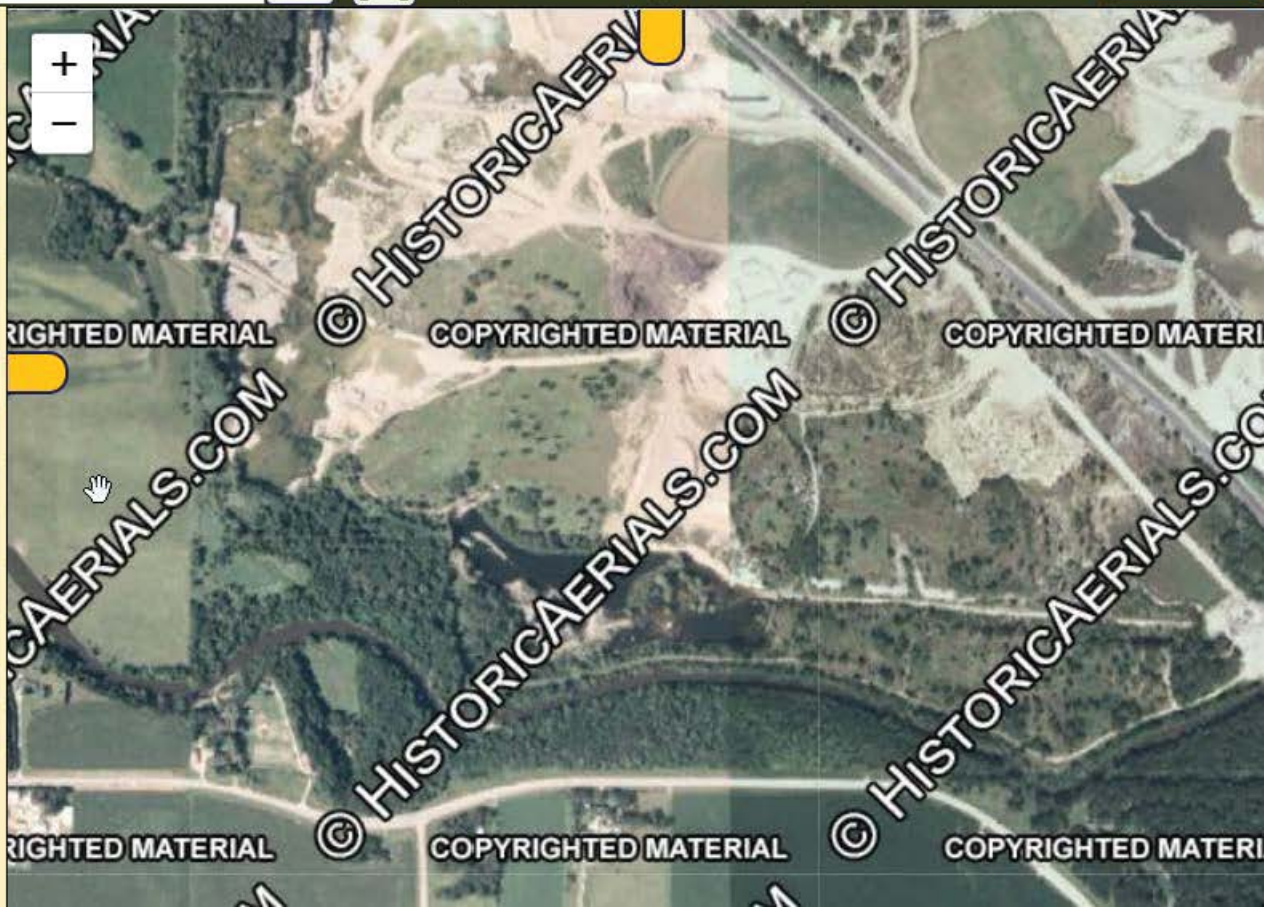
← purchase image and/or print

Tweet

aerials
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2017
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← purchase image and/or print

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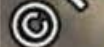
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