



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): 25-FEB-2021

ORM Number: CEMVR-RD-2020-00316: Raccoon River Land Co., LLC

Associated JDs: CEMVR-OD-P-2017-332

Review Area Location¹:

State/Territory: IA City: West Des Moines County/Parish/Borough: Madison County
Center Coordinates of Review Area: Latitude 41.504132 Longitude -93.839256

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
2020-316 WUS-1A NWPR	1510 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	unnamed trib to Cherry Creek that flows to Badger Creek --> North Raccoon River --> Des Moines River (a)(1). OHWM, defined bed & bank.
2020-316 WUS-1B NWPR	1855 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Extension of WUS-1A
2020-316 WUS-2 NWPR	250 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	OHWM, defined bed & bank, upper reaches of WUS-3 connected through WL-5 (an (a)(4))

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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2020-316 WUS-3 NWPR	540 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	unnamed trib. of Cherry Creek, connected through impoundment to Badger Creek --> N. Raccon River --> Des Moines. OHWM & defined bed & bank
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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	

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
2020-316 WL-1 NWPR	5.77 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-1 directly abuts sections of WUS-1A and WUS-1B
2020-316 WL-5 NWPR	4.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-5 directly abuts WUS-3 & WUS-2

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2020-316 EF-1 NWPR	500 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional feature in an agricultural field.
2020-316 EF-2 NWPR	660 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional feature in an agricultural field.
2020-316 EF-3 NWPR	605 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional feature in an agricultural field.
2020-316 EF-4 NWPR	175 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional feature in WL-1.
2020-316 EF-5 NWPR	210 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional feature in an agricultural field.
2020-316 EF-6 NWPR	110 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional feature in WL-4.
2020-316 EF-7 NWPR	375 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Erosional feature in an agricultural field.
2020-316 Pond 5 NWPR	1.6 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Pond constructed in an upland, not a WOTUS. The flow regime from the pond to WUS-1A does not have a direct surface flow connection in a typical year.
2020-316 WL-2 NWPR	0.43 acres	(b)(1) Non-adjacent wetland	WL-4 connects to WL-1 to WUS-1A (an (a)(2)) thru EF-7 but does meet the definition of an (a)(4). It does not abut (directly touch) WUS-1A, is not inundated by

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			flooding in a typical year, and does not have a surface connection through or over a structure in a typical year.
2020-316 WL-3 NWPR	0.42 acres	(b)(1) Non-adjacent wetland	Wetland in a grassed waterway not abutting a WUS
2020-316 WL-4 NWPR	0.16 acres	(b)(1) Non-adjacent wetland	Wetland abutting EF-5, not an (a)(1) - (a)(3) WUS.

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: *Wetland & WUS Delineation Report dated January 27, 2020, and Wetland and WUS Report Addendum dated June 4, 2020*

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A.*

Data sheets prepared by the Corps: *N/A*

☒ Photographs: (*aerial, site photos*). *Provided in the Delineation Report & Addendum*

☐ Corps Site visit(s) conducted on: *N/A*

☒ Previous Jurisdictional Determinations (AJDs or PJDs): *CEMVR-OD-P-2017-332*

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

☒ USDA NRCS Soil Survey: *Provided in Delineation Report*

☒ USFWS NWI maps: *Provided in Delineation Report*

☒ USGS topographic maps: *Provided in Delineation Report*

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	LiDAR

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

C. Additional comments to support AJD: See attachments.

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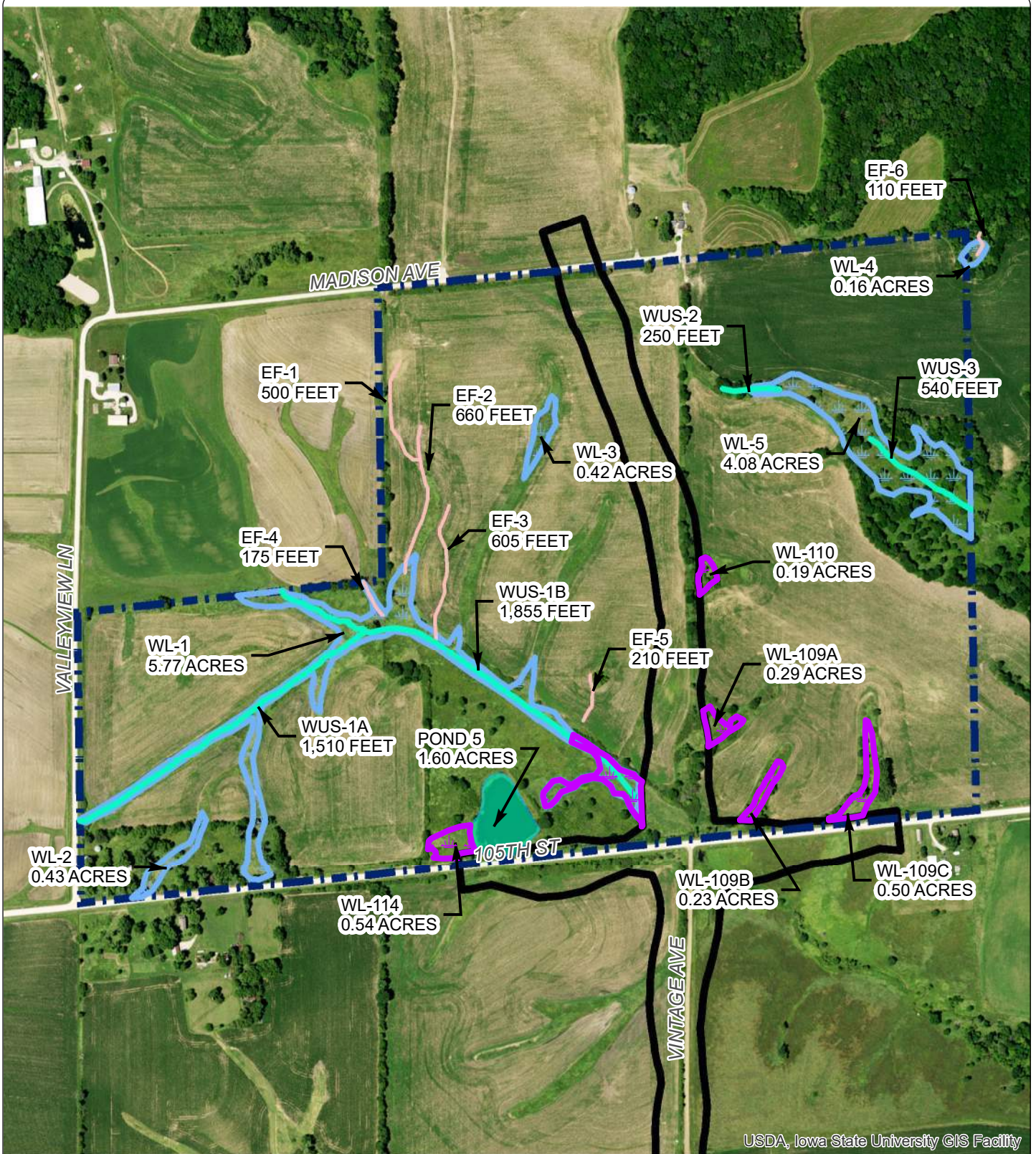
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Document Name: 18K051-00 Figure 5



USDA, Iowa State University GIS Facility

LEGEND

- BOUNDARY OF ASSESSED AREA
- GPP GRADING LIMITS
- PREVIOUSLY DELINEATED WETLANDS
- WETLAND BOUNDARY
- POND
- WUS
- EROSIONAL FEATURE



WETLAND DELINEATION MAP

ENVIRONMENTAL SERVICES
THE PRESERVE

SW GRAND PRAIRIE PRKWAY & 105TH ST
WEST DES MOINES, IOWA

0 150 300 600
FEET

PROJECT ID. #: 18K051.00

DATE: 1/20/2020

PREPARED BY: KRG

CHECKED BY: ESM



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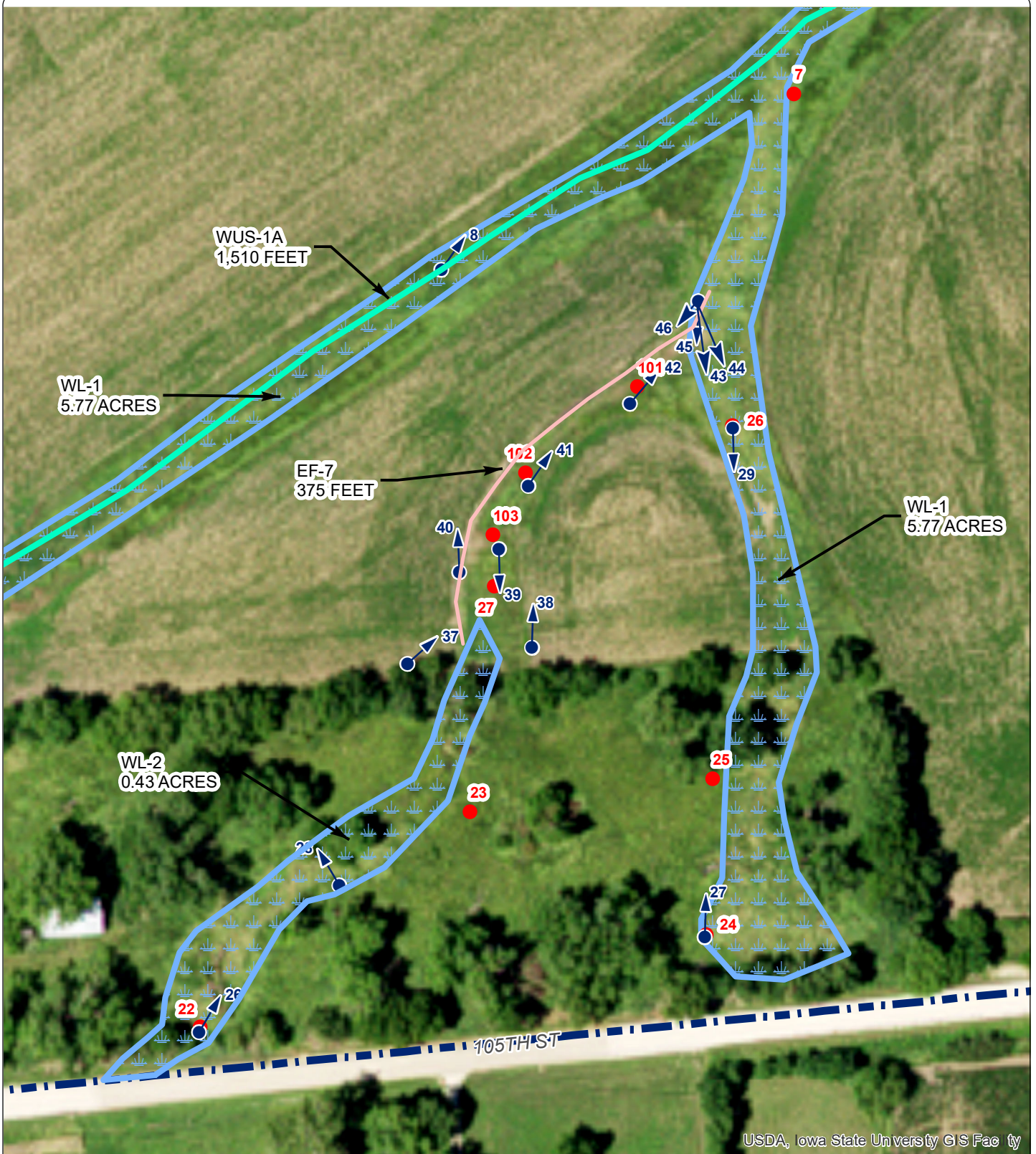
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5

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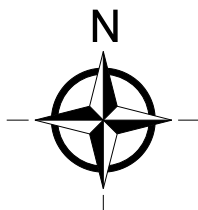
Document Name: 18K051-00 Figure 5F Addendum

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LEGEND

- BOUNDARY OF ASSESSED AREA
- WETLAND BOUNDARY
- WUS
- EROSIONAL FEATURE
- DATA POINT
- PHOTO LOCATION AND DIRECTION



WETLAND DELINEATION MAP ENVIRONMENTAL SERVICES THE PRESERVE SW GRAND PRAIRIE PRKWAY & 105TH ST WEST DES MOINES, IOWA

0 25 50 100
FEET

PROJECT ID. #: 18K051.00

DATE: 6/2/2020

PREPARED BY: KRG

CHECKED BY: ESM



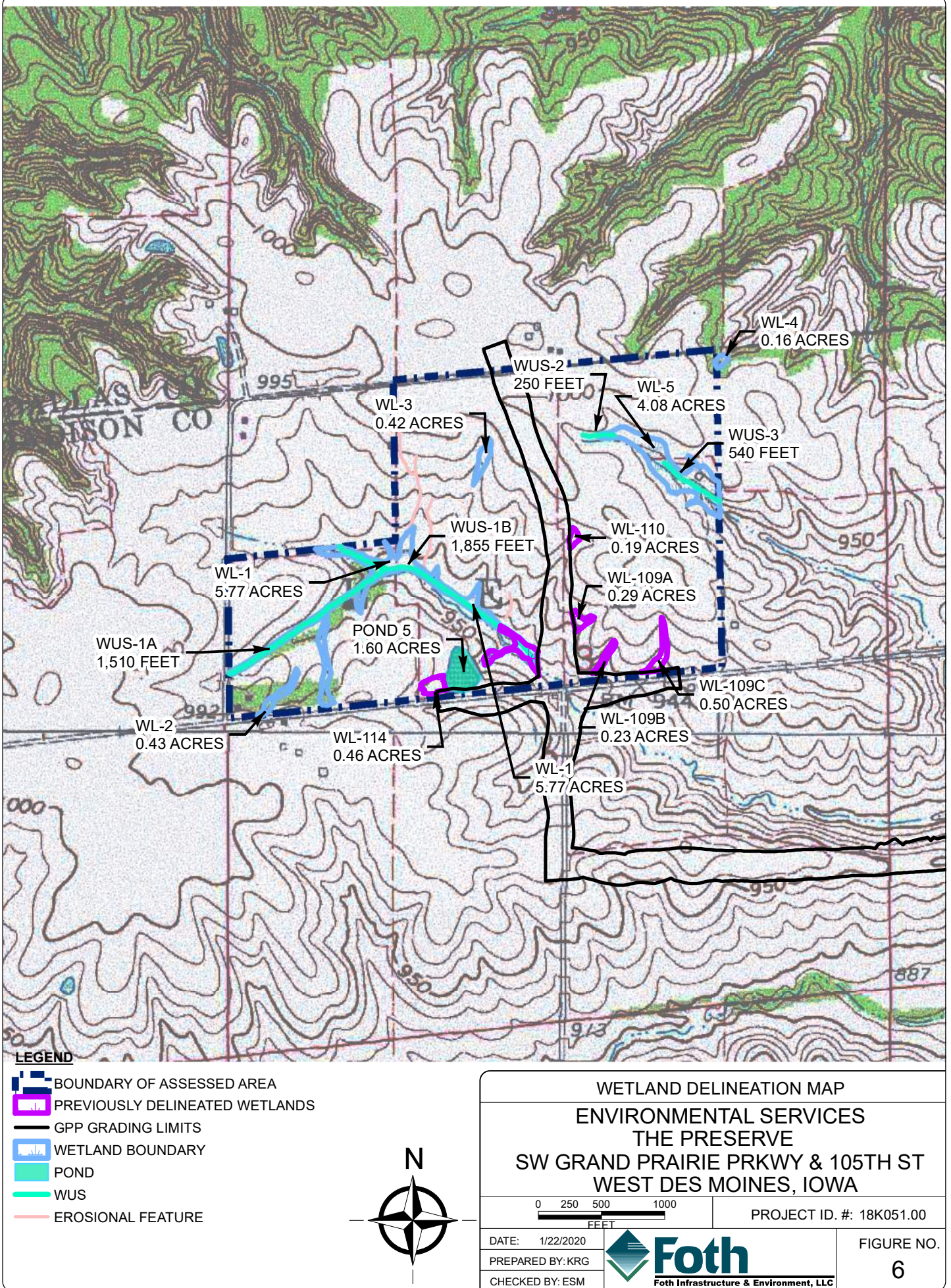
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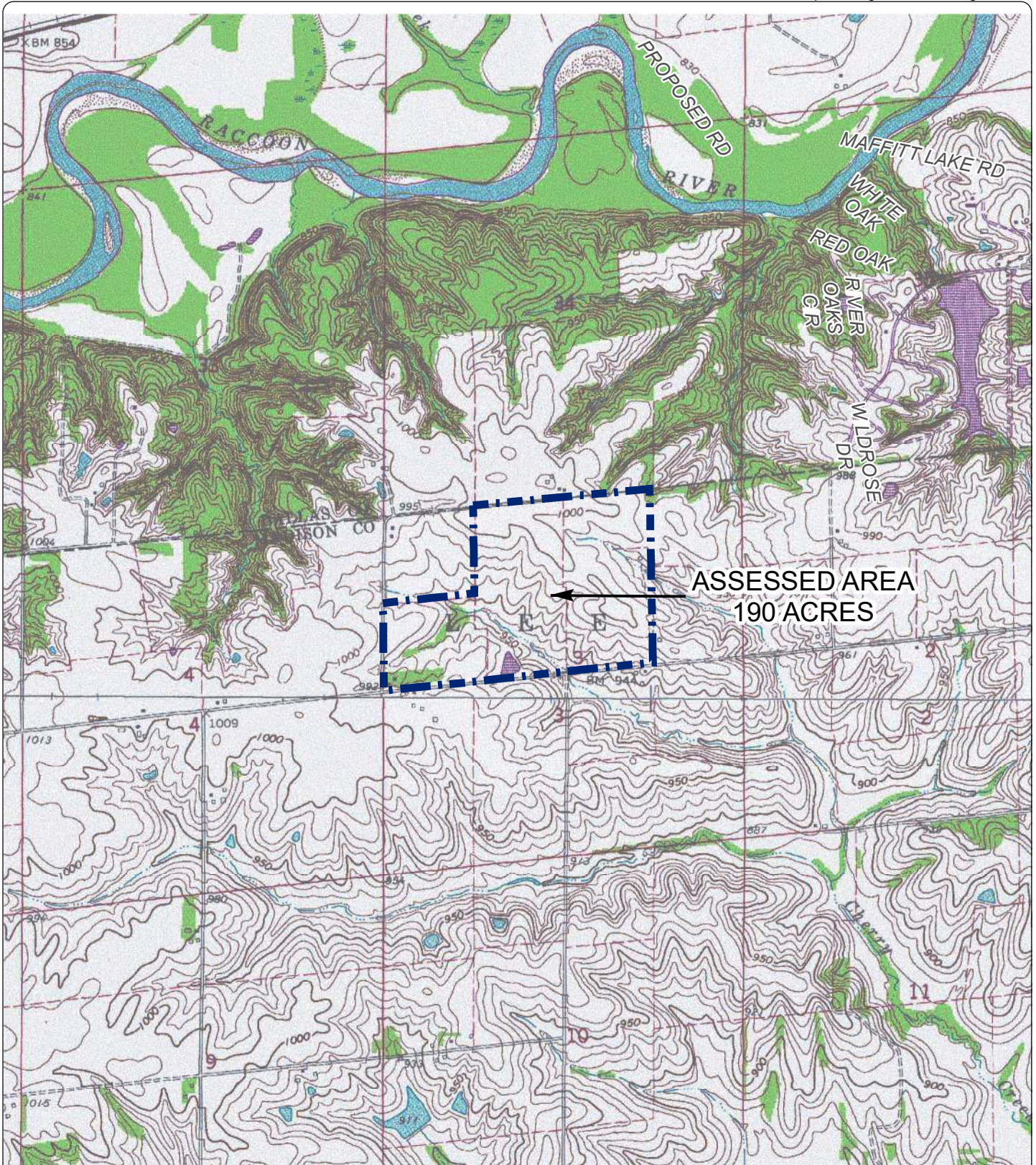
Document Name: 18K051-00 Figure 6

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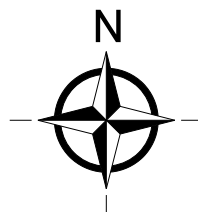
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Document Name: 18K051-00 Figure 1



LEGEND

 BOUNDARY OF ASSESSED AREA



TOPOGRAPHIC MAP

**ENVIRONMENTAL SERVICES
THE PRESERVE
SW GRAND PRAIRIE PRKWY & 105TH ST
WEST DES MOINES, IOWA**

0 500 1000 2000
FEET

PROJECT ID. #: 18K051.00

DATE: 1/22/2020

PREPARED BY: KRG

CHECKED BY: ESM

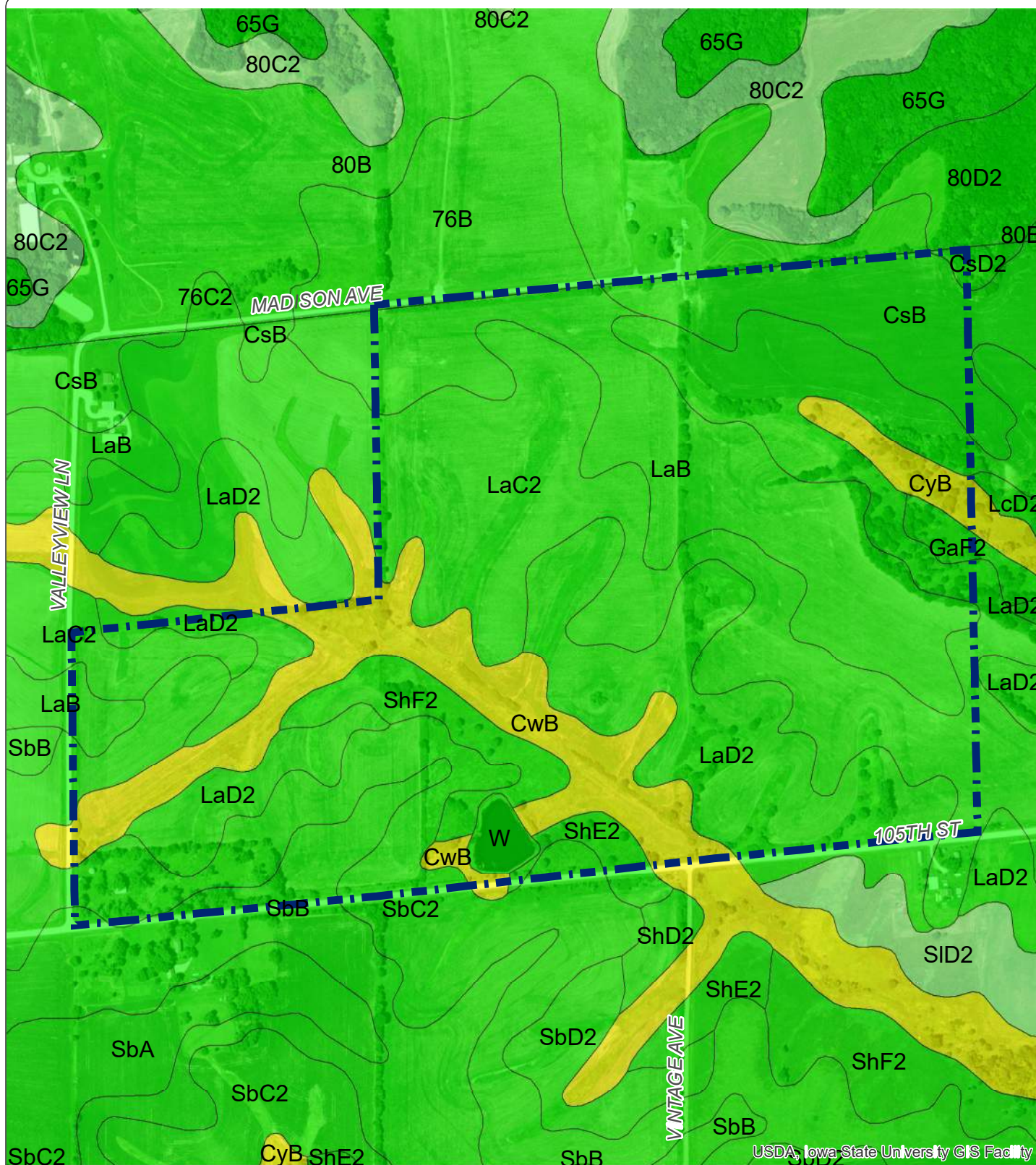


FIGURE NO.

1

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Document Name: 18K051-100 Figure 3



USDA, Iowa State University GIS Facility

LEGEND

- BOUNDARY OF ASSESSED AREA
- HYDRIC RATING BY MAP UNIT**
- HYDRIC (100%)
- PREDOMINANTLY HYDRIC (66 TO 99%)
- PARTIALLY HYDRIC (33 TO 65%)
- PREDOMINANTLY NONHYDRIC (1 TO 32%)
- NONHYDRIC (0%)
- NOT RATED OR NOT AVAILABLE



SOIL SURVEY MAP

**ENVIRONMENTAL SERVICES
THE PRESERVE
SW GRAND PRAIRIE PRKWAY & 105TH ST
WEST DES MOINES, IOWA**

0 150 300 600
FEET

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DATE: 1/9/2020

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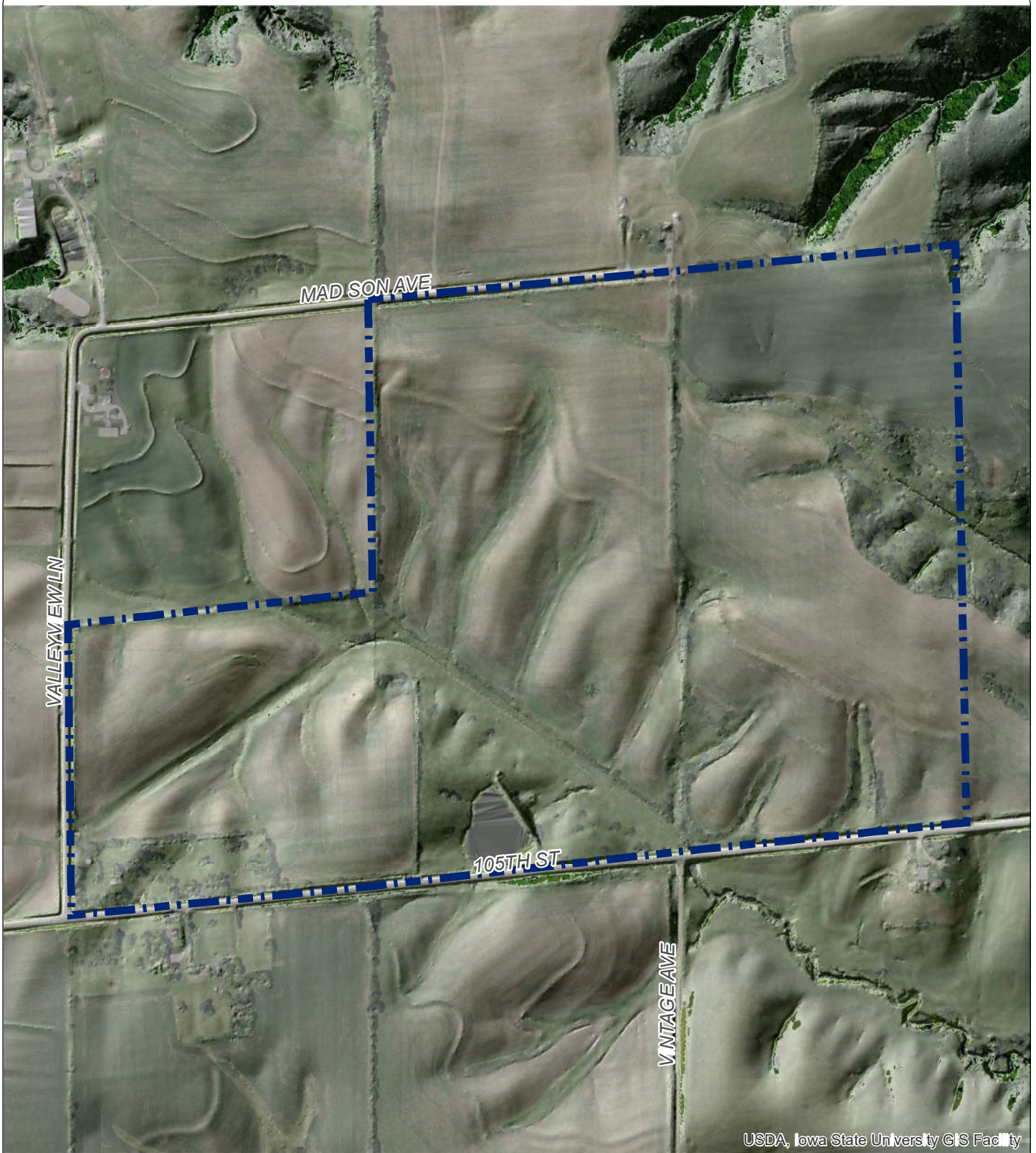
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FIGURE NO.

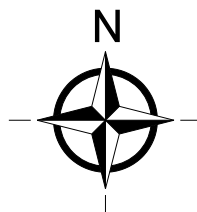
3



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LEGEND

 BOUNDARY OF ASSESSED AREA



LiDAR HILLSHADE AND AERIAL MAPPING

ENVIRONMENTAL SERVICES

THE PRESERVE

SW GRAND PRAIRIE PRKWY & 105TH ST
WEST DES MOINES, IOWA

0 150 300 600
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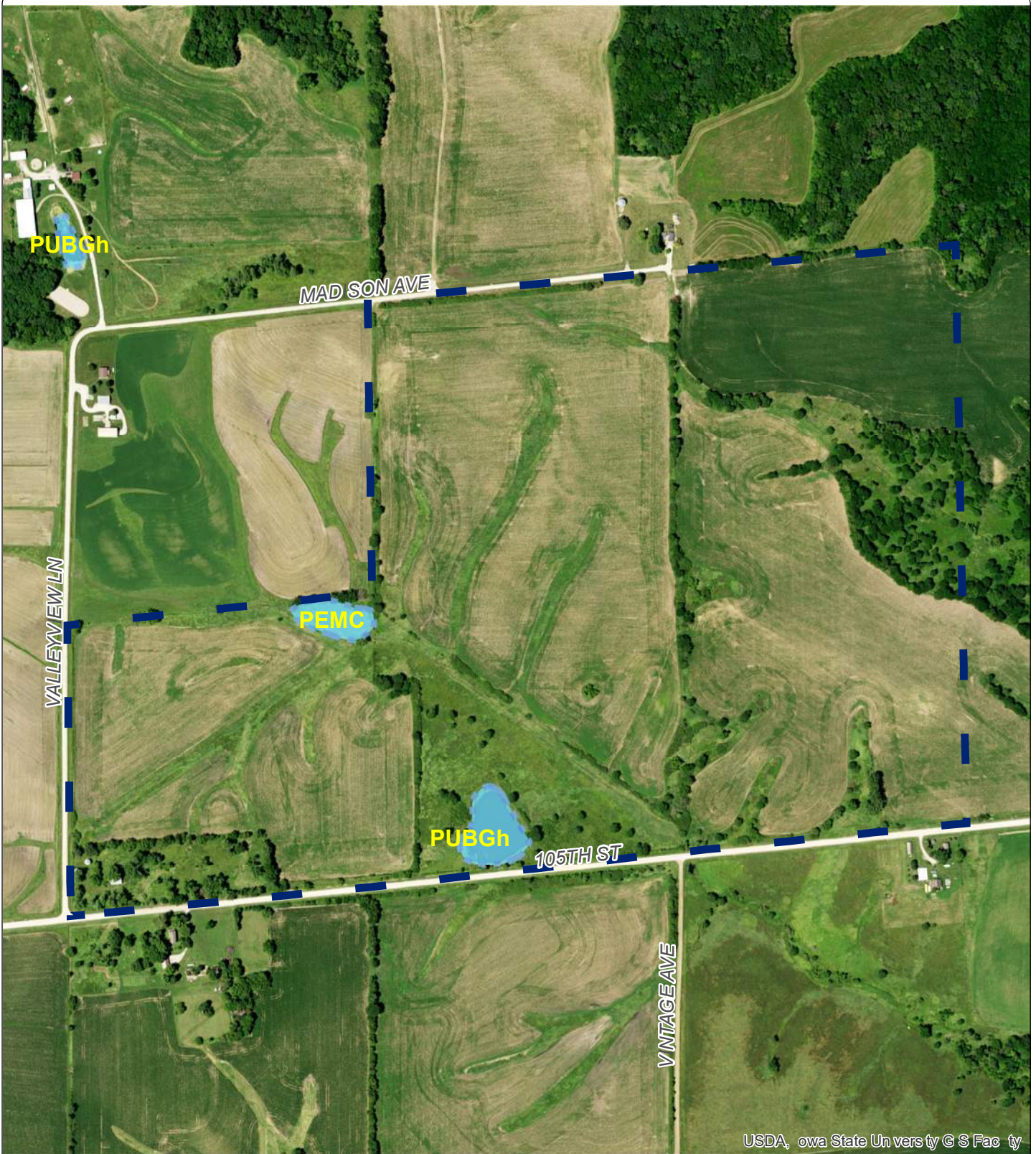
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FIGURE NO.



4

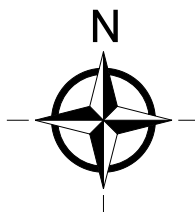
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LEGEND

-  BOUNDARY OF ASSESSED AREA
-  Madison County NWI



NATIONAL WETLAND INVENTORY MAP

ENVIRONMENTAL SERVICES THE PRESERVE

SW GRAND PRAIRIE PRKWAY & 105TH ST
WEST DES MOINES, IOWA

0 150 300 600
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FIGURE NO.

2