

#### 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): 18-DEC-2020 ORM Number: MVR-2020-01600-AM 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: Mitchell County

Center Coordinates of Review Area: Latitude 43.314121 Longitude -92.853673

#### 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)<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 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.

 $^5$  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  $((b)(1) - (b)(12))^4$ :

<b>Exclusion Name</b>	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.
  - \_X\_ Information submitted by, or on behalf of, the applicant/consultant: *Joint Application and Wetland Delineation, November 2020.* This information *is* sufficient for purposes of this AJD.
    Rationale: *N/A.*

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

- X\_ Photographs: Regulatory Viewer with NHD, NWI, and Aerial Layers, December 2020
- 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.
- X USDA NRCS Soil Survey: Regulatory Viewer with Hydric Soils/Aerial Layers, December 2020
- **X** USFWS NWI maps: *Regulatory Viewer with NHD, NWI, and Aerial Layers, December 2020* 
  - X\_ USGS topographic maps: Regulatory Viewer with Topographic Layer, December 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, NWI, and Aerial Layers, December 2020
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	US Drought Monitor, December 2020

- **B. Typical year assessment(s):** The Antecedent Rainfall Calculator's dataset is not working but the US Drought Monitor shows Mitchell County is abnormally dry.
- **C.** Additional comments to support AJD: The applicant submitted a Wetland Delineation that showed no aquatic resources on site. The Corps concurs with this delineation, based on the submitted application and review of online GIS data.

<sup>&</sup>lt;sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>&</sup>lt;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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<sup>&</sup>lt;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.



Disclaimer: This document has been prepared based on information provided by others as cited in the Ndes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any arrors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the test of the test of the test.

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•	MVR Counties	
•	Roads	
•	Localities for Reg Viewer	
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•	PADUS (External Web GIS Service)	
•	Real Estate for Reg Viewer	
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•	Section 10 Waters	
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•	USA Soils Hydric Class (External Web GIS Service)	
•	USA Soils Map Units (External Web GIS Service)	

ource: US Fish and Wildlife Service, Esri | USGS TNM - National Hydrography Dataset. Data Refr



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