



**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): 8/11/2020

ORM Number: NWK-2019-00042

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Kansas City: Olathe County/Parish/Borough: Johnson

Center Coordinates of Review Area: Latitude 38.89453 Longitude -94.74786

**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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
#1 Tributary to Indian Creek	400	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This unnamed tributary reach is mapped as a 1st order perennial stream according to the Kansas Natural Resource Planner 2020. Average bankfull width is 25-foot with a drainage area of 260 acres. The tributary is subject to a combination of green and urban drainage which contributes to year round flows during a normal year. A single corrugated pipe arch culvert is located within the review reach.  The tributary flows indirectly to the Missouri River, which is a federally designated navigable waterway

<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 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.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				and listed traditional navigable water in the Kansas City District. The tributary flows through a 2nd Order tributary to Indian Creek (perennial stream) to Indian Creek (perennial stream) to the Blue River (perennial river), to the Missouri River.
#2 Tributary to Indian Creek	800	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	<p>This unnamed tributary reach is mapped as a 1st order perennial stream according to the Kansas Natural Resource Planner 2020. Average bankfull width is 25-foot with a drainage area of 216 acres. The tributary is subject to a combination of green and urban drainage which contributes to year round flows during a normal year.</p> <p>The tributary flow path to the Missouri River is the same as #1 above.</p>
#3 Tributary to Indian Creek	2000	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	<p>This unnamed tributary reach is mapped as a perennial stream according to the Kansas Natural Resource Planner 2020. This reach is a 2nd Order stream that is formed at the confluence of Tributaries #1 and #2 above. Average bankfull width is 25-foot with a drainage area of 476 acres. The tributary is subject to a combination of green and urban drainage which contributes to year round flows during a normal year. Two corrugated metal arch pipe culverts are located within the review reach.</p> <p>The tributary flows indirectly to the Missouri River, which is a federally designated navigable waterway and listed traditional navigable water in the Kansas City District. The tributary flows directly into Indian Creek (perennial stream) to Indian Creek (perennial stream) to the Blue River (perennial river), to the Missouri River.</p>

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.	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.	N/A.

**D. Excluded Waters or Features**



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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: [Watershed Land Trust In-Lieu Fee Program Indian Creek Tributary Mitigation Plan NWK-2019-00042](#)

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: [Other: Onsite September 18, 2018](#)

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: [Title\(s\) and/or date\(s\)](#).

USGS topographic maps: [Lenexa 7.5 Minute Quad](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">Google Earth Pro Aerials (7/26/2018, 4/27/2018, 3/27/2016)</a>

**B. Typical year assessment(s):** [Onsite photographs on September 18, 2018, show flowing stream reaches. An APT evaluation was completed for that date and indicates “normal conditions”.](#)

**C. Additional comments to support AJD:** [The fluvial geomorphology of the tributaries to Indian Creek was documented as part of the baseline documentation provided in the applicant’s Mitigation Plan. The baseline report states that the tributaries are perennial streams with an average bank full width of approximately 25-feet. The stream channels appear to show flowing water in aerial imagery where foliage is not obstructing the channel view. The Corps accepts the applicant’s baseline summary and assessment that the streams are perennial reaches within the JD review area.](#)

<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.