



**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): 8/6/2020

ORM Number: NWK-2020-577

Associated JDs: N/A

Review Area Location¹: State/Territory: MO City: Lee's Summit County/Parish/Borough: Jackson

Center Coordinates of Review Area: Latitude 38.885169 Longitude -94.466877

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 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.30	acre(s)	(b)(1) Non-adjacent wetland.	The emergent wetland is located at the bottom of two hills, abutting an ephemeral feature (b)(3) water. The wetland drains into this ephemeral feature, which is then believed to drain into an (a)(2) intermittent tributary to Longview Lake. There are no jurisdictional waters within the review area. The Corps performed a site visit of the property on 4 August 2020 and the on-site wetland does not abut an (a)(1)-(3) water, nor is it within the floodplain or separated via a natural/man-made berm from an (a)(1)-(3) water. Water from this wetland flows only into the abutting ephemeral feature. Therefore, this wetland is not jurisdictional and is excluded from regulation under Section 404 of the Clean Water Act.
Ephemeral Feature 1	707	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps observed this ephemeral feature 1 on 4 August 2020. The OHWM was approximately 6-inches wide and 1-inch deep. Flowing water was observed by the Corps. The APT shows that conditions were wetter than normal over the past 90 days. The conditions were wetter than normal over the past 30 days as well, and the site visit was conducted after a series of heavy rainfall which may explain the flowing water. The drainage area of this ephemeral feature is approximately 41 acres. This ephemeral feature is believed to usually have flowing water only in direct response to precipitation based on the smaller drainage area and size of the ephemeral feature. The observed flowing water is believed to be present due to wetter than normal conditions (APT) and due to extensive rainfall occurring prior to the site visit.
Ephemeral Feature 2	561	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The Corps observed this ephemeral feature 2 on 4 August 2020. The OHWM was approximately 1-foot wide and 2-inches deep. Flowing water was observed by the Corps. The APT shows that conditions were wetter than normal over the past 90 days. The conditions were wetter than normal over the past 30 days as well, and the

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			site visit was conducted after a series of heavy rainfall which may explain the flowing water. The drainage area of this ephemeral feature is approximately 48 acres. This ephemeral feature is believed to usually have flowing water only in direct response to precipitation based on the smaller drainage area and size of the ephemeral feature. The observed flowing water is believed to be present due to wetter than normal conditions (APT) and due to extensive rainfall occurring prior to the site visit.

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 wetland delineation was not provided by the applicant/consultant.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Landscape photography taken 4 August 2020. Use of Google Earth Pro aerial photography dated 1990 to 2019.](#)
- Corps site visit(s) conducted on: [4 August 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: [NWK Regulatory Viewer, retrieved 4 August 2020](#)
- USFWS NWI maps: [NWK Regulatory Viewer, retrieved 4 August 2020](#)
- USGS topographic maps: [NWK Regulatory Viewer, retrieved 4 August 2020](#)

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	N/A.

B. Typical year assessment(s): [The antecedent precipitation tool \(APT\) was used, dated 3 August 2020. Site conditions were determined to be wetter than normal in both 90 days and 30 days before the Corps' site visit. Specifically, the month of July \(30 days prior to the site visit\) saw multiple rain events that exceeded one-inch of rainfall, and two instances where two-inches of rainfall occurred. The ephemeral features had a small amount of flowing water observed during these wet conditions. It is believed that the flowing water would not be present during normal site conditions.](#)



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C. Additional comments to support AJD: This JD is for a 25-acre review area containing the footprint of a proposed recreational pond. The project is located near the intersection of High Grove Road and SE Raytown Road, Sections 16 & 21, Township 47 N, Range 32 W, Lee's Summit, Jackson County, Missouri.