



**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): 8/26/2020

ORM Number: NWK-2020-666

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 39.112603 Longitude -94.849195

**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
- 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 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
NWK-2020-666-Ephemeral Feature-1	567	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Flow in the channel occurs north to south. That flow originates in direct response to precipitation from the offsite upland agricultural field to the west of the property. The channel receives its only source of flow from stormwater runoff and rain, the feature is ephemeral, and therefore non-jurisdictional.
NWK-2020-666-Ephemeral Feature-2	353	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Flow in the channel occurs west to north east. That flow originates in direct response to precipitation from the offsite upland agricultural field to the west of the property and residential development to the southwest. The channel receives its only source of flow from stormwater runoff and rain, the feature is ephemeral, and therefore non-jurisdictional.
NWK-2020-666-Ephemeral Feature-3	1277	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Flow in the channel occurs north to south. That flow originates in direct response to precipitation from the offsite upland field to the north of the property. The channel receives its only source of flow from stormwater runoff and rain, the feature is ephemeral, and therefore non-jurisdictional.
NWK-2020-666-Ephemeral Feature-4	1677	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Flow in the channel occurs north to south. That flow originates in direct response to precipitation from the offsite upland field to the north of the property. The channel receives its only source of flow from stormwater runoff and rain, the feature is ephemeral, and therefore non-jurisdictional.
NWK-2020-666-Ditch-1	154	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch 1 was created in uplands associated with the construction of 118th Street. Ditches are non-jurisdictional features when they are not an (a)(1) or (a)(2) water and those portions of the ditch constructed in an (a)(4) water do not satisfy the conditions of (c)(1). Ditch 1 is therefore non-jurisdictional.
NWK-2020-666-Ditch-2	1017	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch	Ditch 2 was created in uplands associated with the construction of Talladega Road. Ditches are non-jurisdictional features when they are not an (a)(1) or (a)(2) water and those portions constructed in an (a)(4) water do not satisfy the

<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.



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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
		constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	conditions of (c)(1). Ditch 2 is therefore non-jurisdictional.

**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: [Habitat Architects, Habitats Architects Project No. 138020.](#)

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: [Aerial and Other: Aerial Google Earth Imagery; Retrieved Aug 2020. Site photographs provided by applicant, Habitat Architects.](#)

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: [Figure A-3 Soils Map, Habitat Architects; Retrieved Aug 2020.](#)

USFWS NWI maps: [Figure A-4 NWI Map, Habitat Architects; Retrieved Aug 2020.](#)

USGS topographic maps: [Figure A-2 USGS 7.5" Topographic Map, Habitat Architects; Retrieved Aug 2020.](#)

**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="#">N/A.</a>

**B. Typical year assessment(s):** [The Antecedent Precipitation Tool \(APT\) analysis determines if the date specific observation falls within the normal periodic range for the geographic area based on a rolling thirty-year period. The APT indicated that the period of July 31, 2020 had a “normal condition” during the dry season, subsequently the photographs provided by the applicant were indicative of normal conditions.](#)

**C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)