



**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): 9/21/2020  
 ORM Number: NWK-2020-712  
 Associated JDs: N/A.  
 Review Area Location<sup>1</sup>: State/Territory: MO City: Liberty County/Parish/Borough: Clay  
 Center Coordinates of Review Area: Latitude 39.199705 Longitude -94.450205

**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
Perennial 1	509	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Intermittent 1	2318	linear feet	(a)(2) Intermittent tributary contributes

<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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	tributary during the consultant's site visit. This tributary does flow indirectly into the Missouri River, an (a)(1) water. This tributary is determined to be jurisdictional based on the above information.
Intermittent 2	131	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Water from within this tributary originates from a spring located in the northern end of the review area. This tributary flows northward into the intermittent tributary 1, which then discharges indirectly into the Missouri River, an (a)(1) water. This tributary is determined to be jurisdictional due to the water within this channel flowing due to more than just precipitation (spring-fed channel).
Intermittent 3	49	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Same as Intermittent 2.
Intermittent 4	1716	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This tributary is identified within NWI and NHD maps. This tributary contains flowing water during the consultant's site visit, with a drainage area over 50 acres. This tributary indirectly drains into the Missouri River, an (a)(1) water. This tributary is determined to be intermittent based on the above information.
Intermittent 5	1711	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Same as Intermittent 4.
Intermittent 6	594	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	This tributary contained flowing water during the consultant's site visit and has a drainage area of approximately 50 acres. This tributary indirectly drains into the Missouri River, an (a)(1) water. This tributary is determined to be jurisdictional



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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.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.19 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	This wetland does not abut an (a)(1)-(3) water. This wetland is not separated from an (a)(1)-(3) water from a natural or man-made barrier. Surface water from within this wetland flows south through an erosional feature and into Intermittent 1. This wetland is located only a few feet from the Intermittent 1, where the wetland is expected to be inundated by flooding from the Intermittent 1. Based on the above information, it is determined that this wetland is adjacent to Intermittent 1, an (a)(2) water, and is therefore jurisdictional.
Wetland 3	0.19 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Same as Wetland 1.
Wetland 4	0.21 acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Same as Wetland 1.

**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
Ephemeral 1	594 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This channel does not show on USGS topographic maps as a blue line. This channel does not show on NHD or NWI maps. This channel has a drainage area of less than 50 acres. This channel contains either no flowing water during the site visit that was conducted following multiple rain events, or if flowing water was present, then the amount of flowing water was extremely minor. The channel does discharge water indirectly into the Missouri River, an (a)(1) water. Based on the above

<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
				information this channel was determined to be ephemeral and therefore non-jurisdictional.
Ephemeral 2	429	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1.
Ephemeral 3	316	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1 – with the exception that this channel is identified on NWI and NHD maps.
Ephemeral 4	887	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1.
Ephemeral 5	364	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1.
Ephemeral 6	319	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1.
Ephemeral 7	562	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1.
Ephemeral 8	269	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1.
Ephemeral 9	932	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1
Ephemeral 10	386	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral 1.



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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
Wetland 2	0.11 acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1)-(3) water. This wetland is not separated from an (a)(1)-(3) water from a natural or man-made barrier. This wetland is not inundated by an (a)(1)-(3) water. The wetland is connected to a downstream (a)(1) water only by water flow from this wetland to a downstream ephemeral channel. The Corps has determined this wetland is non-jurisdictional.
Wetland 5	0.03 acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland 2.
Wetland 6	0.02 acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland 2.
Wetland 7	0.13 acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland 2.
Wetland 8	0.05 acre(s)	(b)(1) Non-adjacent wetland.	Same as Wetland 2.
Pond 1	0.29 acre(s)	(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).	This pond existed prior to 1963 according to historicaerials.com photography. This pond is not located within a historic waterway nor it is adjacent to a stream channel. It is presumed that this pond was constructed in uplands to be used as an agricultural stock pond.
Pond 2	3.63 acre(s)	(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).	Same as Pond 1.

**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.



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- Information submitted by, or on behalf of, the applicant/consultant: [Broad Acres Development Wetland Delineation and Jurisdictional Assessment, prepared by Terra Technologies, dated August 2020.](#)  
This information is sufficient for purposes of this AJD.  
Rationale: [N/A.](#)
- Data sheets prepared by the Corps: [N/A.](#)
- Photographs: [Aerial and Other: Google Earth Pro and historicaerials.com aerials. Landscape photography 23 – 25 March 2020.](#)
- Corps site visit(s) conducted on: [None.](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A.](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Kansas City District Regulatory Viewer](#)
- USFWS NWI maps: [Kansas City District Regulatory Viewer](#)
- USGS topographic maps: [Kansas City District Regulatory Viewer](#)

**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 Corps antecedent precipitation tool \(APT\) shows that the consultant’s site visit was conducted during normal conditions based on the 90 days prior to 25 March 2020. The site experienced several days of rainfall prior to the 23 and 25 March site visits.](#)
- C. Additional comments to support AJD:** [This document determines the jurisdictional status of aquatic resources found within an approximate 346.78 acre review area located near the intersection of S Liberty Parkway and S Withers Road, Section 25, Township 51 N, Range 32 W, Clay County, Missouri. .](#)