



**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): 8/5/2020
 ORM Number: NWK-2020-00348, (AJD 2020-348-3)
 Associated JDs: 2020-348-1 and 2020-348-2
 Review Area Location¹: State/Territory: KS City: Kansas City County/Parish/Borough: Wyandotte
 Center Coordinates of Review Area: Latitude 39.14770 Longitude -94.79728

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)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
NWK-2020-348 Wetland 1	2.34	acre(s)	(b)(1) Non-adjacent wetland.	The emergent wetland is located within the infield of the former horse racetrack, upland of jurisdictional (a)(3) water, Bennett Lake by approximately 30 feet in elevation. The wetland drains through a culvert under the track and into the (a)(3) water through an erosional feature not possessing an OHWM, that is located on the hillside downstream of the culverted outfall structure. There are no other jurisdictional waters associated with the project site. The source of hydrology to the wetland is piped stormwater accumulation from the developed areas of the property such as parking lots and constructed upland ditches. The hydrologic connection between the emergent wetland and (a)(3) Bennett Lake is a non-jurisdictional erosional feature. Therefore, this wetland is not jurisdictional and is excluded from regulation under Section 404 of the Clean Water Act. Site photos taken 04-29-2020 show the outfall structure to Bennett Lake.

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: [WOTUS Jurisdictional Evaluation & Wetland Delineation, Project Super Bowl Proposed Warehouse Facility, April 2020 \(received May 1st, 2020\)](#)

This information is sufficient for purposes of this AJD.

Rationale: [The assessment report completed by the consultant contains photographic, soils, wetland and hydrology conditions adequate to review Section 404 jurisdiction for the project site.](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: 2020-7-21 Google Earth aerials 2020-348, 2020-7-21 Google Earth historical 2015 2020-348, applicant provided site photos](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [PJD 2020-348-1, dated 5-28-2020 and AJD 2020-348-2, dated 5-12-2020](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

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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- USDA NRCS Soil Survey: Title(s) and/or date(s).
- USFWS NWI maps: 2020-7-21 NWI Map 2020-348
- USGS topographic maps: Figure A-2; USGS 7.5' Topographic Map (AP), Hillshade & LIDAR elevation graphics of the project site.

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), analysis indicates that conditions were wetter than normal at the site on the day of the visit but within the normal range of the 30-year range for this project site. WETS table and the APT show a significant precipitation event (thunderstorm or heavy rainfall) four days before the applicant site visit, as well as light rainfall events two days preceding and slight rainfall the day of the site visit on 4-29-2020.

C. Additional comments to support AJD: N/A