



**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): 9/24/2020

ORM Number: NWK-2020-00705

Associated JDs: N/A

Review Area Location¹: State/Territory: MO City: Blue Springs County/Parish/Borough: Jackson

Center Coordinates of Review Area: Latitude 39.01447 Longitude -94.25280

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 1	964	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The agent identified stream segment as intermittent, with an average OHWM 5ft. wide. Stream 1 is near the top of the watershed and is fed by about 60 acres. Photos with water present in the stream were provided, and a typical year assessment was conducted to evaluate flow duration (see section III.B). The combined evidence supports a determination of Intermittent classification.
Stream 2	12	linear feet	(a)(2) Intermittent tributary contributes	During the site visit, a roughly 12lf channel was observed within Wetland 1, exhibiting strong flow from an underground point source. A typical year

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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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.	assessment was conducted to evaluate flow duration (see section III.B). The combined evidence supports a determination of Intermittent classification.

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	0.01 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The agent identified the boundaries of Wetland 1, and found it was abutting Stream 1 and surrounding Stream 2. This supports a jurisdictional determination.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 2	0.05 acre(s)	(b)(1) Non-adjacent wetland.	<p>The agent identified the boundaries of Wetland 2 in an area near, but not abutting Stream 1. The agent submitted documentation of sampling demonstrating the separation between Wetland 2 and Stream 1. The 9/15/2020 site visit confirmed a separation between the wetland and the stream of around 12ft.</p> <p>Stream 1 is near the top of the watershed and is fed by about 60 acres through culvert structures above and below the site; these factors do not indicate a likelihood that Wetland 2 is inundated by Stream 1 in a typical year. Onsite conditions provided no additional evidence of recent inundation</p> <p>The site visit identified a dry but clear drainage path through a depression where overland flow discharge from the wetland is able to make its way to the stream. This indicates Wetland 2 is not separated from Stream 1 by a natural barrier or artificial barrier with direct connection.</p>

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
			These findings do not represent sufficient evidence supporting a jurisdictional determination.

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: [Wetland Delineation and Jurisdictional Assessment dated August 2020.](#)

This information *is* sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps:

Photographs: [Aerial and Other: Onsite Photos \(7/14/2020\), Various Aerial Images \(1990-2020\)](#)

Corps site visit(s) conducted on: [9/15/2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs):

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

USDA NRCS Soil Survey:

USFWS NWI maps: [Layer within NWK GIS Map Viewer](#)

USGS topographic maps: [Layer within NWK GIS Map Viewer](#)

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	LiDAR 3DEP layers within NWK GIS Map Viewer
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [A typical year assessment was conducted at the site based on the applicant's site photos.](#)

Stream 1:

The submitted jurisdictional assessment was dated 7/14/2020. Photographs of Stream 1 were observed at several points on the property, and had water present throughout. The Corps APT found this period to be normal for a dry season of a typical year. Rain had not been recorded at the site for several days.

Full pools and stable flow was observed within the channel during the site visit on 9/15/2020 with an OHWM of around 4ft at the upper end of the site. The Corps APT found this period to be wetter than normal for a wet season of a typical year. Some rain had been recorded within the previous week, but not for a few days before the site visit, as identified by the APT output.

These findings are consistent with a stream flowing in greater than direct response to precipitation.

Stream 2:

Strong flow was observed within the channel during the site visit on 9/15/2020, from an apparent



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groundwater source. The “V” shaped channel was relatively narrow with an OHWM of around 1ft, and appeared to be naturally formed. The Corps APT found this period to be wetter than normal for a wet season of a typical year. Some rain had been recorded within the previous week, but not for a few days before the site visit, as identified by the APT output. While precipitation had been wetter than normal, the soil and site conditions did not appear saturated, and flow within the channel was noticeably strong and welling up from a distinct underground point source.

These findings are consistent with a stream flowing in greater than direct response to precipitation

- C. Additional comments to support AJD:** Lengths and areas of waters identified above were taken from the submitted delineation, onsite estimations, and measurements taken with aerial imaging software.