



**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): 9/28/2020
 ORM Number: NWK-2019-729
 Associated JDs: Approved Jurisdictional Determination dated October 8, 2019.
 Review Area Location¹: State/Territory: MO City: Cameron County/Parish/Borough: Caldwell
 Center Coordinates of Review Area: Latitude 39.631397 Longitude -94.200006

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
Ephemeral A	1,103	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 has a drainage area of less than 50 acres. The Corps conducted a site visit on August 29, 2019. The Corps observed a small amount of flowing water within a portion of this channel. This site visit was conducted immediately after rainfall, in “wetter than normal” conditions according to the APT. The channel does discharge water indirectly into the Missouri River, an (a)(1) water. Based on the above information this channel was determined to be ephemeral and therefore non-jurisdictional.
Ephemeral B	587	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 appear on NHD or NWI maps. This channel has a drainage area of less than 15 acres. The Corps visited this site a few days after an inch of rain fell at the site and no flowing water was observed within the channel. This channel does discharge water indirectly into the Missouri River, an (a)(1) water. Based on the above information this channel was determined to be ephemeral and therefore non-jurisdictional.
Ephemeral C	107	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral B.
Ephemeral D	246	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Same as Ephemeral B.

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: **None.**

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

Rationale: **Corps site visit performed.**

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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- Data sheets prepared by the Corps: [N/A](#).
- Photographs: [Aerial and Other: Google Earth Pro aerials. Landscape photography dated August 29, 2019.](#)
- Corps site visit(s) conducted on: [August 29, 2019.](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [Approved Jurisdictional Determination dated October 8, 2019.](#)
- 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
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 Corps antecedent precipitation tool \(APT\) shows that the consultant’s site visit was conducted during wetter than normal conditions based on the 90 days prior to August 29, 2019. The site experienced several days of rainfall prior to the site visit. Each channel contained either no water immediately after rainfall, or an extremely small amount of flowing water \(Ephemeral A\). The onsite 4 channels were determined to be ephemeral and therefore non-jurisdictional \(see above\).](#)

C. Additional comments to support AJD: [This document determines the jurisdictional status of aquatic resources found within an approximate 9 acre review area located adjacent to SW Duroc Drive, in Section 30, Township 56 N, Range 29 W, Caldwell County, Missouri.](#)