



**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): 10/6/2020

ORM Number: NWK-2020-00730

Associated JDs: N/A

Review Area Location¹: State/Territory: Kansas City: Grantville County/Parish/Borough: Jefferson

Center Coordinates of Review Area: Latitude 39.091111 Longitude -95.521111

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 or describe rationale.
- 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
Wetland 1	0.9	acre(s)	(b)(1) Non-adjacent wetland.	<p>Aerial and LiDAR imagery indicated a low lying area with the potential for retaining water. NWI mapping indicated the depression as a palustrine wetland. A site visit found an estimated 0.9 acres of standing water and an apparent continuous stand of cattails within the southern portion of the feature. While these characteristics indicate the presence of a wetland, the site visit also found no outflowing channel or downstream connection from the depression. The depressional area containing the wetland feature was artificially created near the top of the watershed, resultant from previous quarry activity on the site, with no outlet or adjacent waters.</p> <p>i. The feature was not abutting an (a)(1)-(3) water.</p> <p>ii. The topography of the site precludes the likelihood of inundation by flooding by an (a)(1)-(3) water in a typical year.</p> <p>iii. The feature was not separated from an (a)(1)-(3) water by a single natural barrier.</p> <p>iv. The feature was not separated from an (a)(1)-(3) water by a single artificial barrier with a direct surface connection.</p>
Basin 1	0.03	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).	<p>Aerial and LiDAR imagery indicated a low lying area with the potential for retaining water. A site visit found an estimated 0.03 acre basin retaining a small crescent of standing water and some potential fringe wetland vegetation. The basin was fed by various surface drainage rills, erosional features, and dry upstream basins to the northeast. The basin is drained above a certain depth by a small V-shaped channel that appears to fan back out into overland flow with no direct downstream connection to an (a)(1)-(3) water. The basin was artificially created in an upland area, resultant from previous quarry activity on the site.</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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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: [Background information, proposed project details, and maps provided by the applicant.](#)

This information is **not** sufficient for purposes of this AJD.

Rationale: [The AJD request did not include a delineation of onsite waters. This information was gathered in the 10/1/2020 site visit.](#)

- Data sheets prepared by the Corps:
- Photographs: [Aerial and Other: Various Aerial Images \(1991-2020\), Onsite photos from 10/1/2020.](#)
- Corps site visit(s) conducted on: [10/1/2020](#)
- 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: [Layers within NWK GIS Map Viewer and Google Earth Pro.](#)

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): [N/A – not required for the determination as detailed above.](#)

C. Additional comments to support AJD: [The site visit conducted by Corps staff on 10/1/2020 did not include a full delineation of onsite waters with exact measurements, sampling, etc. The waters identified above are based on onsite observations and NWI mapping alone, and measurements were attained using GIS area measurement tools. These were deemed sufficient for the sake of this AJD, as the combined evidence observed strongly indicated the non-jurisdictional status of all waters present onsite.](#)