



**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): 2/1/2021

ORM Number: SWL-2021-00030

Associated JDs: N/A

Review Area Location¹: State/Territory: Missouri City: Joplin County/Parish/Borough: Newton

Center Coordinates of Review Area: Latitude 37.05356 Longitude -94.47486

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.	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.	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.	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.	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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Small emergent wetland surrounded by uplands with no connection to (a)(1) through (a)(3) waters.
Wetland 2	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Small emergent wetland surrounded by uplands with no connection to (a)(1) through (a)(3) waters.
Wetland 3	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland connected only by ephemeral channel ((b)(3) water), and therefore not regulated.
Pond 1	0.05	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).	Pond constructed in uplands with no connection to (a)(1), (a)(2) or (a)(4) waters.
Ephemeral channel	805	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that directs sheet flow south through the project area. Channel was dry at time of consultant field investigation, but was flowing at the time of Corps site visit (due to storm event the previous day). Channel lacked established bed/bank and supported few indicators of OHWM. Flow is not evident in aerial photography and stream is not mapped by NHD or topographic quadrangle.

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: [Hammons Boulevard Development Parcel Wetland Delineation and Jurisdictional Assessment dated January 2021 by Terra Technologies.](#)

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

Rationale: [Based on site visit on January 26, 2021, the consultant is revising wetland delineation to include additional observed features.](#)

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

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- ☒ Photographs: [Aerial and Other](#): Site photos provided in wetland delineation. Google Earth aerial imagery 1996-2017.
- ☒ Corps site visit(s) conducted on: [January 26, 2021](#).
- ☐ Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- ☒ Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- ☒ USDA NRCS Soil Survey: [Soil Survey of Newton County, Missouri](#)
- ☒ USFWS NWI maps: [National Wetlands Inventory Mapper](#)
- ☒ USGS topographic maps: [Joplin East, MO \(7.5-minute series\) \(1963, 2011, 2017\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	HUC-11070207; National Map (NHD and LIDAR layers).
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Antecedent Precipitation Tool (APT), Version 1
State/Local/Tribal Sources	N/A.
Other Sources	Weather Underground, Joplin Airport Station (January 25, 2021)

- B. Typical year assessment(s):** [APT was accessed for period near the time of wetland delineation \(November 17, 2021\) and for period of Corps site visit \(January 26, 2021\); findings: wet season, normal conditions. Weather Underground \(Joplin Airport Station\) was accessed for period January 25-26, 2021; approximately 1.5" of rain reported on January 25, 2021.](#)
- C. Additional comments to support AJD:** [The subject property does not support any \(a\)\(1\) through \(a\)\(4\) waters based on a site visit, consultant wetland delineation, or supporting documentation, including: topographic quadrangles, aerial photography \(current and historical\), NHD, or additional sources. Wetlands 1 and 2 are small depression features that collect direct precipitation in upland locations, with no connection to potentially regulated waters of the United States. Wetland 3 is a forested depressional feature receives water from a small ephemeral channel, because it is only connected by the ephemeral channel this feature would not be regulated \(lacking connection to \(a\)\(1\) through \(a\)\(4\) waters\). The man-made pond was constructed entirely in uplands. The ephemeral channel directs sheet flow to the south and based on field investigations and supporting documentation is ephemeral in nature.](#)