



**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-2021-00040

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 37.05343 Longitude -94.47108

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	
Intermittent-1	773	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Based on the consultant wetland delineation and Corps site visit the channel supports well established bed/banks, stream morphology (pool/riffle/run), moderate flow, and indications of aquatic life. Channel is not mapped by NHD or USGS topographic quadrangle Joplin East, MO (7.5-minute series); however, it is evident on LiDAR imagery and on aerial photography.

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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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
Wetland 1	0.19	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Palustrine forested wetland that directly abuts an intermittent channel ((a)(2) water).
Wetland 2	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Palustrine forested wetland that directly abuts an intermittent channel ((a)(2) water).
Wetland 3	1.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Palustrine forested wetland that directly abuts an intermittent channel ((a)(2) water).

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Pond 1	0.04	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).	Man-made pond constructed in uplands.

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

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- ☒ Photographs: [Aerial and Other: Aerials \(Google Earth 1994-2017\); Provided by consultant in January 2021 Wetland Delineation; collected during Corps site visit \(January 26, 2021\).](#)

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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- ☒ 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: [Soils Survey of Newton County, Missouri; Web Soil Survey \(2021\)](#)
- ☒ USFWS NWI maps: [National Wetland Inventory Mapper](#)
- ☒ USGS topographic maps: [Joplin East, MO \(7.5-minute series\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	HUC(8)-11070207; HUC(10)-1107020708 (Shoal Creek)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Antecedent Precipitation Tool, Version 1
State/Local/Tribal Sources	N/A.
Other Sources	Weather Underground (Joplin Regional Airport Station, January 25, 2021)

- B. Typical year assessment(s):** [APT](#) was accessed for period of consultant wetland delineation (November 17, 2020) and Corps site visit (January 26, 2021). Findings for both periods: wet season, normal conditions. A significant storm event (1.5" per Weather Underground) occurred the day prior (January 25, 2021) to the Corps site visit.
- C. Additional comments to support AJD:** [An intermittent channel flows from north to south through the eastern portion of the project area, entering/exiting three wetland areas \(Wetlands 1-3\). Based on the supporting documents and a site visit, the channel was confirmed as intermittent and directly abutted the three wetland areas. In addition, a man-made pond \(likely seasonal\) was observed that was constructed in uplands and would therefore not be regulated \(lacking a connection to \(a\)\(1\), \(a\)\(2\), or \(a\)\(4\) waters\).](#)