# APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

## **SECTION I: BACKGROUND INFORMATION**

- A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 20211215
- B. ST LOUIS, MO DISTRICT OFFICE, FILE NAME, AND NUMBER: MVS-2021-597
- C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MO County/parish/borough: St. Charles City: Wentzville

Center coordinates of site (lat/long in degree decimal format): Lat. 38.7571° N, Long. -90.8318° W. Universal

Transverse Mercator: 15

Name of nearest waterbody: Dardenne Creek

Name of watershed or Hydrologic Unit Code (HUC): 07110009

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

- D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
  - Office (Desk) Determination. Date: 2021212
  - □ Field Determination. Date(s): 20211130, 20211213

#### **SECTION II: SUMMARY OF FINDINGS**

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no"waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

- 1. Waters of the U.S.: N/A
- 2. Non-regulated waters/wetlands (check if applicable):<sup>1</sup>
  - Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: The review area contains a total of 6 non-regulated waters/wetlands, see additional comments below.

#### SECTION III: CWA ANALYSIS

- A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A
- B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A
- C. SIGNIFICANT NEXUS DETERMINATION: N/A
- D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):  $\rm\,N/A$
- E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F.	NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS	(CHECK ALL THAT APPLY):
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	If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers
	Wetland Delineation Manual and/or appropriate Regional Supplements.
$\boxtimes$	Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

<sup>&</sup>lt;sup>1</sup> Supporting documentation is presented in Section III.F.

	$\bowtie$	Other (explain, if not covered above): 3 Farm Stock Ponds and 2 Drainage Features, see additional comments below.
	facto	ride acreage estimates for non-jurisdictional waters in the review area, where the <u>sole</u> potential basis of jurisdiction is the MBR ors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional ment (check all that apply):  Non-wetland waters (i.e., rivers, streams): linear feet width (ft).  Lakes/ponds: acres.  Other non-wetland waters: acres. List type of aquatic resource: .  Wetlands: acres.
		vide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such iding is required for jurisdiction (check all that apply):  Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).  Lakes/ponds: acres.  Other non-wetland waters: acres. List type of aquatic resource:  Wetlands: acres.
SEC	CTIO	N IV: DATA SOURCES.
A.		PORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked
		requested, appropriately reference sources below):
	$\boxtimes$	Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: On-Site Soils  Data sheets prepared/submitted by or on behalf of the applicant/consultant.
		Office concurs with data sheets/delineation report.
	_	Office does not concur with data sheets/delineation report.
		Data sheets prepared by the Corps:
		Corps navigable waters' study: U.S. Geological Survey Hydrologic Atlas:
		☐ USGS NHD data.
		☑ USGS 8 and 12 digit HUC maps.
	$\boxtimes$	U.S. Geological Survey map(s). Cite scale & quad name: 1:24K Wentzville 2021.
	$\boxtimes$	USDA Natural Resources Conservation Service Soil Survey. Citation: St. Charles County Soil Survey
	$\boxtimes$	National wetlands inventory map(s). Cite name: USFWS NWI GIS Mapping
	$\blacksquare$	State/Local wetland inventory map(s): FEMA/FIRM maps:
	H	100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
	$\boxtimes$	Photographs:   Aerial (Name & Date): Google Earth 2004, 2010, 2013, 2018, 2020.
	_	or \( \subseteq \text{Other (Name & Date): Site Photographs (field visit) and Wetland Investigation Report.} \)
		Previous determination(s). File no. and date of response letter:
		Applicable/supporting case law:
	$\vdash$	Applicable/supporting scientific literature:  Other information (please specify):
		one information (prease specify).

### **B. ADDITIONAL COMMENTS TO SUPPORT JD:**

A desktop and field review of the 76.6-acre review area as well as the historical and current aerial photography, historic and current USGS quadrangle map, and October 2021 Wetland Investigation Report (On-Site Soils), it has been determined that:

Wetland (2.06-acre) is situated within a depressional area with no hydrologic connection to Waters of the United States. The wetland is dominated by reed canary grass and scattered black willow and green ash trees. The wetland is bordered on the north by an actively farmed sorghum field and on the south by a mature upland forest. The upland forest is located within a naturally higher elevational area between the wetland and drainage feature. No evidence of sheet flow or channelized flow exists within nor adjacent to the wetland area, indicating the lack of a hydrologic connection with the surrounding landscape. Wetland feature has no connection to interstate or foreign commerce.

Pond A (.96-acre), Pond B (.90-acre), and Pond C (.04-acre) were artificially constructed farm stock ponds, with no hydrologic connection to Waters of the United States. No evidence of a spillway nor overlfow pipes were noted within or near the pond dam structures.

Drainage Feature A (1190 ft) and B (491 ft) are characterized as swales and lack stream characteristics, such as, a defined bed/bank/channel, ordinary high water mark, vegetational shelving, and surface water flow evidence. The swales also contained various sized woody debris that was undisturbed and lying within swale locations, indicating lack of channelized stream flows.