



**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): 10/5/2020
 ORM Number: MVS-2006-475 Corisande Woods
 Associated JDs: May 30, 2006 Delineation Concurrence (No JD)
 Review Area Location¹: State/Territory: MO City: Fenton County/Parish/Borough: Jefferson
 Center Coordinates of Review Area: Latitude 38.481501 Longitude -90.431144

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
Ephemeral Stream	398	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The unnamed ephemeral stream flows as an open channel for 398 feet before being impounded downstream. The ephemeral stream has a smaller watershed of 20 acres that contributes to surface flows in response to precipitation events. There is no evidence of groundwater contribution to the flow of the stream, with no seeps or springs present. The USGS maps show the area as a drainage pattern with no mapped stream, NWI does not identify a channel, and the steep grades likely contribute to short flow durations in the channel due to high velocities of flows. The flows appear to be ephemeral in nature and met the definition of a b3 excluded water. The stream flows into the pond, then flows through an undefined drainage swale feature to an unnamed primary tributary to the Meramec River, a navigable waterway.
Pond (in Ephemeral Stream)	0.31	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).	The artificial pond constructed in an excluded, non-jurisdictional, ephemeral stream that ponds water year round. The pond was constructed by the current trustee's father, USGS topographic maps with adequate scale to capture the pond do not show one in existence in the 1954 Maxville Quadrangle, the next map at this scale is dated 2012. A review of Google Earth historic aerial photography show the pond present in the earliest images viewed, captured in 1996. The excluded water is based on the impoundment of an excluded feature discussed above. No direct spring or groundwater influence appears to contribute to the hydrology in the pond.

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: [Wetland Delineation, Corisande Woods, May 30, 2006](#)

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

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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Rationale: This information provides background on historical determinations made on site but it is too dated to be entirely sufficient for determinations.

- Data sheets prepared by the Corps: N/A
- Photographs: Aerial: [Google Earth Imagery 3/26/1996, 9/06/2006, 1/1/2016, 2/24/2018](#)
- Corps site visit(s) conducted on: [October 13, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): N/A
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Soilweb, linked kml file, queried 10/5/2020](#)
- USFWS NWI maps: [FWS Wetlands & Riparian, linked kml file, queried 10/5/2020](#)
- USGS topographic maps: [USGS Earth Point Topo Map, linked kml file, queried 10/5/2020](#)

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): At the time of the site visit on October 13, 2020, the conditions were dryer than usual, well below normal precipitation rates. The previous months had been wetter than usual with the Palmer Index showing periods of severe wetness. The conditions being dry than usual at the time was factored into the consideration of the on-site observations. A recent delineation on the adjacent property to the north, Wiljeck parcel MVS-2017-177 which is downgradient of the Kircher parcel, included the evaluation of the downstream reaches of streams and drainages from the Corisande Hills parcel. Two separate site visits were completed during times of severe wetness and another during normal conditions. The determinations made on Wiljeck parcel of the downstream extents of drainages that originate on the Kircher parcel are complimentary to the determinations made on the Kircher parcel. This provided additional assurances on the appropriate consideration of site conditions during conditions outside of the typical year for the Kircher parcel. Numerous Google Earth aerial photographs were reviewed that contain periods of normal, wet and dry conditions.

C. Additional comments to support AJD: The ephemeral channel on the Kircher parcel has a very steep gradient through the evaluated reach. The streambed and channel were inspected for any groundwater seeps, pools, or springs and only one small area of pooling water was observed. The water was very stagnant and there was no evidence of any vegetation that might be indicative of continual wetness. This water was likely just pooling as a result of the disjointed stairstep gradient and does not appear to be a significant groundwater contribution to the channel. Other than one isolated area of wetness the remaining stream length was entirely dry. The channel had defined bed and banks with only slight meanders due to the steep slope. There was an accumulation of bed load in the stream segment which extends approximately 100-150 feet upstream from the impoundment area. The pond itself appears to have issues with water retention and no visible cut of the dam nor outfall structure was found. Downgradient of the pond there appears to be minor water seepage and that seep flow appears to transport along an undefined swale before entering another channel that is located within the adjacent Wiljeck parcel. This AJD found the mainstem stream to be an ephemeral draw, with the contributing hillside contributing ephemeral flows.



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