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): 3/9/2021
ORM Number: MVS-2017-177
Associated JDs: N/A
Review Area Location[1]: State/Territory: MO City: Fenton County/Parish/Borough: Jefferson
Center Coordinates of Review Area: Latitude 38.483436 Longitude -90.430742

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.	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
Tributary A	1,194	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The channel's jurisdictional length commences at a head cut feature in the channel with the upper portion determined to be ephemeral. The tributary is located at the bottom of steep topographic relief on all sides and appears to receive consistent, year-round, groundwater input. The watercolor and clarity reflect that contribution rather than solely surface water. Flow was observed during all field site visits and in aerial images with enough clarity. The recent USGS topographic maps at 1:24,000 scale (2012, 2015, 2017) show the tributary as

[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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				intermittent to the center of the ephemeral reach. On site conditions found perennial flow to the head cut feature. The perennial reach is within the FEMA 100 year floodplain of the Meramec River and is influenced by backwater inundation on smaller flood events and inundated in larger flood events. The FWS Mapper layer shows a channel feature to a similar location as the USGS Topo maps. Just outside of the review area the tributary is joined by another short tributary before flowing into the navigable reach of the (a)(1) Meramec River.

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 A	2.85	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The large wetland feature overlaps Tributary A in some sections and has a direct hydrological surface connection with the tributary. The wetland is also located within the 100 year floodplain of the Meramec River and experiences inundation as a result. The FWS Mapper shows scrub-shrub wetlands in this area and more along the downstream extent towards the Meramec River. USGS Topo maps do not show mapped wetlands in the area but the topography shows little elevation change from the wetland area to the Meramec River floodplain. The SoilWeb map shows has hydric soils mapped in the minor inclusions of the soil series. The on-site conditions found that the area has significant hydrology with surface saturation present, obligate vegetation, and redoximorphic features in the soils. This wetland is directly hydrologically connected to Tributary A, which is readily influenced by the (a)(1) Meramec River.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Ephemeral Stream	1,896	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The upper reach of Tributary A was determined to be an ephemeral stream through the previous pastureland portion of the farmstead. The stream channel has been artificially straightened and maintained as an agricultural ditch as the valley was used for agriculture for over 100 years. There is a mapped stream features shown through part of this length in the FWS Wetlands & Riparian layer, USGS Topographic Maps. It is likely that the site manipulation of the tributary altered the physical features of the tributary and grassed fescue clumps were present within the flow and channel definition varied. Flow was present during portions of the channel during the site visits but inconsistent due to the altered gradient. The stream flows downstream into the (a)(2) Tributary A, which is a primary tributary to the navigable reach of the (a)(1) Meramec River.

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 Investigation Fox Creek, 3/27/2020

This information is sufficient for purposes of this AJD.

Rationale: The report documents the geographical extent of the waters but there were discrepancies in the measurements of the resource areas. As the waters are not proposed to be impacted this discrepancy is not addressed and the geographical extent utilized.

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

☒ Photographs: Aerial: Google Earth Aerial Imagery: 3/26/1992, 3/26/1996, 2/28/2002, 3/3/2003, 2/29/2004, 7/3/2005, 4/1/2007, 3/31/2008, 4/9/2010, 9/1/2011, 8/6/2012, 11/12/2013, 8/23/2015, 1/4/2016, 4/2/2016, 8/7/2017, 2/24/2018, 6/30/2018, 10/16/2018, 8/27/2019, 9/25/2019, 7/13/2020

☒ Corps site visit(s) conducted on: 5/11/2017 & 5/1/2020

☐ 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: SoilWeb Google Earth linked layer, queried 3/9/2021

☒ USFWS NWI maps: FWS Wetlands & Riparian Google Earth linked layer, queried 3/9/2021

☒ USGS topographic maps: Maxwell Quadrangle, 1:24,000 scale, 1954, 2012, 2015, 2017

Other data sources used to aid in this determination:

[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.

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.
EPA sources (specify)	Waters Google Earth linked layer, quered 3/9/2021

B. Typical year assessment(s): The original site visit by the Corps, May 11, 2017 was following historic flooding along the Meremec River, the Corps provided project comments but specifically stated that due to the abnormal site conditions would not be able to make any determinations of f the information obtained on site and requested the submittal of a site delineation. The site visit, on March 13, 2020, that the consultant's delineation was based on took place under rainfall conditions that were slightly wetter than normal but follow a month prior of rainfall within the normal ranges. The Corps second site visit on May 1, 2020 was completed during normal rainfall conditions but in an overall wetter time of year in the spring. Overall these site visit observations were considered in the context of their typical year assessment and utilized along with office resourcse to support the Corps determination.

C. Additional comments to support AJD: N/A