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): 7/1/2020
ORM Number: MVS-2020-328
Associated JDs: MVS-2020-328-Gullies 1 thru 8
Review Area Location[1]: State/Territory: Illinois City: Ava County/Parish/Borough: Jackson
Center Coordinates of Review Area: Latitude 37.823271° Longitude -89.517378°

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
Johnson Creek	40	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Johnson Creek is a perennial tributary that flows into Kinkaid Lake. Kinkaid Lake is an (a)(3) waters with direct connection to the Big Muddy River an (a)(1) water. The project is located at the mouth of Johnson Creek where it enters Kinkaid Lake. Flow and water levels in Johnson Creek at this location are influenced by lake elevation. The project site is specifically located at in Latitude 37.837456° and Longitude -89.508189°.

[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.

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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Gully #1	370	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature is a headwater drainage (Gully) with ephemeral flow. Bed and bank is visible however it is visible only due of the topography and slope, and is erosional in nature. This feature is NOT present as a blue line on USGS maps.
Gully #2	483	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature is a headwater drainage (Gully) with ephemeral flow. Bed and bank is visible however it is visible only due of the topography and slope, and is erosional in nature. This feature is NOT present as a blue line on USGS maps.
Gully #3	141	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature is a headwater drainage (Gully) with ephemeral flow. Bed and bank is visible however it is visible only due of the topography and slope, and is erosional in nature. This feature is NOT present as a blue line on USGS maps.
Gully #4	146	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature is a headwater drainage (Gully) with ephemeral flow. Bed and bank is visible however it is visible only due of the topography and slope, and is erosional in nature. This feature is NOT present as a blue line on USGS maps.
Gully #5	569	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature is a headwater drainage (Gully) with ephemeral flow. Bed and bank is visible however it is visible only due of the topography and slope, and is erosional in nature. This feature is NOT present as a blue line on USGS maps.
Gully #6	314	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature is a headwater drainage (Gully) with ephemeral flow. Bed and bank is visible however it is visible only due of the topography and slope, and is erosional in nature. This feature is NOT present as a blue line on USGS maps.
Gully #7	395	linear feet	(b)(3) Ephemeral feature, including an ephemeral	The feature is a headwater drainage (Gully) with ephemeral flow. Bed and bank is visible however it is visible only due of the topography and slope,

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	and is erosional in nature. This feature is NOT present as a blue line on USGS maps.
Gully #8	197	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature is a headwater drainage (Gully) with ephemeral flow. Bed and bank is visible however it is visible only due of the topography and slope, and is erosional in nature. This feature is NOT present as a blue line on USGS maps.

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: Joint Applicantion Form submitted by HMG Engineering on belhalf of the applicant. June 5, 2020

This information is sufficient for purposes of this AJD.

Rationale: The application provides locations, drawings, aerial images and other pertinent data.

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

☐ Photographs: Select. Title(s) and/or date(s).

☐ Corps site visit(s) conducted on: Date(s).

☐ 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: Web Soil Survey/2008

☐ USFWS NWI maps: Title(s) and/or date(s).

☒ USGS topographic maps: Earth Point Topo Map, USGS Quadrangles

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	Google Earth

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: These features are headwater drainages (Gullies) with ephemeral flow. Bed and bank is visible however it is visible only because of the topography and slope, and they are erosional in nature. These features are NOT present as a blue line on USGS maps. The drainage area for each of these features is less than 5 acres.