



**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): 8/12/2020

ORM Number: MVS-2020-481

Associated JDs: N/A

Review Area Location¹: State/Territory: Missouri City: Sunset Hills County/Parish/Borough: St. Louis

Center Coordinates of Review Area: Latitude 38.52207 Longitude -90.422850

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
Tributary A	720 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary A flows year round and is a direct tributary to the Meramec River.

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 E	0.16	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland E lays adjacent to perennial tributary (A)

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Wetlands A, B, C, D, F, G, H, I	1.59	acre(s)	(b)(1) Non-adjacent wetland.	Man-made wetlands developed during grading within an ag-field for the construction of a golf course. The wetlands are not inundated by flooding in a typical year as shown by historical aerial review.
Golf Ponds A, B, C, D	3.24	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 ponds excavated during grading within an ag-field for the construction of a golf course.

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 and Waterbody Delineation Report – St. Louis Bombers Rugby Park, July 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: The site primarily exists as a former golf course with maintained turf grasses and landscape trees and several man-made ponds creating obstacles for the golf course. The site drains to the southwest toward a tributary to the Meramec River, creating the western boundary of the study area.

On March 5, 2020, an SCI Natural Resource Scientist (consultant) conducted a field exploration to delineate the extent of wetlands and waterbodies that may exist within and adjacent to the project site.

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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Suspect areas that were identified during the desktop review were explored for wetland and waterbody characteristics utilizing methods as described in the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region (

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Google Earth Imagery and Site Visit Photos (March 5, 2020)
- 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: See Figure 2. From delineation report, Aerial from ArcGIS online World Imagery, 2020 and Soil Survey from USDA Web Soil Survey-2020
- USFWS NWI maps: See Figure 2. From delineation report, Aerial from ArcGIS online World Imagery, 2020 and NWI data from USFWS Wetlands Mapper-2020
- USGS topographic maps: See Figure 1. From delineation report, Kirkwood, MO Quad-revised 1993, and Maxville, MO Quad-revised 1992

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS topoView; 1:24,000 Scale (Multiple Years)
USDA Sources	USDA NRCS Web Soil Survey – St. Louis County (Obtained July 2020)
NOAA Sources	N/A.
USACE Sources	Regulatory Viewer
State/Local/Tribal Sources	N/A.
Other Sources	USGS NHD Data; LiDAR Data

B. Typical year assessment(s): Antecedent Precipitation Tool results: Normal Conditions. Under normal conditions the non-adjacent wetlands remain isolated within the concave depressions on the subject property.

C. Additional comments to support AJD: It was noted that the site had been historically altered from an agricultural field into a golf course. Additionally, the surrounding land use has undergone commercial, residential and industrial development. The consultant site visit identified one perennial tributary that would be considered a jurisdictional feature by the USACE. Four ponds and nine wetlands were also identified within and adjacent to the study area. Eight of the wetlands, while isolated in nature, exist within the floodplain of the Meramec River and may be considered jurisdictional features for that reason. One wetland laying adjacent to the perennial tributary would be considered a jurisdictional wetland. Tributary A is a perennial tributary to the Meramec River. Under the Navigable Waters Protection Rule (NWPR), the tributary is classified as an (a)(2)-tributary. The tributary enters the site from the north and creates the western boundary of the project study area as it drains south for approximately 720 LF before exiting the survey area. The ordinary high-water mark (OHWM) width of the stream averaged 6 feet and the top of bank (TOB) width averaged approximately 12 feet. The bank heights averaged approximately 8 feet. The channel substrate was comprised of fine sediments such as silt, sand, and clay. There is no riparian corridor along the tributary and the banks appeared to be routinely mowed. Mature trees dot the top of the streambank. Water was slowly flowing in the channel at the time of the site visit. Tributary A would be considered a jurisdictional water of the U.S. by the USACE.

Man-made golf ponds A, B, C, and D appear to have been excavated within the subject site as part of the



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golf course construction to facilitate the need for fill on other areas of the site and to create hazards for the course. Under the NWPR the ponds are classified as (b)(8)-artificial lakes and ponds. Pond A is approximately 0.18-acre, Pond B is approximately 0.06-acre, Pond C is approximately 0.80 acre, and Pond D is approximately 2.20 acres in size. The surrounding landscape is routinely mowed. Artificial ponds such as these are not typically considered a jurisdictional water of the U.S. and may not be regulated by the USACE.

Nine areas exhibiting wetland characteristics were identified during the consultant site visit. None of the depressional wetlands have a direct connection to tributaries and ultimately to a navigable water of the U.S. The wetlands predominantly share the same hydrologic and soil characteristics. However, Wetland E does lay adjacent to Tributary A. The vegetation across the site is routinely mowed turf grass with sporadic landscape trees throughout. All wetlands were mapped as a palustrine emergent (PEM) wetlands except for one. The one exception wetland (Wetland B), identified as a palustrine forested (PFO) wetland, was shown on the NWI map adjacent to the southeast corner of the project study area. Data was collected in this area to confirm the presence or absence of wetland indicators. However, it should be noted that the majority of the wetland appears to be located beyond the boundaries of the project area. Brief descriptions of the wetlands and their associated characteristics are provided below and summarized in Table 5.1 - Wetland Summary of the delineation.

Under the Navigable Waters Protection Rule, wetlands must be hydrologically connected to a jurisdictional waterbody by flooding in a typical year in order for them to be classified as a jurisdictional wetland. According to ten surrounding weather stations and the 30-year typical data of drought and precipitation, the study area is located in an area where it was wetter than normal in March of 2020 (<https://www.ncdc.noaa.gov/cdo-web/datatools/normals>) and is not experiencing a drought (<https://gis.ncdc.noaa.gov/maps/ncei/drought/us>). With this information and review of historic aeriels, shows that Tributary A does not routinely flood the project study area and wetlands, and the tributary is greatly incised from surrounding development over decades. Flooding that has been seen to occur historically is likely due to the Meramec River flooding. Under the NWPR the wetlands would be considered (b)(1)-non-adjacent wetlands.

During the March 5, 2020 wetland and waterbody delineation, SCI identified one perennial tributary, four man-made ponds, and nine wetlands within and adjacent to the project study area. As detailed above, the perennial Tributary A and Wetland E would likely be considered jurisdictional wetlands and waters of the U.S. as identified under the definitions in Section 328.3 of the Code of Federal Regulations and the NWPR. The remaining features identified would likely be considered exempt under the NWPR. Neither of the jurisdictional waters or wetlands would be impacted by the proposed project.