



**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): 11/2/2020

ORM Number: MVS-2020-536

Associated JDs: N/A

Review Area Location¹: State/Territory: MO City: Ste. Genevieve County/Parish/Borough: Ste. Genevieve

Center Coordinates of Review Area: Latitude 37.837008° Longitude -90.141658°

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 |
| Unnamed Tributary to Mill Creek | 475 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | A tributary with groundwater contribution to support flow outside of in response to rain events, with evidence of continual flow in dry periods. A groundwater seep contributes flow of the tributary high within the watershed. The unnamed tributary flows into Mill Creek, which flows into River aux Vases and then into the navigable, Mississippi 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 | |
| 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 | |
| Ephemeral tributary to Mill Creek | 400 linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | The upper reach of the tributary through the center drainage branch, upstream of where the groundwater feed branch joins the main stem, appears to only support stormwater runoff flows. The unnamed tributary flows into Mill Creek, then into River aux Vases, a primary tributary to navigable, Mississippi 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: [Title\(s\) and date\(s\)](#)
This information [Select.](#) sufficient for purposes of this AJD.
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: Google Earth 10/17/2018, 11/9/2015, 6/4/2012](#)
- Corps site visit(s) conducted on: [9/15/2020 & Site Visit Photos](#)
- 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: [USDA-SoilWeb linked layer queried 11/2/2020](#)
- USFWS NWI maps: [USFWS FWS Wetlands and Riparian linked layer queried 11/2/2020](#)
- USGS topographic maps: [1980, 2002 & 2017 Coffman Quadrangle 1:24,000; 1949, 1960, 1966, 1971 Rolla 1:250,000](#)

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. |

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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| | |
|----------------------|---|
| Data Source (select) | Name and/or date and other relevant information |
| Other Sources | N/A. |

- B. Typical year assessment(s):** The site visit which provided much of the information utilized in the determination was conducted at the time during normal conditions. The preceding month had rainfall periods of severe wetness, however, the drainage being in the upper reaches of the watershed would have transported any surface water drainage from the earlier rainfall prior to the site visit.
- C. Additional comments to support AJD:** Site conditions found consistent groundwater flow from the eastern drainage that continued to join the main stem portion of the tributary and supported sustained flows in pools within this portion of the tributary within the review area. The main stem of the tributary, the central drainage, upstream of the confluence of the groundwater seep did not have any flow or pools present within the channel. This segment was found to have ephemeral flow conditions that appears to only support flow with the influence of rainfall events.

The field observations were supported by the office resources reviewed. The soils in the mapped layer, Goss very cobbly silt loam, 15 to 50 percent slopes, extremely stony. It is possible that a particular clay layer with stony layers above is supporting the surfacing of groundwater at the groundwater seep. In addition the USGS topographic maps the tributary up the drainage ravine in a solid blue line, and indication of consistent flow. There are also mapped springs in the vicinity of the review area