



**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): 11/30/2020

ORM Number: MVS-2020-667

Associated JDs: N/A

Review Area Location¹: State/Territory: Illinois City: Mascoutah County/Parish/Borough: St. Clair

Center Coordinates of Review Area: Latitude 38.5361° Longitude -89.8018°

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
- 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
STR-1 (Crooked Creek)	4,611	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Crooked Creek (STR-1), an (a)(2) water, has a watershed that is greater than 4,000 acres in size and year-round flow to the Kaskaskia River, an (a)(1) water through Silver Creek.
STR-3 (NW Stream)	1,678	linear feet	(a)(2) Perennial tributary contributes	STR-3 was observed with flowing water during the delineation field efforts. The (a)(2) water has a watershed of more than a square mile. Both

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	groundwater and surface run-off via precipitation contribute perennial flow to the Kaskaskia River, an (a)(1) water, through Crooked Creek and Silver Creek.
STR-4 (East Stream)	2,504	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	STR-4 was observed with pooled water during the delineation field efforts and flowing water in subsequent USACE field visits. The (a)(2) water has a watershed of less than 60-acres; however, flow and pooling is sustained through much of the dry season due to the presence of shallow groundwater. The tributary was observed on three separate occasions with varying amounts of flowing and/or pooled water. As the tributary lies in a plain setting with limited relief and in proximity to the Silver Creek floodplain, groundwater is a primary source of water.

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
Runway Ditch (includes STR-2, WTL-1 and WTL-2)	3,967	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The ditch was constructed to facilitate surface run-off and drainage off the adjacent runway down to Crooked Creek (STR-1) during the development of the airport. Historically, an (a)(2) water was present in the location of the ditch; however, the tributary drained the opposite direction to the original location of Crooked Creek. The original tributary was filled as part of the permit associated with the development of the airport. No images or resources illustrate the presence of an (a)(4) water. As such, it was concluded the ditch is not a replacement or

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			relocated (a)(2) water and meets the (b)(5) exclusion. The ditch was constructed in uplands and would be considered excluded regardless of its connection to downstream waters.

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 & Exhibits](#)
This information **is and is not** sufficient for purposes of this AJD.
Rationale: [Original delineation field efforts were completed on June 29, 2020 and verified during subsequent site visits with USACE.](#)
- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Historic Aerials, USDA NAIP Imagery, Google Earth](#)
- Corps site visit(s) conducted on: [November 5 & 17, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [St. Clair County, Illinois](#)
- USFWS NWI maps: [1980's; 1:58,000 scale; Color Infrared Source](#)
- USGS topographic maps: [Lebanon, IL Quad; 1:24,000, 1954 \(1991 revision\)](#)

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/Stream Stats
USDA Sources	NRCS Web Soil Survey – St. Clair County (Obtained 11-20-20)
NOAA Sources	N/A.
USACE Sources	District Regulatory Viewer
State/Local/Tribal Sources	IL Height Modernization LiDAR Data
Other Sources	FEMA Floodplain Maps

B. Typical year assessment(s): [Antecedent Precipitation Tool results \(06-29-20 & 11-17-20\):](#) The Antecedent Precipitation Tool (APT) was used to assess conditions for the two documented site visits compared to 30 years of data in NOAA's Daily Global Historical Climatology Network. Drier than normal conditions were present during the delineation field efforts on June 29, 2020. Normal Conditions were present during the USACE site visit on November 17, 2020.

C. Additional comments to support AJD: [N/A](#)