



**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): 2/8/2021

ORM Number: MVS-2020-770

Associated JDs: NA

Review Area Location<sup>1</sup>: State/Territory: Missouri City: Ste. Genevieve County/Parish/Borough: Ste. Genevieve

Center Coordinates of Review Area: Latitude 37.80841 Longitude -90.17301

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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
Unnamed Tributary to Madden Creek	1,185 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream channel, from the upper losing reach, has a dramatic change in features for the perennial classification. Groundwater seeps and an instream spring were clearly contributing to sustained flow through the stream reach that had also been noticed by the landowner previously. The stream maintained defined channel features, there were areas of excessive drift deposit accumulation that is likely the result of the logging activities previously completed in the parcel. The spring fed, (a)(2) perennial length

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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
			flows into Madden Creek, then to Saline Creek and ultimately the (a)(1) navigable, Mississippi 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.

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.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ephemeral Stream	650 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream channel had very limited definition with the stream channel having varying morphologies. In some areas, no defined channel, only presence of drift deposits present. In other areas, the stream is a shallow channel with vegetation present in channel. The site visit was completed after it had rained the entire morning preceding the afternoon site visit. There was no flow present in the channel and it seems that groundwater infiltration is occurring in the upper portions of the watershed through a losing streambed or unidentified sinkholes. Although this stream length provides groundwater contributions, it supports minimal flow and only in response to rainfall events. The ephemeral stream flows down into the spring fed, (a)(2) perennial length, of the unnamed tributary before joining Madden Creek, then to Saline Creek and ultimately the (a)(1) 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).**

<sup>4</sup> 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.

<sup>5</sup> 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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- Photographs: **Aerial:** [Google Earth aerial imagery: 3/9/1996, 4/1/2012, 11/9/2015, 7/9/2020](#)
- Corps site visit(s) conducted on: [2/4/2021](#)
- 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-NRCS SoilWeb Google Earth linked layer, queried 2/5/2021](#)
- USFWS NWI maps: [USFWS FWS Wetlands & Riparian Google Earth linked layer, queried 2/5/2021](#)
- USGS topographic maps: [1907 Weingarten 1:62,500; 1980, 2020 & 2017 Coffman 1:24,000](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">Ecological Site F116AY002MO – Chert Protected Backslope Forest 2020</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">Other state/local data (specify): Springs &amp; Karst Features MDNR Layer</a>	<a href="#">The springs and karst feature layer was consulted and no data regarding springs, sinkhole points, nor dye recovery information was found within the parcel. This data is compiled from voluntary landowner reports and requested surveys by landowners and data gathered on public lands, is not an all-inclusive data set. Springs were documented in the vicinity to the review area.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** The site visit occurred within normal daily rainfall conditions, at and in the days immediately proceeding the site visit. Overall the site visit occurred in the winter months which have lower rainfall totals compared to other seasons in Missouri. The month preceded had lower rainfall quantities that the 30 year normal range. The site visit occurred in the afternoon and rain had been falling for the majority of the day and with no vegetation on trees the rainfall would have not have significant interception by the forested watershed that might be present in summer months.

**C. Additional comments to support AJD:** The review of the ecological site description, particularly the water section, highlights the potential for losing streams and sinkholes within the slopes and at lower slopes/elevations springs to be present in this type of landscape.