



**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): 1/28/2021

ORM Number: MVS-2020-784

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 38.054756 Longitude -90.33584

**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
N/A.	N/A.	N/A.	N/A.

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.

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**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	500	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The ephemeral stream within the review area occurs in the upper-most portion of the watershed and drains only 19.5 acres. The stream was running at the time of the site visit, in direct response to the rainfall the morning of the site visit and the day prior. The presence of numerous roots across the channel, the shallow stream banks and low channel definition supported the determination of an ephemeral stream feature. The unnamed tributary flows into the South Fork onto the Isle du Bois Creek and then into the (a)(1) navigable water, the Mississippi River. The ephemeral stream meets the (b)3 exclusion and as it does not meet any of the (a) waters criteria, it would also met the definition of a (b)(1) exclusion.

**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 Aerial Photography, dated: 6/4/2012, 11/29/2013, 10/12/2015, 10/17/2018](#)
- Corps site visit(s) conducted on: [1/26/2021](#)
- 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: [SoilWeb Google Earth linked layer, queried 1/27/2021](#)
- USFWS NWI maps: [FWS Wetlands & Riparian Google Earth linked layer, queried 1/27/2021](#)
- USGS topographic maps: [Danby, MO 1:24.000; 1964, 1993, 2015, 2017](#)

**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="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The project occurs during normal conditions according to the Antecedent Precipitation Tool within the wet season. The rainfall quantities were within the normal range, however, significant localized daily rainfall quantities and flash flooding warnings were issued in the region the day prior. While within the normal range of conditions, the rainfall quantities were considered in the determination of the water feature.
- C. Additional comments to support AJD:** The review of the office resources supported the determination of an ephemeral tributary. All USGS topographic maps showed only topographic relief that could indicate the potential for a drainage feature but no blue line identifications were within the review area. A review of the USFWS Wetlands and Riparian does not show any mapped stream but does show the small pond features upstream of the review area. A query of the USDA NRCS soil survey layer and in the stream area the soil feature is mapped as non-hydric Soil Series 73977: Wrengart silt loam, 8 to 15 percent slopes, eroded. Although not identified official as such, the area appeared to have the characteristics of a degraded limestone glade, with thin soil layers atop bedrock.

On site conditions found the stream flowing through a steep topography, with bedrock outcrops within the stream channel and in the adjacent areas. The site visit occurred after significant daily rainfall amounts the previous days and the stream channel was actively flowing. There were tree roots across the stair stepped stream channel, along the bedrock and gravel/cobble streambed materials. The areas upstream of the driveway and lesser definition than from downstream of the driveway culvert which concentrates the flows from upper portions of the watershed. The vegetation immediately adjacent to the stream channel contained upland red cedar. The site conditions from the office review and site visit, did not indicate that sustained flows are present within the channel outside of in direct response to rainfall events.