



**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): 2/1/2021

ORM Number: MVS-2021-037

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: MO City: Boschertown County/Parish/Borough: St. Charles

Center Coordinates of Review Area: Latitude 38.838754 Longitude -90.473112

**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.	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.	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.	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.	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.

<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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**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
Wetland A	0.04	acre(s)	(b)(1) Non-adjacent wetland.	The parcels have been extensively modified by agricultural production for numerous years. The site occurs within the floodplain of the Missouri River and Mississippi River but has been disconnected by levee systems in the area. This isolated, depressional wetland does not abut or lay adjacent to waters of the U.S. to meet the definition of an (a)(4) adjacent wetland so was excluded under (b)(1) non-adjacent wetland criteria but this wetland feature would also fit the (b)(6) prior converted cropland exclusion.
Roadside Ditch	4,947	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 roadway is present in the oldest topographic map reviewed (1927) and the ditch was likely cut to support roadway drainage. Due to the overall location of the site, within the Mississippi & Missouri River floodplains, it is likely that the ditch was originally cut through a mixture of uplands and wetland features but topographically does not appear to have relocated a tributary. Under the current site conditions, the ditch runs through upland and prior converted cropland areas. Although the ditch contains wetland features it does not meet the abutting or adjacency connectivity requirements to be considered an adjacent wetland. Therefore, the roadside ditch meets the (b)(5) ditch exclusion and would also be excluded under (b)(1) non-adjacent wetland criteria for 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: [Wetland and Waterbody Delineation Report and Approved Jurisdictional Determination \(ADJ\) Request/No Permit Required \(NPR\) Request –Orchard Farm School & Park](#)

This information is sufficient for purposes of this AJD.

Rationale: [Delineation report completed in accordance with wetland delineation manual and regional supplements. The report was partially insufficient as delineated Site 1 in the delineation form is not](#)

<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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marked as wetland even though meeting the three criteria. This area would be considered a wetland, but is not a jurisdictional wetland under the Navigable Waters Protection Rule.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Site photos in delineation report App. B and Figs. 2,3,4; Google Earth Aerial Photos: 9/10/2012, 11/12/2013, 10/21/2014, 8/23/2015, 1/4/2016, 4/2/2016, 8/7/2017, 2/24/2018, 10/16/2018, 7/13/2019, 7/13/2020
- 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 WorldImagery, 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, Quads Saint Charles, Missouri and Kampville, Missouri -dated 1994. USGS Topo Viewer maps: 1927 &1933 1:62,500 & 1954 1:24,000

**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.
Other Sources	N/A.

**B. Typical year assessment(s):** The site delineation by SCI Engineering was completed in the winter months with lower general precipitation and rainfall conditions at the time were dryer than normal according to the Antecedent Precipitation report. The weeks prior saw normal to slightly higher rainfall quantities than the normal range. Aerial photography was reviewed across several years, within various season, and the APT tool was utilized to evaluate the conditions in relation to typical year conditions.

**C. Additional comments to support AJD:** The site delineation was completed outside of the growing season, during the winter months, but due to the site’s location within an intensively maintained agricultural fields, it would present a managed monoculture environment. The sample sites during the delineation either possessed all the criteria (and were considered a wetland) or met none of the criteria (and were found to be upland). Because of no one criteria (that could have been impacted by the seasonality of the delineation) was responsible for an area being found to not be a wetland the delineation outside of the growing season was accepted. The extensive office resource material available for the review of this location also provided sufficient information to justify the proposed determinations.

There were several areas within the property where there were signatures in the aerial photography review that suggest the potential for wetland hydrology. The areas have been utilized for agricultural in all office resources reviewed. A few of these areas were investigated in the delineation report and any wetland features had been degraded to such an extent that they don’t meet wetland criteria. If wetland criteria



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would have been met for these areas, they would ultimately be excluded under the (b)(6) Prior Converted Cropland exclusion.