



**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): 3/8/2021  
 ORM Number: MVS-2021-133  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: MO City: Eureka County/Parish/Borough: St. Louis  
 Center Coordinates of Review Area: Latitude 38.495146 Longitude -90.625577

**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.



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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
Ephemeral Tributary to Flat Creek	460	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature naturally has a very limited watershed but with the addition of roadway and residential infrastructure a greater watershed area is directed to this drainage from the adjacent hillsides and residences. Eureka Road and new concrete drainage ditches intercept flow that would have gone across the landscape and direct them to the drainage. The feature has no defined channel above this but a previous bridge structure exists under Eureka Road and the City placed a stormwater culvert through this. The feature had flowing water at the time of the site visit with the tributary is within a ravine, having deeply cutting through the silty sediments of the landscape and eroded down to clay pan sediments were visible along some portions of the stream bed. The exaggerated bank heights are likely a result of the Deep Loess soil materials and the lack of this quantity of flow prior to the stormwater features increasing flow through this drainage. The feature is stormwater driven and appears to flow only in result to rainfall events. The USGS maps show topographic relief in this area that suggests an ephemeral drainage, the features is not mapped as a stream in any of the queried map layers. This feature most specifically meets the (b)(3) ephemeral feature exclusion as well as the (b)(1) exclusion because it does not meet any (a) definitions. The ephemeral features flow into an tributary to Flat Creek, then Flat Creek, which flows in the Meramec River, a navigable water at this reach.

**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 Aerials: 2/19/1990, 3/29/1996, 2/28/2002, 4/19/2007, 2/24/2018, 7/13/2020](#)
- Corps site visit(s) conducted on: [3/3/2021](#)
- 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 3/8/2021](#)
- USFWS NWI maps: [FWS Wetlands & Riparian linked Google Earth layer, queried 3/8/2021](#)
- USGS topographic maps: [USGS Maxvill Quadrangle, 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="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">EPA sources (specify)</a>	<a href="#">WATERS Feature Layer, linked Google Earth layer, queried 3/8/2021; downstream tributaries area mapped waters with EPA regulated discharge features.</a>

**B. Typical year assessment(s):** [At the time of the site visit rainfall quantities were drier than the 30 year typical range, however, in the weeks proceeding was in the normal rainfall ranges. Overall, the 2-3 months proceeding were within the normal ranges of rainfall.](#)

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