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): 5/25/2021
ORM Number: MVS-2021-138
Associated JDs: N/A
Review Area Location[1]: State/Territory: MO City: Wright City County/Parish/Borough: Warren
Center Coordinates of Review Area: Latitude 38.839053 Longitude -91.038777

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)[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
Tributary B – Intermittent Length	80	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary B originates as an ephemeral feature, picking up stormwater and groundwater as it drains down gradient. It transitions into an intermittent tributary and then to a perennial tributary.
Tributary B – Perennial Length	450	linear feet	(a)(2) Perennial tributary contributes	Tributary B originates as an ephemeral feature picking up stormwater and groundwater as it drains

[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.

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.	down gradient. It transitions into an intermittent tributary and then to a perennial tributary.
Tributary C	360	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A perennial tributary that enters the site from the residential development along southern boundary and drains towards the north into Tributary D.
Tributary D	1,475	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A perennial, USGS blue line, tributary that receives flow form occurs the site to the northeast where it flows offsite into Indian Lake, an impoundment of Tributary D that provides perennial flows to downstream stream length for outlet.
Tributary E	460	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Upstream length support ephemeral flows as Stream E, before gaining intermittent flow as Tributary E and flows into Tributary D.
Tributary G	275	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A transitional tributary that originates at the northern property boundary as ephemeral Stream G and gains intermittent surface water flows before draining offsite at the eastern property boundary.
Tributary I	545	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	A perennial tributary that originates as a concrete channel within a residential yard along western property boundary (possibly downstream outlet of piped length of Stream & Tributary B). Supports perennial surface water flows downstream into Tributary D.
Tributary J	120	linear feet	(a)(2) Intermittent tributary contributes	A narrow and shallow tributary that drains from a pond (A) at Wetland C and supports intermittent

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.	surface water flow through its length and downstream into Tributary I.
Tributary L	255	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The tributary originates off-site and enters the site along eastern property boundary. Through its length perennial flow is supported and flows into Wetland D and then into Tributary D.

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
Pond B	0.58	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland C - Emergent	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Emergent fringe portion of a wetland complex that includes Pond B and the forested portion of Wetland C. These features directly abut an (a)(2) water, Tributary J.
Wetland C - Forested	0.08	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Forested wetland portion of a wetland complex that includes Pond B and the emergent portion of Wetland C. These features directly abut an (a)(2) water, Tributary J.
Wetland D - Forested	0.12	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A wetland complex that also includes the forested portion of Wetland D that are directly along (a)(2) water, Tributary D, as it flows into Indian Lake.
Wetland D - Emergent	0.21	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A wetland complex that also includes the emergent portion of Wetland D that are directly along (a)(2) water, Tributary D, as it flows into Indian Lake
Wetland E - Emergent	0.01	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	A wetland that is separated from an (a)(2) water, Tributary I, by only a natural berm.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Stream A	20	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	A shallow and narrow ephemeral stream draining from Wetland B and into Tributary B to the east.
Stream B	175	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	A transitional tributary that originates on the southeast corner of the site at a headcut. It drains off site through a residential concrete pipe and discharges back on site into Tributary C. The stream length transitions from ephemeral at origin to intermittent and perennial lengths, referred to as Tributary B.
Stream E	255	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Originates as an ephemeral stream as a headcut, north of Tributary D. Downcutting and erosion along stream length.
Stream F	45	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	A narrow and shallow ephemeral stream that originates just outside of the northern property boundary and drains east into Tributary G.
Stream G	480	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	A transitional tributary that originates at the northern property boundary and drains offsite to the eastern property boundary.
Stream H	70	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	A narrow and shallow ephemeral stream that originates as a headcut along the eastern property boundary and drains into Indian Lake, an impoundment of Tributary D.
Stream K	235	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	A narrow ephemeral stream with steep banks that originates as a headcut along western property boundary and support flows only after rain events downstream into Tributary D.
Wetland A	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland fringe along Pond A, an excluded lake/pond aquatic resource, in the southern portion of the site that ultimately drains to Stream B.

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Pond A	0.01	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	An open water pond feature, likely an old farm and stock pond, that does not impound a jurisdictional tributary nor was created in an adjacent wetland. The pond feature provides only ephemeral flow connection to excluded ephemeral Stream A and does not contribute intermittent or perennial surface water flow to an (a)(1)-(a)(3) water in a typical year.
Wetland B	0.01	acre(s)	(b)(1) Non-adjacent wetland.	A depressional wetland along excluded ephemeral Stream A that does not have the direct or indirect surface water connection to an (a)(1)-(a)(3) water in a typical year.
Wetland E	0.01	acre(s)	(b)(1) Non-adjacent wetland.	A depressional wetland that does not have the direct or indirect surface water connection to an (a)(1)-(a)(3) water in a typical year.

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: Wright City Park – Wetland and Waterbody Delineation Report and Section 404/401 Permit Application, February 2021.
This information is 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 and Other: Title(s) and/or date(s).

☒ Corps site visit(s) conducted on: 3/26/2021

☐ 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: USDA Web Soil Survey - 2021

☒ USFWS NWI maps: USFWS Wetland Mapper - 2021

☒ USGS topographic maps: USGS Wright City Quadrangle - 1985

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 was preformed by the consultant on May 1, 2020 and according to the Anteceedent Precipitation Tool was during a seasonally wet time of year but within overall normal rainfall conditions. The week proceeding the site delineation there was 2.6 inches of rainfall and had also rained the day prior to the site visit and this was incorporated into consideration of ephemeral features that still had shallow pools in some ephemeral features. The Corps visited the site with the consultant on March 26, 2021 to observe site conditions was also completed during the wet season of the year but overall within normal rainfall conditions for that time of year.

C. Additional comments to support AJD: All of the aquatic resources on site drain to the west, ultimately to Tributary D, that is impounded by a residential lake impoundment immediately to the northeast of the site. The lake impoundment contributes perennial surface flows downstream as the tributary continues as a stream down gradient to Big Creek, which flows into the Cuivre River, and then the (a)(1) navigable Mississippi River.