



**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): 3/29/2021
 ORM Number: MVS-2021-145 Francis Howell North High School Athletics Field Reconstruction
 Associated JDs: NA
 Review Area Location¹: State/Territory: MO City: St. Peters County/Parish/Borough: St. Charles
 Center Coordinates of Review Area: Latitude 38.762447 Longitude -90.562276

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 A - Intermittent	320	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary A contributes intermittent surface flow with the influence of semi-permanent groundwater inputs. The tributary is preceded upstream by ephemeral Streams A & B which collectively drain a watershed area of 45 acres. Tributary A flows downstream, and along an emergent wetland, then becomes a perennial length which ultimately flows into Spencer Creek, then into Dardenne Creek, and then into the (a)(1) Mississippi River.
Tributary A - Perennial	310	linear feet	(a)(2) Perennial tributary	Tributary A contributes perennial surface water flow and receives groundwater flow. The tributary is

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.



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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	preceded upstream by ephemeral Streams A & B and its intermittent length. Within the review area Tributary A flows through a culvert and just outside of the review area is impounded by a small lake, but jurisdiction is not severed as the stream contributes year round flow through the culvert and lake, downstream into Spencer Creek, then into Dardenne Creek, and then into the (a)(1) 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
Wetland A - PEM	0.42 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A depressional palustrine emergent (PEM) wetland located within the southern portion of the project site. The wetland lays at the lowest point in the landscape collecting surface runoff from the adjacent uplands. Wetland A abuts Tributary A, a (a)(2) water, and mets the definition of an (a)(4) – adjacent wetland under the NWPR.
Wetland B - PFO	0.43 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	A palustrine forested (PFO) wetland feature located along the southern boundary of the project site. The wetland abuts Tributary A on its northern boundary and abuts an off-site UNT to Spencer Creek on its southern extent. Wetland B abuts two jurisdictional WOTUS and would likely be categorized as an (a)(4) – adjacent wetland under the NWPR.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Streams A & B	135 & 145 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral drainageways located high in the watershed of Spencer Creek. Stream A & B: Two ephemeral upper, erosional, reaches of Tributary A which provide flow following rainfall events. These ephemeral features drain uplands areas within a developed landscape. Stream B originates at stormwater culvert discharge

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.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				location and joins Stream A, which at that point gains intermittent flow and becomes an (a)(2) waters.
Streams C	385	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral drainageways located high in the watershed of Spencer Creek. Stream C: The stream originates on site within a forested corridor at the property's northwestern extent. The stream drains in a westerly direction and then off site through a culvert under McClay Valley Boulevard, and into Laurel Park. The stream contributes flow directly in response to snow and rainfall events.
Wetland C - PFO	0.20	acre(s)	(b)(1) Non-adjacent wetland.	Isolated depressional wetland that does not abut or lay adjacent to a WOTUS. A depressional PFO wetland feature located along the northern boundary of the project site. The wetland receives stormwater from a culvert discharge at its southern extent. Water was pooled on the outfall of the culvert and within the wetland. The wetland lays at the toe of a slope and did not appear to lay adjacent to any other jurisdictional WOTUS. Wetland C would likely be categorized as an excluded (b)(1) –non-adjacent wetland under the NWPR. Ultimately drains to Cole Creek watershed.
Wetland D - PSS	0.21	acre(s)	(b)(1) Non-adjacent wetland.	A depressional palustrine scrub-shrub (PSS) wetland feature located along the northwestern boundary of the project site. The wetland lays low in the landscape and receives overland flow after storm events. The wetland is in proximity to the excluded Stream C which does not provide jurisdictional connection. As the wetlands does not lay adjacent to any other jurisdictional WOTUS it is categorized as an excluded (b)(1) –non-adjacent wetland under the NWPR. Ultimately drains into Stream C in the Spencer Creek watershed.

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 AJD Request – FHNHS, Feb 2021](#)

This information is sufficient for purposes of this AJD.



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Rationale: Adequate documentation of waters reflected in report submitted.

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial and Other: Appendix A & Figures, Wetland and Waterbody Delineation Report and AJD Request – FHNHS, Feb 2021.
- 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: USDA Web Soil Survey 2021
- USFWS NWI maps: USFWS Wetlands Mapper 2021
- USGS topographic maps: Kampville Quadrangle, 1:24,000 scale, years 1994, 1994, 2012, 2015, 2017

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.
Other state/local data (specify) - AgACIS	30 year rainfall data was used to calculate the antecedent precipitation and found that the site was within normal rainfall conditions in the three months preceding the site visit.
Other state/local data (specify) – Drought Monitor	The St. Charles County, Missouri drought map was reviewed and indicated that St. Charles County was not experience drought conditions at the time of the site delineation.
FEMA/FIRM maps	The Flood Insurance Rate Map panel maps, January 20, 2016, did not show any special flood hazard areas.
Other information (specify)	KMOSTCHA60 recorded 0.27 inches of rainfall was recorded in the week prior to the site delineation

B. Typical year assessment(s): The consultant reviewed several resources to evaluate and characterize the typical year conditions at the time of their site visit/delineation on February 12, 2021. An evaluation of the rainfall quantities in the three months preceding the site visit found that rainfall quantities had been within their normal range. This finding was supported by the analysis of other resources as well. The site was delineated within typical year conditions but within a timeframe outside of the growing season within a normally dryer period throughout the year.

C. Additional comments to support AJD: N/A