



**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): 7/13/2021

ORM Number: MVS-2021-340

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Missouri City: Potosi County/Parish/Borough: Washington

Center Coordinates of Review Area: Latitude 37.9367 Longitude -90.8797

**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
Little Fourche a Renault	4168	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Channel had no water flowing on the surface, with minimum bed/bank features observed due to cobble accumulation. It appears to only have surface flow during precipitation events.
Unnamed Tributary	3338	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Channel had no water flowing on the surface, with minimum bed/bank features observed due to cobble accumulation. It appears to only have surface flow during precipitation events.

**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: [Proposed pond waterline](#)  
This information is and is not sufficient for purposes of this AJD.  
Rationale: [Project area identified via submittal. Supplementary information needed \(see below\)](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Historic aerials & site visit photos](#)
- Corps site visit(s) conducted on: [July 7, 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: [Washington County](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Potosi Quad](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Stream stats</a>	<a href="#">Watershed size calculation</a>
<a href="#">USDA NRCS WETS tables</a>	<a href="#">APT analysis</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">Other USACE data (specify)</a>	<a href="#">Regulatory Viewer layers</a>
<a href="#">LiDAR data/maps</a>	<a href="#">Via Regulatory Viewer</a>
<a href="#">Other information (specify)</a>	<a href="#">USGS geology data</a>

**B. Typical year assessment(s):** [Site visit was conducted during the dry season, but had experienced normal precipitation for the year, therefore typical conditions were observed during the visit. Additionally, no evidence of previous high water events was observed outside of the channel.](#)

<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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**C. Additional comments to support AJD:** From the proposed location of the levee, the site has approximately 460 acres of watershed. The soils are Sonsac Series very cobbly silt loam with a drainage class of well drained. The entirety of the watershed is forested.

The bedrock in the review area is typically highly weathered into clay with chert nodules and drusy quartz (Eminence Dolomite), so it's fairly permeable despite the clay. The stream is likely fed intermittently through springs that seep through the weathered rocky/soil layer or bedrock joints near the bottom of the valley walls, depending on the season and climate conditions. There may be some run-off that feeds the stream during rain, but not enough for the stream to exhibit surface flow outside of precipitation events.