



**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): 7/26/2021

ORM Number: MVS-2021-352

Associated JDs: N/A

Review Area Location¹: State/Territory: Illinois City: O'Fallon County/Parish/Borough: St. Clair

Center Coordinates of Review Area: Latitude 38.5712° Longitude -89.8546°

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
- 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.

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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	976	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
Emergent Wetland 1	0.70 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The emergent wetland was identified as abutting an intermittent tributary ((a)(2) water) east of the review area.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A

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: [On-Site Soils Wetland Investigation Report dated June 2, 2021](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Complete delineation report with exhibits and site photographs – Site visit warranted to evaluate wetland connection and adjacency to an \(a\)\(2\) water.](#)

- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Aerial and Other: Historic Aerials, USDA NAIP Imagery, Google Earth](#)
- Corps site visit(s) conducted on: [July 6, 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [St Clair County, Illinois](#)
- USFWS NWI maps: [1980's; 1:58,000 scale; Color Infrared Source – R4SBC Mapped in Review Area](#)
- USGS topographic maps: [Lebanon, IL Quads; 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	USGS topoView; 1:24,000 Scale
USDA Sources	USDA NRCS Web Soil Survey – St Clair County, Illinois
NOAA Sources	N/A.
USACE Sources	District Regulatory Viewer
State/Local/Tribal Sources	ILHMP: LiDAR Data
Other Sources	USGS NHD Data

B. Typical year assessment(s): [The Antecedent Precipitation Tool \(APT\) was used to assess conditions for multiple documented site visits compared to 30 years of data in NOAA's Daily Global Historical Climatology Network. Normal Conditions \(Wet Season\) were present during the delineation field efforts on May 10, 2021. The Corps performed a site visit on 7-6-21. At that time, Normal Conditions \(Dry Season\) were present. The APT conditions and the presence of pooled and flowing water during both of the site visits supports the \(a\)\(2\) determination for the intermittent tributary adjacent to Emergent Wetland 1, outside of the review area.](#)

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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C. Additional comments to support AJD: A noticeable channel has been present east (downslope) of the emergent wetland in question since the mid 40's at least, and it started being mapped as a USGS blue line stream in the early 1990's. That, and the fact that water was both pooled and flowing during the site evaluations supports an intermittent flow regime for the tributary. The surrounding soils are noted as being loess over ground moraines, so ground water influence is highly likely as it moves laterally between the parent materials and across the landscape.