



**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): 2/17/2021

ORM Number: MVS-2021-56

Associated JDs: N/A

Review Area Location¹: State/Territory: Missouri City: Warrenton County/Parish/Borough: Warrenton

Center Coordinates of Review Area: Latitude 38.9226 Longitude -91.1515

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
Stream 3	2608.4	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 3 is located within a 339-acre watershed drainage basin within the project area and flows into Dry Creek, which flows into Big Creek, a tributary to the Cuivre River, a tributary to the Mississippi river.
Stream 7	3,938.8	linear feet	(a)(2) Intermittent tributary	Stream 7 is located within a 544-acre watershed drainage basin within the project area and flows into

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.	Dry Creek, which flows into Big Creek, a tributary to the Cuivre River, a tributary to the Mississippi river.
Stream 11	633.6	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 11 is located within a 435-acre watershed drainage basin within the project area and flows into Dry Creek, which flows into Big Creek, a tributary to the Cuivre River, a tributary to the Mississippi river.
Stream 14	123.4	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 14 is located within a 154-acre watershed drainage basin within the project area and flows into Dry Creek, which flows into the Salt river, a tributary to the Mississippi river.
Stream 16	1,150.8	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 16 is located within a 634-acre watershed drainage basin within the project area and flows into Dry Creek, which flows into the Salt river, a tributary to the 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.	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.	N/A.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	.01	acre(s)	(b)(1) Non-adjacent wetland.	Isolated wetland that does not meet the (a)(4) criteria as waters of the US.
Wetland 2	.04	acre(s)	(b)(1) Non-adjacent wetland.	Isolated wetland that does not meet the (a)(4) criteria as waters of the US.
Wetland 3	.01	acre(s)	(b)(1) Non-adjacent wetland.	Isolated wetland that does not meet the (a)(4) criteria as waters of the US.
Wetland 4	.02	acre(s)	(b)(1) Non-adjacent wetland.	Isolated wetland that does not meet the (a)(4) criteria as waters of the US.
Wetland 5	.76	acre(s)	(b)(6) Prior converted cropland.	Wetland located within an agricultural cropland field.
Wetland 6	.91	acre(s)	(b)(6) Prior converted cropland.	This wetland is isolated and located within an agricultural cropland field.
Wetland 7	.55	acre(s)	(b)(1) Non-adjacent wetland.	Isolated wetland that does not meet the (a)(4) criteria as waters of the US.
Wetland 8	1.58	acre(s)	(b)(1) Non-adjacent wetland.	Isolated wetland that does not meet the (a)(4) criteria as waters of the US.
Wetland 9	.37	acre(s)	(b)(6) Prior converted cropland.	This wetland is located within an agricultural cropland field and currently farmed.
Stream 1	425.6	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Swale feature located between agricultural fields.
Stream 2	666.2	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Watershed size 90 acres conveys surface water in direct response to precipitation only.
Stream 4	680	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 5	381.6	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 6	572.9	linear feet	(b)(3) Ephemeral feature, including	Conveys surface water in direct response to precipitation only.

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
			an ephemeral stream, swale, gully, rill, or pool.	
Stream 8	102.0	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 9	282.8	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 10	1,125.0	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 12	71.2	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 13	387.6	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 15	535.4	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 17	677.9	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 18	515.6	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Conveys surface water in direct response to precipitation only.
Stream 19	328.2	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Conveys surface water in direct response to precipitation only.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			stream, swale, gully, rill, or pool.	
Open Water Feature 1	1.04	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Abandoned farm stock pond, excavated in uplands. Not an impoundment of jurisdictional waters.
Open Water Feature 2	.04	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond excavated in uplands.
Open Water Feature 3	.06	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond excavated in uplands, adjacent to road ditch.
Open Water Feature 4	0.1	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as	Pond excavated in uplands. Not an impoundment of jurisdictional waters.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
Open Water Feature 5	0.45	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond excavated in uplands. Not an impoundment of jurisdictional waters.
Open Water Feature 6	0.59	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond excavated in uplands. Not an impoundment of jurisdictional waters.
Open Water Feature 7	0.06	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Pond excavated in uplands. Not an impoundment of jurisdictional waters.
N/A.	N/A.	acre(s)	N/A.	

III. SUPPORTING INFORMATION



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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, 1/11/21.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Wetland delineation photos and maps, 1/15/21, Google Earth 2/9/21.](#)

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: [SURRGO websoils, 2/11/21.](#)

USFWS NWI maps: [Regulatory Viewer NWI layer, 2/11/21.](#)

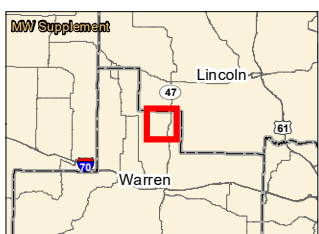
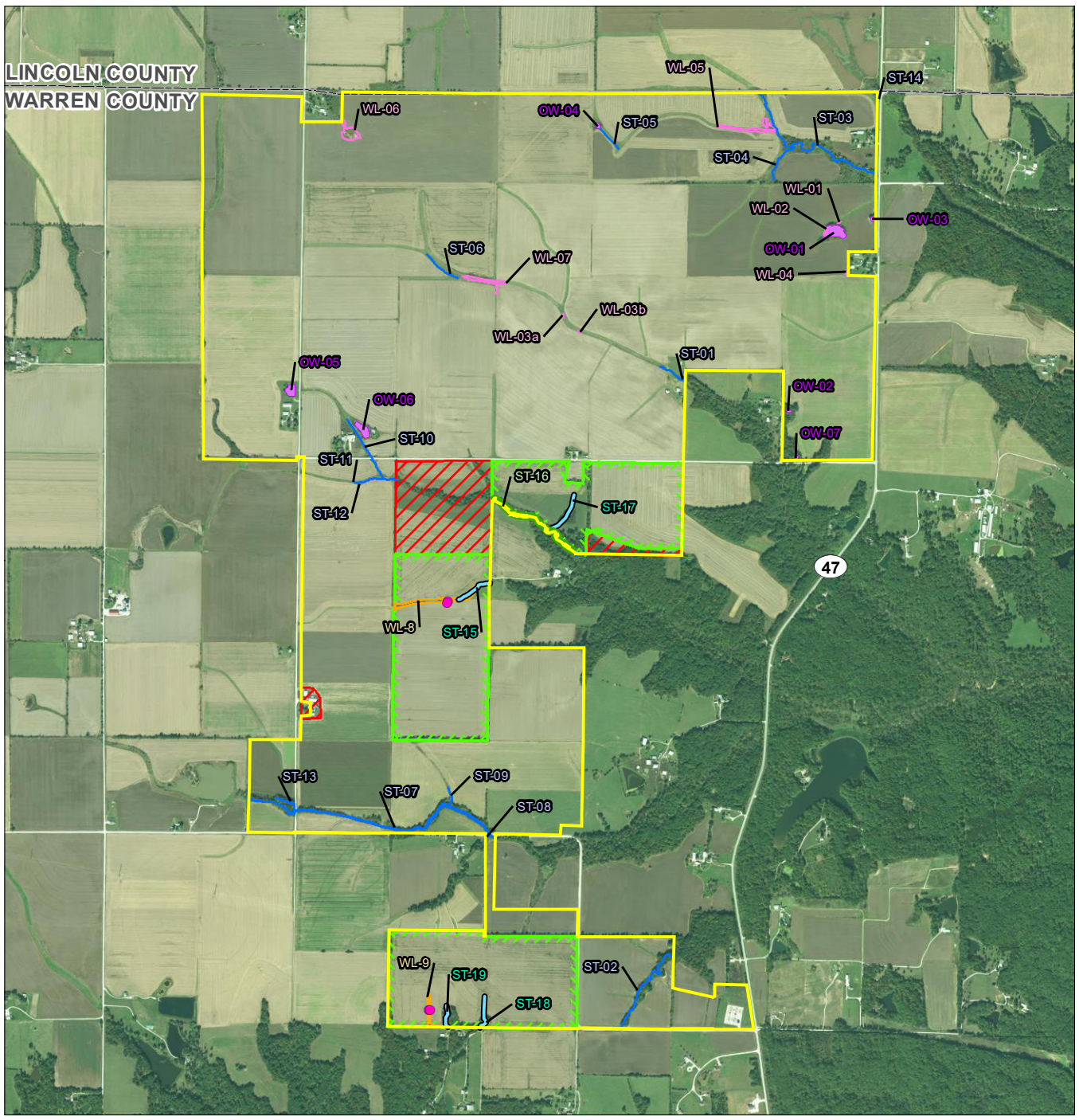
USGS topographic maps: [Regulatory Viewer, USGS Topo layer 2/11/21; USGS 1937 Historic Topo, 2/11/21.](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Stream stats	Stream stats website application, 2/11/21.
Other USGS data (specify)	https://www.historicaerials.com/ , 2/11/21.
USDA Sources	N/A.
NOAA Sources	N/A.
Other USACE data (specify)	St. Louis District Regulatory Viewer and layers, 2/11/21.
LiDAR data/maps	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [Antecedent Precipitation Tool was utilized to compare wetland and stream determination data forms to typical rainfall received within the project area for the date when data was collected. Normal conditions existed on 10/17/20 when wetland areas were sampled. Presence or absence of surface water within wetland and stream areas supported determinations.](#)

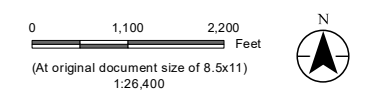
C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)



Notes

1. Coordinate System: NAD 1983 StatePlane Missouri East FIPS 2401 Feet
2. Data Sources: Stantec, Blue Bird, LLC, USGS, NADS
3. Background: NAIP 2019

- Legend**
- Approximate Project Boundary
 - 2020 Survey Area
 - Exclusion Area
 - 2020 Sample Point
 - Previously Delineated Wetland
 - 2020 Field Delineated Wetland
 - Cowardin Classification**
 - PEM
 - Previously Delineated Waterway
 - Previously Delineated Open Water
 - 2020 Field Delineated Waterway**
 - Flow Class**
 - Ephemeral
 - Intermittent
 - Perennial*



Project Location
Warren Co., MO

Prepared by RA on 2020-10-28
TR by JH on 2020-10-28
IR by HR on 2020-11-19

Client/Project
Blue Bird Solar, LLC
Solar Permitting

193708011

Figure No.
3-1

Title
Field Collected Data

*No features within data frame

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