

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 20211215

B. ST LOUIS, MO DISTRICT OFFICE, FILE NAME, AND NUMBER: MVS-2021-597

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: MO County/parish/borough: St. Charles City: Wentzville

Center coordinates of site (lat/long in degree decimal format): Lat. 38.7571° N, Long. -90.8318° W. Universal

Transverse Mercator: 15

Name of nearest waterbody: Dardenne Creek

Name of watershed or Hydrologic Unit Code (HUC): 07110009

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 2021212

Field Determination. Date(s): 20211130, 20211213

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

1. Waters of the U.S.: N/A

2. Non-regulated waters/wetlands (check if applicable):¹

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: **The review area contains a total of 6 non-regulated waters/wetlands, see additional comments below.**

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A

C. SIGNIFICANT NEXUS DETERMINATION: N/A

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

¹ Supporting documentation is presented in Section III.F.

Pond A (.96-acre), Pond B (.90-acre), and Pond C (.04-acre) were artificially constructed farm stock ponds, with no hydrologic connection to Waters of the United States. No evidence of a spillway nor overflow pipes were noted within or near the pond dam structures.

Drainage Feature A (1190 ft) and B (491 ft) are characterized as swales and lack stream characteristics, such as, a defined bed/bank/channel, ordinary high water mark, vegetational shelving, and surface water flow evidence. The swales also contained various sized woody debris that was undisturbed and lying within swale locations, indicating lack of channelized stream flows.