



**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): 3/26/2021

ORM Number: MVS-2021-73

Associated JDs: N/A

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

Center Coordinates of Review Area: Latitude 39.2670 Longitude -91.5075

**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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
STR- 1	4,756	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1 is part of a 653 acre watershed within the project area. Stream 1 flows into Hickory Creek, which flows into the Cuivre River, a primary tributary to the Mississippi River, an (a)(1) water.

<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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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
WET- 01	5.67	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland directly abuts an (a)(2) water.
WET- 02	5.80	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland directly abuts an (a)(2) water.

**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
STR- 2	546	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral drainage between crop fields.
STR- 3	7,603	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Constructed roadside ditch.
STR- 4	563	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral drainage between crop fields.
STR- 5	550	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral drainage between crop fields.
STR- 6	814	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Ephemeral drainage between crop fields.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	
STR- 7	2,245	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Constructed roadside ditch.
STR- 8	103	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral drainage between crop fields.
STR- 9	1,125	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Constructed roadside ditch.
WET-03	.1	acre(s)	(b)(6) Prior converted cropland.	Swale located within crop field terrace system.
WET-04	.4	acre(s)	(b)(6) Prior converted cropland.	Swale located within crop field terrace system.
WET-05	.3	acre(s)	(b)(6) Prior converted cropland.	Swale located within crop field terrace system.
WET-06	.1	acre(s)	(b)(6) Prior converted cropland.	Swale located within crop field terrace system.
OW-01	12.5	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake	Excavated and constructed in uplands.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
OW-02	.5	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).  Excavated and constructed in uplands.

**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: [Waters of US Delineation/Wood/2/1/21](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Aerial Imagery 3/24/21 and Delineation Photographic Log 3/24/21.](#)
- 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 Database; 3/24/21](#)
- USFWS NWI maps: [St. Louis Regulatory GIS Viewer; 3/24/21](#)
- USGS topographic maps: [St. Louis Regulatory GIS Viewer; 3/24/21](#)

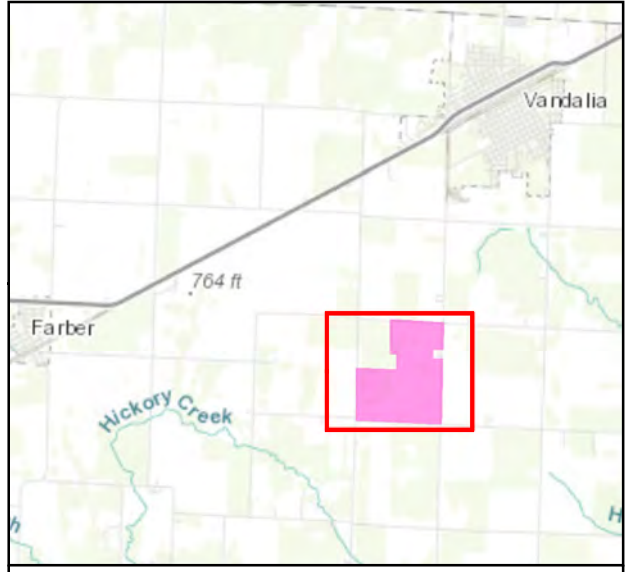
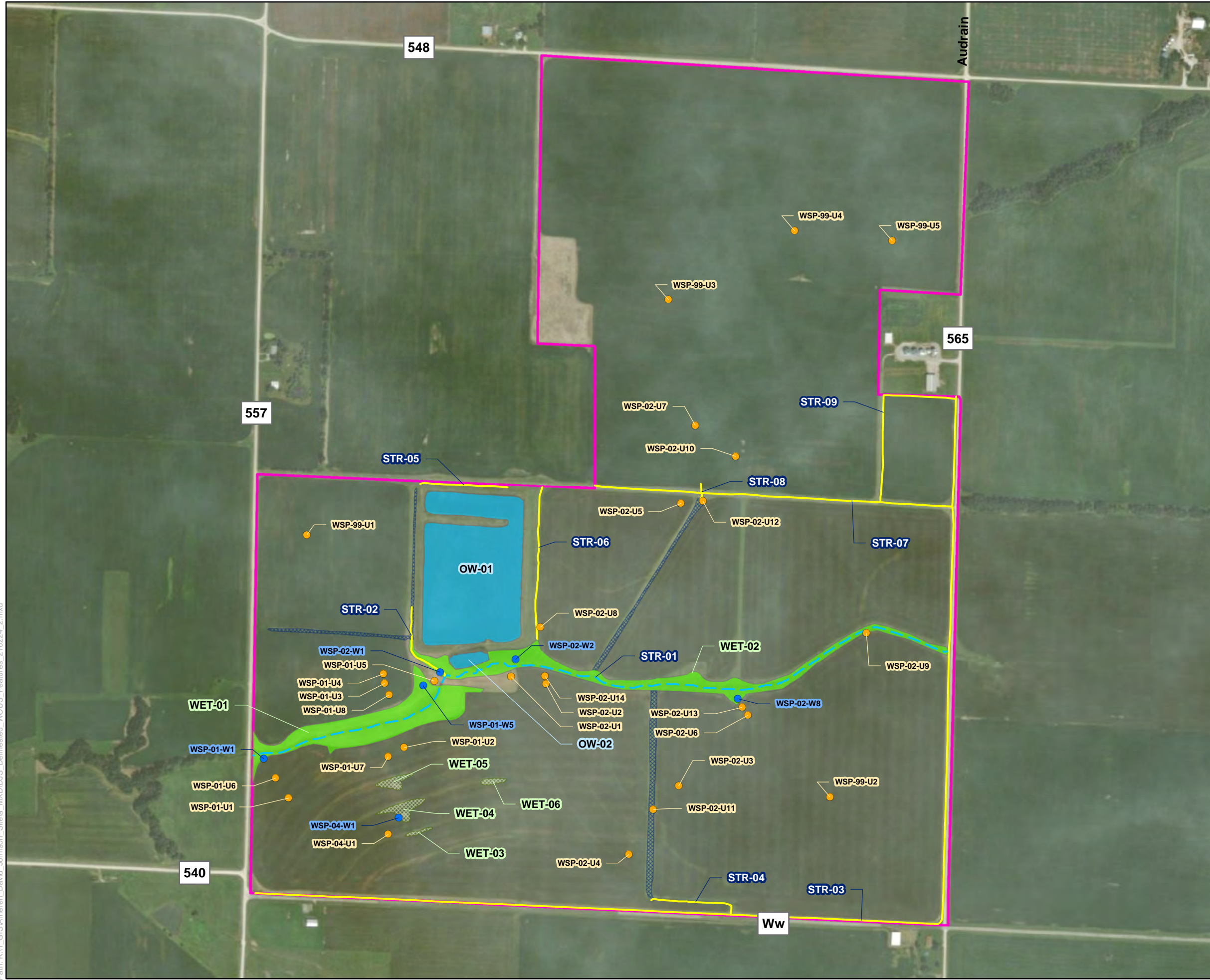
**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="https://ngmdb.usgs.gov/topoview/">https://ngmdb.usgs.gov/topoview/</a>
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	<a href="#">St. Louis Regulatory Viewer all applicable GIS layers</a>
State/Local/Tribal Sources	N/A.
Other Sources	<a href="https://www.historicaerials.com/">https://www.historicaerials.com/</a>



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- B. Typical year assessment(s):** The APT tool was utilized to determine normal site conditions for the 11/10/20, when field work was conducted by WOOD, in support of the submitted wetland delineation. Drier than normal conditions existed on 11/10/20 based upon the APT output. This APT output determination was taken into consideration when reviewing the submitted waters of US delineation and findings. Observed on-site conditions, wetland data sheets and photographic log, documented and recorded by WOOD, when compared to the APT output for 11/10/20 in regards to daily rainfall amounts vs 30-year normal range, were supported by the submitted waters of US determinations.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.



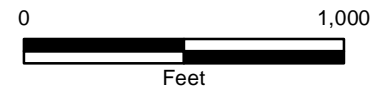
Area of Detail

**Legend**

David Johnson Site

**Delineated Features**

- |  |  |
|--|--|
| <b>Sample Point</b>                                  | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightgreen;"></span> Emergent Wetland |
| <span style="color: orange;">●</span> Upland         | <span style="display: inline-block; width: 15px; height: 10px; background-color: lightblue;"></span> Open Water        |
| <span style="color: blue;">●</span> Wetland          | <span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed green;"></span> Wetland Swale        |
| <b>Stream</b>  | <span style="display: inline-block; width: 15px; height: 10px; border: 1px solid blue;"></span> Ditch                  |
| <span style="color: blue;">- - -</span> Intermittent |  |
| <span style="color: yellow;">- - -</span> Ephemeral  |  |



**Figure 1.  
Delineated WOUS  
Features Map**

	<b>Ameren</b> David Johnson Site
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Job No. 325220205  
 Drawn By: BSM  
 Reviewed By: SJM  
 Date: 2/24/2021



The map shown here has been created with all due and reasonable care and is strictly for use with Wood Projects. This map has not been certified by a licensed land surveyor, and any third party use of this map comes without warranties of any kind. Wood assumes no liability, direct or indirect, whatsoever for any such third party or unintended use.

Path: K:\Ameren\_David\_Johnson\_Site\MXD\DJ\_S\_Delineated\_WOUS\_Features\_210224\_2.mxd