



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. LOUIS DISTRICT
1222 SPRUCE STREET
ST. LOUIS, MISSOURI 63103-2833

18 January 2024

Regulatory Branch
File Number: MVS-2023-176



Dear [REDACTED]

This letter is regarding an approved jurisdictional determination for the project known as Bloomfield West Cobalt Mine Tailings Basins Construction. The proposal involves the construction of two mine tailings impoundments/basins and stream relocation activities within a 260-acre area. The project is located in Sections 21, Township 33 North, Range 7 East, in Madison County, Missouri. Approximate geographic coordinates for the site are 37.526726°, -90.281423°.

For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA), and the definition of "waters of the United States" found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett*, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction. This AJD did not rely on the 2023 "Revised Definition of 'Waters of the United States,'" as amended on 8 September 2023 (Amended 2023 Rule) because, as of the date of this decision, the Amended 2023 Rule is not applicable in this state (Missouri) due to litigation. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

The features included in this approved jurisdictional determination are:

- Non-Jurisdictional: Upland Drainage 1 (Stream 1A in delineation), Feature 1, Stream 2B, Upland Drainage 3 (Stream 3B in delineation), Stream 3 (Stream 3B in delineation), Stream 4 (Tollar Branch), Stream 5, Stream 5A, Stream 5B, Stream 5C, Stream 5D
- Jurisdictional 404 Waters of the United States: Stream 1, Stream 2, and Stream 2A

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the boundary in response

to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five-year period provided you submit a written request, and our staff are able to verify that the limits established during the original determination are still accurate.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center, prior to starting work.

This review is applicable only to the permit program administered by the Corps of Engineers. It does not eliminate the need to obtain other Federal, state, or local approvals before beginning work and any modification that includes impacts to potential waters may require subsequent review and authorization from this office.

If you have any questions, please contact me in our office at ([REDACTED]) [REDACTED]. In any correspondence or inquiries, please refer to the File Number **MVS-2023-176**. The St. Louis District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to go to our Customer Service Survey found on our web site at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Sincerely,

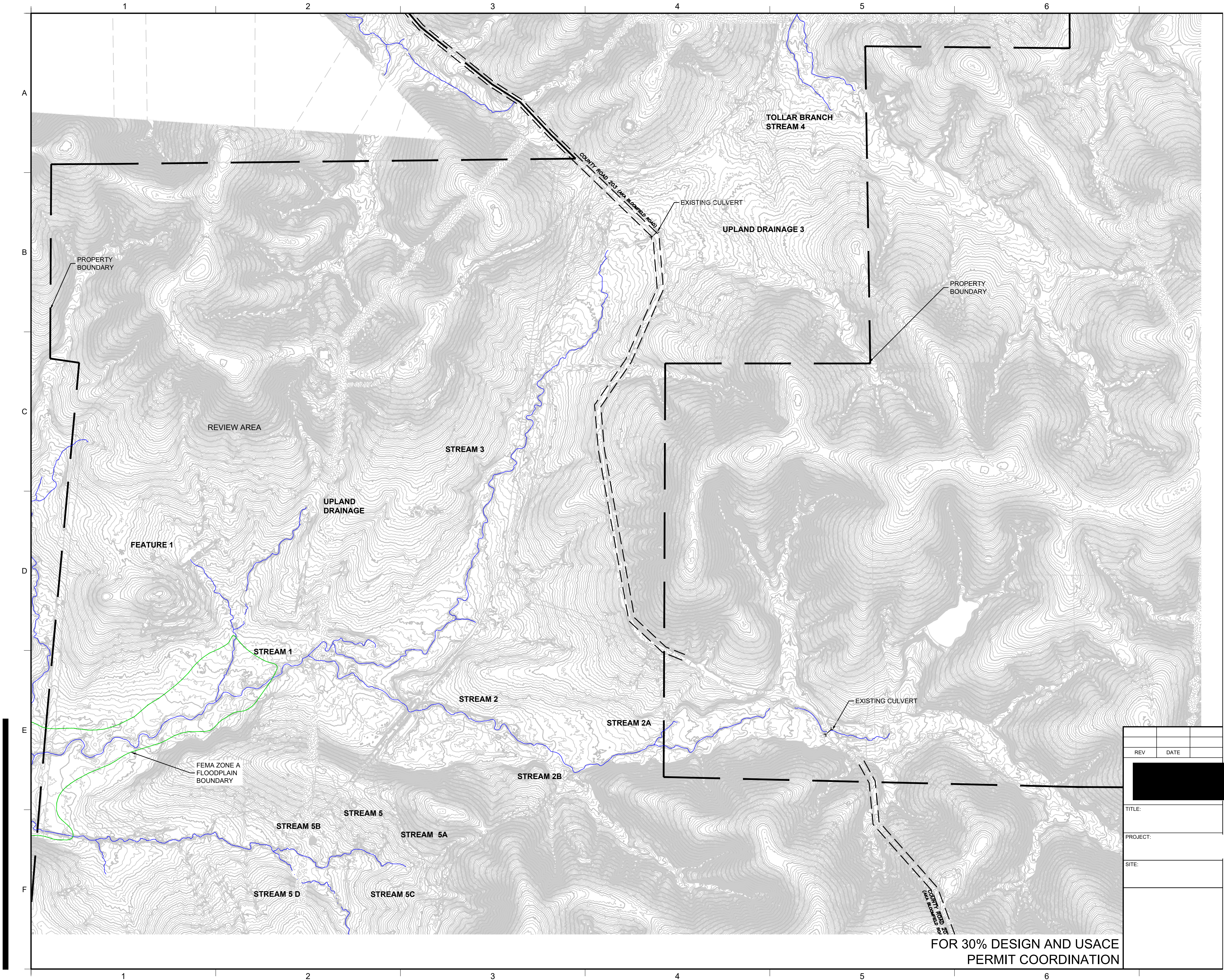
[REDACTED]

Project Manager
Regulatory Branch

Enclosures

Copy Furnished:

[REDACTED]



FOR 30% DESIGN AND USACE
PERMIT COORDINATION

REV	DATE	
[Redacted]		
TITLE:		
PROJECT:		
SITE:		
[Redacted]		