



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

CEMVS-RD

March 18, 2026

MEMORANDUM FOR RECORD

SUBJECT: US Army Corps of Engineers (Corps) Approved Jurisdictional Determination in accordance with the "Revised Definition of 'Waters of the United States'"; (88 FR 3004 (January 18, 2023) as amended by the "Revised Definition of 'Waters of the United States'; Conforming" (8 September 2023),¹ MVS-2026-00161.

BACKGROUND. An Approved Jurisdictional Determination (AJD) is a Corps document stating the presence or absence of waters of the United States on a parcel or a written statement and map identifying the limits of waters of the United States on a parcel. AJDs are clearly designated appealable actions and will include a basis of JD with the document.² AJDs are case-specific and are typically made in response to a request. AJDs are valid for a period of five years unless new information warrants revision of the determination before the expiration date or a District Engineer has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.³

On January 18, 2023, the Environmental Protection Agency (EPA) and the Department of the Army ("the agencies") published the "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule"). On September 8, 2023, the agencies published the "Revised Definition of 'Waters of the United States'; Conforming", which amended the 2023 Rule to conform to the 2023 Supreme Court decision in *Sackett v. EPA*, 598 U.S., 143 S. Ct. 1322 (2023) ("*Sackett*").

This Memorandum for Record (MFR) constitutes the basis of jurisdiction for a Corps AJD as defined in 33 CFR §331.2. For the purposes of this AJD, we have relied on Section 10 of the Rivers and Harbors Act of 1899 (RHA),⁴ the 2023 Rule as amended, as well as other applicable guidance, relevant case law, and longstanding practice in evaluating jurisdiction.

¹ While the Revised Definition of "Waters of the United States"; Conforming had no effect on some categories of waters covered under the CWA, and no effect on any waters covered under RHA, all categories are included in this Memorandum for Record for efficiency.

² 33 CFR 331.2.

³ Regulatory Guidance Letter 05-02.

⁴ USACE has authority under both Section 9 and Section 10 of the Rivers and Harbors Act of 1899 but for convenience, in this MFR, jurisdiction under RHA will be referred to as Section 10.

1. SUMMARY OF CONCLUSIONS.

- a. Provide a list of each individual feature within the review area and the jurisdictional status of each one (i.e., identify whether each feature is/is not a water of the United States and/or a navigable water of the United States).

Wetland ID	Wetland Type	Area of Wetland Delineated (acre)	Jurisdictional Status
W-1	PFO	0.027	Non-jurisdictional
W-2	PFO	0.100	Non-jurisdictional
W-3	PEM	0.594	Non-jurisdictional
W-4 a	PFO	0.103	Non-jurisdictional
W-4 b	PEM	0.849	Non-jurisdictional
W-4 c	PFO	0.093	Non-jurisdictional
W-5 a	PFO	0.188	Non-jurisdictional
W-5 b	PFO	0.053	Non-jurisdictional
W-6	PFO	0.011	Non-jurisdictional
W-7	PEM	0.013	Non-jurisdictional
W-8	PFO	0.049	Non-jurisdictional
W-9	PEM	0.005	Non-jurisdictional
W-10	PEM	1.282	Non-jurisdictional
W-11	PEM	0.113	Non-jurisdictional
TOTAL:		3.48	

Stream ID	Stream Type	Length of Stream Delineated (feet)	Stream Width at OHWM ^a (feet)	Jurisdictional Status
S-1 (a & b)	RPW	999	3	Jurisdictional
S-2	Non-RPW	102	1.5	Non-jurisdictional
TOTAL:		1,101		

Open Water ID	Open Water Type	Area of Wetland Delineated (acre)	Jurisdictional Status
OW-1	PUB	0.29	Non-jurisdictional
OW-2	PUB	0.14	Non-jurisdictional
OW-3	PUB	0.06	Non-jurisdictional
OW-4	PUB	0.14	Non-jurisdictional
OW-5	PUB	0.49	Non-jurisdictional
OW-6	PUB	2.30	Non-jurisdictional
OW-7	PUB	1.27	Non-jurisdictional
OW-8	PUB	0.45	Non-jurisdictional
TOTAL:		5.14	

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SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [MVS-2026-00161](#)

2. REFERENCES.

- a. "Revised Definition of 'Waters of the United States,'" 88 FR 3004 (January 18, 2023) ("2023 Rule")
 - b. "Revised Definition of 'Waters of the United States'; Conforming" 88 FR 61964 (September 8, 2023)
 - c. *Sackett v. EPA*, 598 U.S. 651, 143 S. Ct. 1322 (2023)
 - d. Memorandum To The Field Between The U.S. Department Of The Army, U.S. Army Corps Of Engineers And The U.S. Environmental Protection Agency Concerning The Proper Implementation Of 'Continuous Surface Connection' Under The Definition Of "Waters Of The United States" Under The Clean Water Act" (March 12, 2025).
3. REVIEW AREA. The review area is approximately 263 acres in size and consists primarily of agricultural and forested lands in St. Clair County, Illinois. The geographic coordinates for the site are Latitude 38.5191°, Longitude -90.1765°.
 4. NEAREST TRADITIONAL NAVIGABLE WATER (TNW), THE TERRITORIAL SEAS, OR INTERSTATE WATER TO WHICH THE AQUATIC RESOURCE IS CONNECTED. The Mississippi River is the nearest TNW.
 5. FLOWPATH FROM THE SUBJECT AQUATIC RESOURCES TO A TNW, THE TERRITORIAL SEAS, OR INTERSTATE WATER. Aquatic features on site generally drain towards unnamed tributaries of Prairie DuPont Creek, which flows into the Mississippi River. The Mississippi River is a Section 10 water throughout the St. Louis District Area of Review.
 6. SECTION 10 JURISDICTIONAL WATERS⁵: Describe aquatic resources or other features within the review area determined to be jurisdictional in accordance with Section 10 of the Rivers and Harbors Act of 1899. Include the size of each aquatic resource or other feature within the review area and how it was determined to be jurisdictional in accordance with Section 10.⁶ N/A

⁵ 33 CFR 329.9(a) A waterbody which was navigable in its natural or improved state, or which was susceptible of reasonable improvement (as discussed in § 329.8(b) of this part) retains its character as "navigable in law" even though it is not presently used for commerce, or is presently incapable of such use because of changed conditions or the presence of obstructions.

⁶ This MFR is not to be used to make a report of findings to support a determination that the water is a navigable water of the United States. The district must follow the procedures outlined in 33 CFR part

7. SECTION 404 JURISDICTIONAL WATERS: Describe the aquatic resources within the review area that were found to meet the definition of waters of the United States in accordance with the 2023 Rule as amended, consistent with the Supreme Court's decision in *Sackett*. List each aquatic resource separately, by name, consistent with the naming convention used in section 1, above. Include a rationale for each aquatic resource, supporting that the aquatic resource meets the relevant category of "waters of the United States" in the 2023 Rule as amended. The rationale should also include a written description of, or reference to a map in the administrative record that shows, the lateral limits of jurisdiction for each aquatic resource, including how that limit was determined, and incorporate relevant references used. Include the size of each aquatic resource in acres or linear feet and attach and reference related figures as needed.

- a. Traditional Navigable Waters (TNWs) (a)(1)(i): N/A
- b. The Territorial Seas (a)(1)(ii): N/A
- c. Interstate Waters (a)(1)(iii): N/A
- d. Impoundments (a)(2): N/A

e. Tributaries (a)(3):

S-1 (a & b) is a 2nd order relatively permanent water that is approximately 10,547 linear feet in length, beginning at the east side of Triple Lakes Road to the confluence with Prairie DuPont Creek. Approximately 999 linear feet of the S-1 is within the review area. The stream channel has defined bed and bank features and ranges from 2 to 4 feet wide at the OHWM within the review area and 5 to 12 feet outside of the review area. The depth of the OHWM ranges from 3 to 12 feet within the 999 linear feet delineated length. During the Corps site visit, March 13, 2026, pooled water and stream flows were observed within the channel both inside and outside of the review area. The stream exits the review area flowing in a northeasterly direction towards Prairie DuPont Creek.

Approximately 96 percent of the total stream length (10,129-feet) is considered to have characteristics that define the channel as a relatively permanent water feature, therefore since greater the 50 percent of this stream length is considered to be a relatively permanent water, the entirety of this 2nd order stream (S-1 a & b) is jurisdictional, including the 999 linear feet within the review area.

- f. Adjacent Wetlands (a)(4): N/A
- g. Additional Waters (a)(5): N/A

329.14 to make a determination that water is a navigable water of the United States subject to Section 10 of the RHA.

8. NON-JURISDICTIONAL AQUATIC RESOURCES AND FEATURES

- a. Describe aquatic resources and other features within the review area identified in the 2023 Rule as amended as not “waters of the United States” even where they otherwise meet the terms of paragraphs (a)(2) through (5). Include the type of excluded aquatic resource or feature, the size of the aquatic resource or feature within the review area and describe how it was determined to meet one of the exclusions listed in 33 CFR 328.3(b).⁷ N/A
- b. Describe aquatic resources and features within the review area that were determined to be non-jurisdictional because they do not meet one or more categories of waters of the United States under the 2023 Rule as amended (e.g., tributaries that are non-relatively permanent waters; non-tidal wetlands that do not have a continuous surface connection to a jurisdictional water).

S-2 is non-relatively permanent water (102') characterized by a defined bed and bank with no flow observed on site. This stream does not have a ground water connection and flow in direct response to precipitation events.

W-1, W-2, W-3, W-4 (a, b, and c), **W-5** (a and b), **W-6, W-8, W-9, W-10**, and **W-11** are wetlands that are not considered (a)(4) adjacent wetlands since they do not have a continuous surface connection to an (a)(1), nor a relatively permanent (a)(2), or (a)(3) water.

OW-1, OW-2, OW-3, OW-4, OW-5, OW-6, OW-7, and **OW-8** are open water wetlands that are not considered (a)(4) adjacent wetlands or (a)(5) additional waters since they do not have a continuous surface connection to an (a)(1), nor a relatively permanent (a)(2), or (a)(3) water.

9. DATA SOURCES. List sources of data/information used in making determination. Include titles and dates of sources used and ensure that information referenced is available in the administrative record.

- a. Wetland Delineation Report performed by CEC, dated March 2026.
- b. USACE Site Visit, March 13, 2026
- c. Illinois Statewide LiDAR DEM WGS Hillshade, accessed March 18, 2026
- d. National Wetlands Inventory, accessed March 18, 2026
- e. Antecedent Precipitation Tool, accessed March 17, 2026
- f. National Regulatory Viewer, accessed March 17 and March 18, 2026
- g. Historic aerials, [clearinghouse.isgs.illinois.edu](#), accessed March 18, 2026

⁷ 88 FR 3004 (January 18, 2023)

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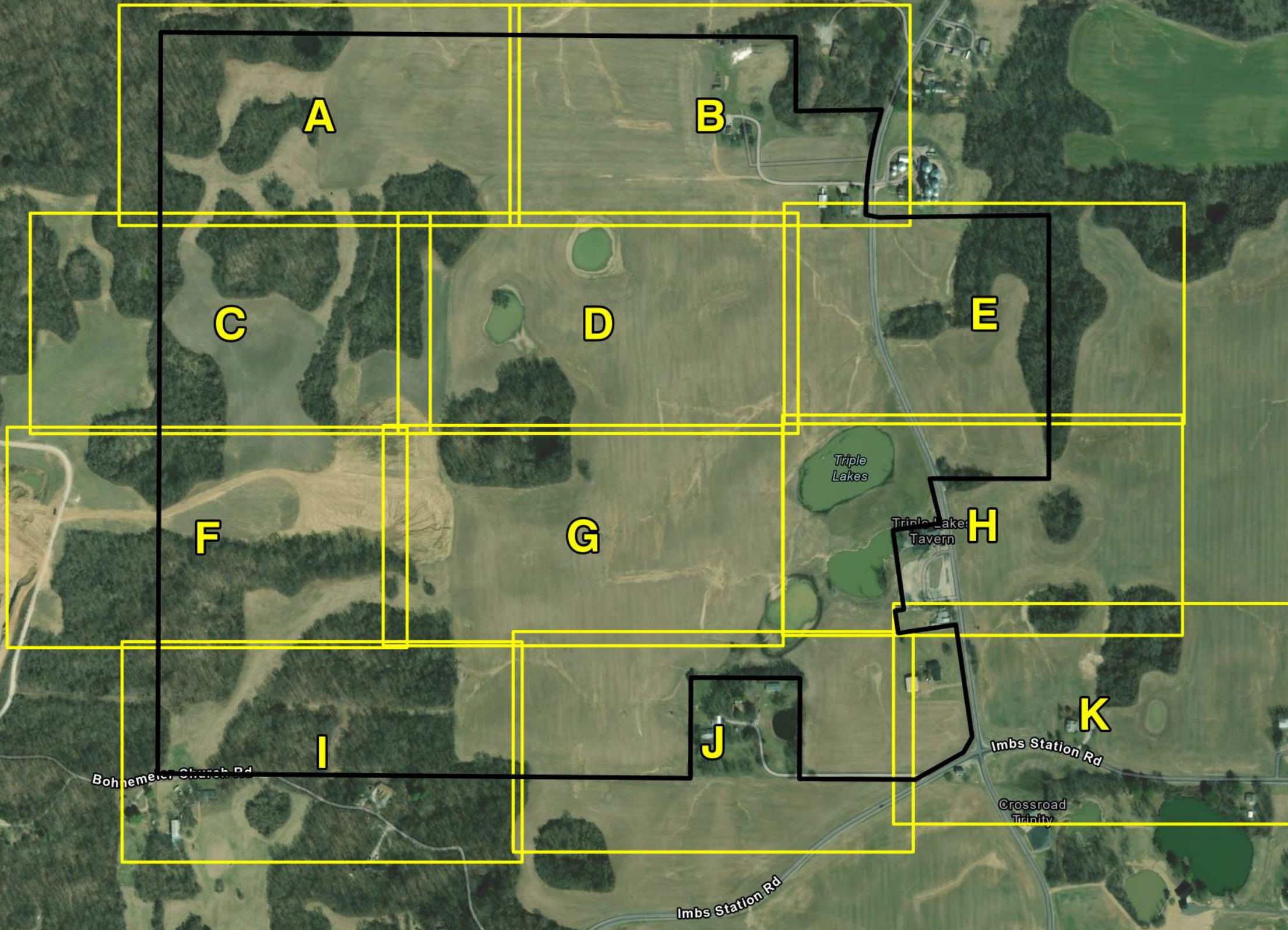
SUBJECT: 2023 Rule, as amended, Approved Jurisdictional Determination in Light of *Sackett v. EPA*, 143 S. Ct. 1322 (2023), [MVS-2026-00161](#)

10. OTHER SUPPORTING INFORMATION.

11. NOTE: The structure and format of this MFR were developed in coordination with the EPA and Department of the Army. The MFR's structure and format may be subject to future modification or may be rescinded as needed to implement additional guidance from the agencies; however, the approved jurisdictional determination described herein is a final agency action.



REFERENCES
1. ESRI WORLD IMAGERY / ARCGIS MAP SERVICE.
IMAGERY DATE: 2025. ACCESSED 2/27/2026.



LEGEND
 AREA OF INTEREST (AOI)
 MAP INDEX

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WATERS DELINEATION OVERVIEW MAP

DRAWN BY:	RRT	CHECKED BY:	LAV	APPROVED BY:	TJR*	FIGURE NO:
DATE:	2/27/2026	SCALE:	1" = 500'	PROJECT NO:	190-535	3

*Hand Signature on file

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LEGEND

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| | AREA OF INTEREST (AOI) | | WETLAND - PFO |
| | PHOTO LOCATION | | OPEN WATER |
| | SAMPLING POINT | | EROSIONAL FEATURE |
| | | | UPLAND DRAINAGE |



REFERENCES
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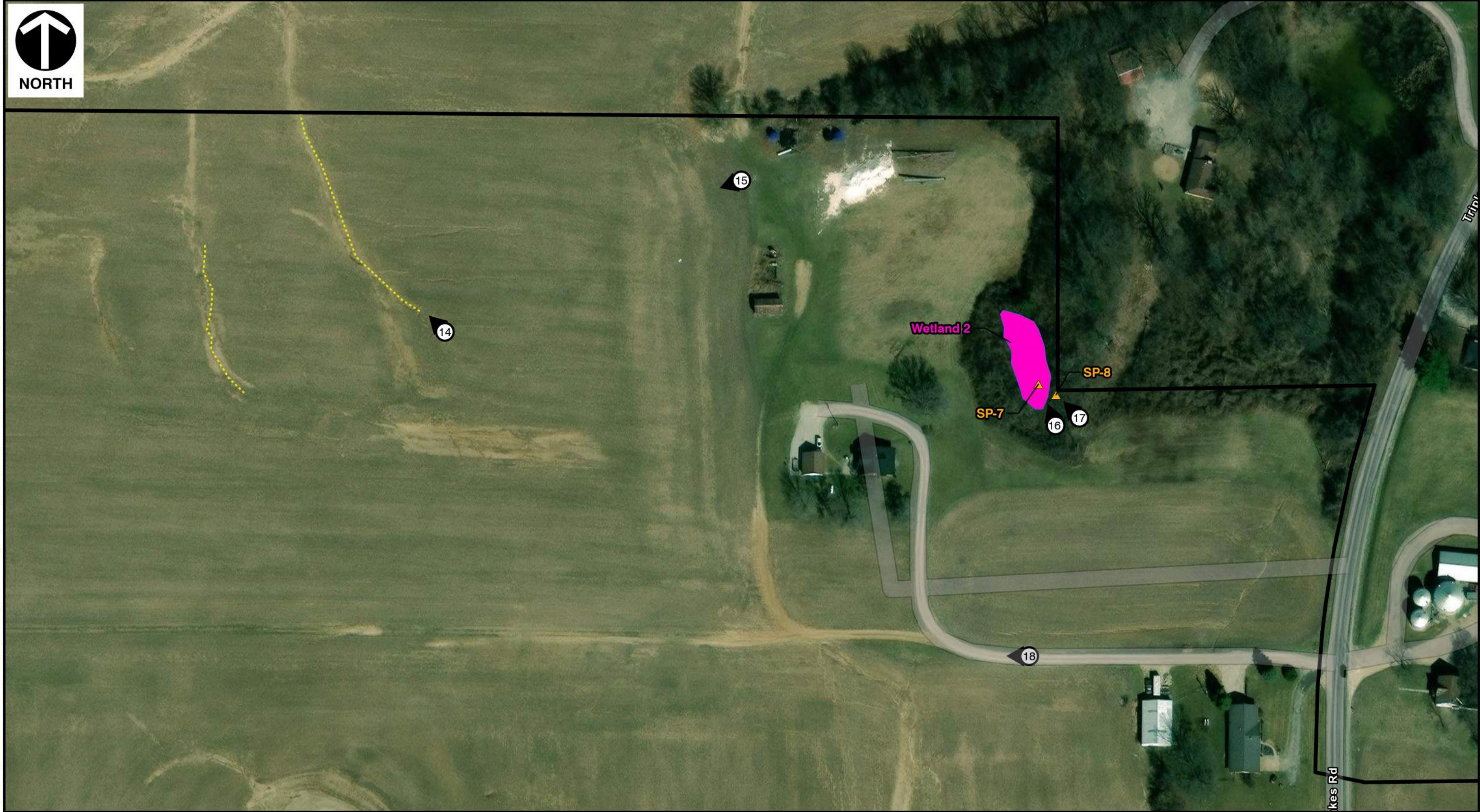
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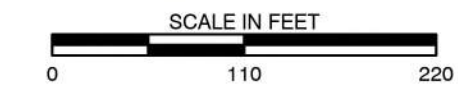
WATERS DELINEATION MAP

DRAWN BY:	RRT	CHECKED BY:	LAV	APPROVED BY:	TJR*	FIGURE NO:	3A
DATE:	2/27/2026	SCALE:	1" = 110'	PROJECT NO:	190-635		

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- LEGEND**
- AREA OF INTEREST (AOI)
 - PHOTO LOCATION
 - SAMPLING POINT
 - WETLAND - PFO
 - EROSIONAL FEATURE



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WATERS DELINEATION MAP

APPROVED BY:	TJR*	FIGURE NO:	3B
PROJECT NO:	190-635		

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| | AREA OF INTEREST (AOI) | | EXISTING CULVERT |
| | PHOTO LOCATION | | EROSIONAL FEATURE |
| | SAMPLING POINT | | UPLAND DRAINAGE |



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WATERS DELINEATION MAP

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DATE:	2/27/2026	SCALE:	1" = 110'	PROJECT NO:	190-635		

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AREA OF INTEREST (AOI)	WETLAND - PFO										
PHOTO LOCATION	SAMPLING POINT										
WATERS DELINEATION MAP											
DRAWN BY: RRT		CHECKED BY: LAV		APPROVED BY: TJR*		FIGURE NO: 3D					
DATE: 2/27/2026		SCALE: 1" = 110'		PROJECT NO: 190-635							

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Triple Lakes Rd

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Stream 1A

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Stream 1B

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Stream 2

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Triple Lakes Rd

LEGEND

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| | AREA OF INTEREST (AOI) | | EPHEMERAL STREAM |
| | PHOTO LOCATION | | INTERMITTENT STREAM |
| | EXISTING CULVERT | | EROSIONAL FEATURE |
| | | | UPLAND DRAINAGE |



REFERENCES
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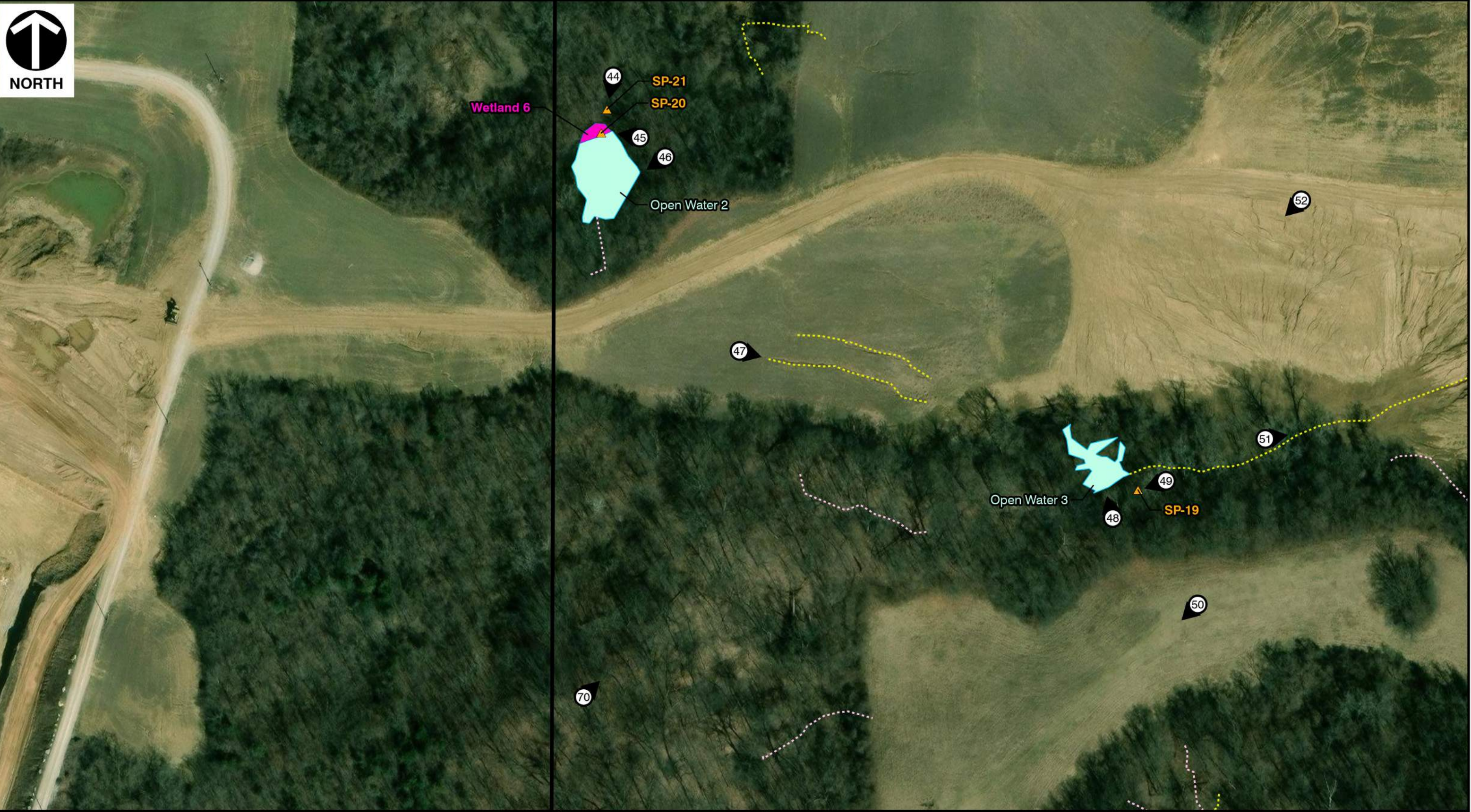
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WATERS DELINEATION MAP

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DATE:	2/27/2026	SCALE:	1" = 110'	PROJECT NO:	190-635	3E

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| | AREA OF INTEREST (AOI) | | WETLAND - PFO |
| | PHOTO LOCATION | | OPEN WATER |
| | SAMPLING POINT | | EROSIONAL FEATURE |
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| | PHOTO LOCATION | | WETLAND - PFO |
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WATERS DELINEATION MAP			
APPROVED BY:	TJR*	FIGURE NO:	3G
PROJECT NO:	190-635		

*Hand Signature on file

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| | AREA OF INTEREST (AOI) | | EXISTING CULVERT |
| | PHOTO LOCATION | | WETLAND - PEM |
| | SAMPLING POINT | | WETLAND - PFO |
| | | | OPEN WATER |



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WATERS DELINEATION MAP

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| | PHOTO LOCATION | | WETLAND - PEM |
| | SAMPLING POINT | | EROSIONAL FEATURE |
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1. ESRI WORLD IMAGERY / ARCGIS MAP SERVICE.
IMAGERY DATE: 2025. ACCESSED 2/27/2026.

ENGINEERING, SURVEYING AND LANDSCAPE ARCHITECTURE IN THE STATE OF NORTH CAROLINA WILL BE PROVIDED BY CEC SURVEYING AND LANDSCAPE ARCHITECTS OF NC, PLLC. SERVICES IN PUERTO RICO WILL BE PROVIDED BY CEC ENGINEERS & CONSULTANTS, LLC. LANDSCAPE ARCHITECTURE SERVICES IN THE STATE OF OHIO WILL BE PROVIDED BY CEC LANDSCAPE ARCHITECTS, LLC.



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www.cecinc.com

COLUMBIA QUARRY COMPANY, LLC
DUPO QUARRY EXPANSION PROJECT
ST. CLAIR COUNTY, ILLINOIS

WATERS DELINEATION MAP

DRAWN BY:	RRT	CHECKED BY:	LAV	APPROVED BY:	TJR*	FIGURE NO:	31
DATE:	2/27/2026	SCALE:	1" = 110'	PROJECT NO:	190-635		

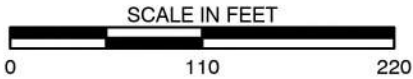
*Hand Signature on file

P:\2019\190-535\GIS\Maps\EC02_DupoQuarry_Delineation.aprx [190535_EC02_FIG3_WATERS_DELINEATION_MAP] 2/27/2026 8:38 AM (rhies)



LEGEND

- | | |
|------------------------|-------------------|
| AREA OF INTEREST (AOI) | EXISTING CULVERT |
| PHOTO LOCATION | WETLAND - PEM |
| SAMPLING POINT | EROSIONAL FEATURE |
| | UPLAND DRAINAGE |



REFERENCES
1. ESRI WORLD IMAGERY / ARCGIS MAP SERVICE.
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WATERS DELINEATION MAP

DRAWN BY:	RRT	CHECKED BY:	LAV	APPROVED BY:	TJR*	FIGURE NO:
DATE:	2/27/2026	SCALE:	1" = 110'	PROJECT NO:	190-635	3J

*Hand Signature on file



LEGEND

AREA OF INTEREST (AOI)

PHOTO LOCATION

SCALE IN FEET

0 110 220

REFERENCES

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WATERS DELINEATION MAP

DRAWN BY: RRT	CHECKED BY: LAV	APPROVED BY: TJR*	FIGURE NO: 3K
DATE: 2/27/2026	SCALE: 1" = 110'	PROJECT NO: 190-635	

P:\2019\190-535\GIS\Maps\EC02_DupoQuarry_Delineation.aprx [190535_EC02_FIG3_WATERS_DELINEATION_MAP] 2/27/2026 8:38 AM (rhies)

*Hand Signature on file