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): April 15, 2022

B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER: MVS-2022-195

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Missouri County/parish/borough: Franklin City: Union

Center coordinates of site (lat/long in degree decimal format): Lat. 38.425783° N, Long. -90.955374° W.

Universal Transverse Mercator: Name of nearest waterbody: Trib to Bourbeuse River

Name of watershed or Hydrologic Unit Code (HUC): Birch Creek-Bourbeuse River 071401030405

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: March 21, 2022
- Field Determination. Date(s):

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: There is a non-jurisdional swale in the Southern portion of the site. The area lacks a definined bed and bank.

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 <u>solely</u> 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.

Other (explain, if not covered above): There is a non-jurisdional swale in the Southern portion of the site. The area lacks a definined bed and bank or ordinary high water mark.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR						
factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional						
judgment (check all that apply):						
	Non-wetland waters (i	.e., rivers, streams):	linear feet	width (ft).		
J	Lakes/ponds: ac	res.				

- Other non-wetland waters: acres. List type of aquatic resource:
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): 925 linear feet, 1 width (ft). \boxtimes
 - Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: Wetlands:

SECTION IV: DATA SOURCES.

- A. SUPPORTING DATA. Data reviewed for JD (check all that apply checked items shall be included in case file and, where checked and requested, appropriately reference sources below):
 - Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Submittal by Matt Roth of On-Site

Soils, Inc. on

- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps:
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:

acres

- USGS NHD data.
- USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Moselle, MO, 1:24K; Various Years
- USDA Natural Resources Conservation Service Soil Survey. Citation: Franklin County, Missouri
- National wetlands inventory map(s). Cite name: USFWS NWI GIS Mapping
- State/Local wetland inventory map(s):

FEMA/FIRM maps:

- Π (National Geodectic Vertical Datum of 1929) 100-year Floodplain Elevation is:
- Photographs: 🖂 Aerial (Name & Date): Google Earth, Historicaerials.com/viewer dating back to 1958
 - or 🖾 Other (Name & Date): Photos provide in project submittal
 - Previous determination(s). File no. and date of response letter:
 - Applicable/supporting case law:
 - Applicable/supporting scientific literature:
 - Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD: The delineation report documentated two features onsite. There is a non-jurisdictional feature running along the southern edge of the property. The nonjurisdictional feature lacks a defined bed and bank. The potentially jurisdictional feature in the northeast corner of the review area is not being impacted by the proposed project.