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): 11/19/2020
ORM Number: MVS-2019-606
Associated JDs: N/A
Review Area Location[1]: State/Territory: Missouri City: St. Charles County/Parish/Borough: St. Charles
Center Coordinates of Review Area: Latitude 38.7595° Longitude -90.4951°

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)[2]

§ 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):[3]				
(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
Stream 1, aka Crystal Springs Creek	2368	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Crystal Springs Creek has perennial flow and is a primary tributary to the Missouri River.
Stream 2, aka Bangert Slough	3845	linear feet	(a)(2) Perennial tributary contributes	Stream 2 has perennial flow and drains directly into Crystal Springs Creek, which is a primary tributary to the Missouri River.

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.
[2] 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.
[3] 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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
Stream 3	408	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 3 contains intermittent flow and drains directly into Crystal Springs Creek, which is a primary tributary of the Missouri River.

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
Forested Wetland	76.3	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The Forested Wetland directly abuts Crystal Springs Creek, an (a)(2) water. The wetland also becomes inundated by the (a)(2) water during high water events that occur in the Missouri River, an (a)(1) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Pond 1	1.39	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).	Pond 1 is a manmade impoundment of a relict, non-jurisdictional channel.

[4] 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.
[5] 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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Pond 2	5.65	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).	Pond 2 is a manmade impoundment of a relict, non-jurisdictional channel.
Pond 3	0.44	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Pond 3 is a stormwater feature that was constructed in uplands and does not contribute water downstream in a typical year.
Pond 4	0.60	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Pond 4 is a small pool that holds water or becomes inundated in direct response to rainfall events. The pond is ephemeral in nature and dries up during periods of no rainfall.
Stream 4	551	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 4 is ephemeral in nature and dries up during periods of no rainfall.

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: CMT Wetland Delineation - 12 Oct 2020

This information is sufficient for purposes of this AJD.
Rationale: N/A

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: CMT Wetland Delineation – 21 Oct 2020

☒ Corps site visit(s) conducted on: May 20-21, 2020

☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A

- ☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.
- ☒ USDA NRCS Soil Survey: St. Charles County & CMT Wetland Delineation – 21 Oct 2020
- ☒ USFWS NWI maps: CMT Wetland Delineation – 21 Oct 2020
- ☒ USGS topographic maps: CMT Wetland Delineation – 21 Oct 2020

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Stream Stats Report for Crystal Springs Creek (10-21-20)/ USGS TopoView
USDA Sources	USDA NRCS Web Soil Survey Data
NOAA Sources	N/A.
USACE Sources	District Regulatory Viewer
State/Local/Tribal Sources	N/A
FEMA/FIRM maps	CMT Wetland Delineation – 21 Oct 2020
Other information (specify)	Inundation Study conducted by HDR

B. Typical year assessment(s): The Anticedent Precipitation Tool (APT) was used to assess conditions for the documented site visit date (20 May 2020). The APT concluded the delineation field efforts were performed during the wet season; however, drier than normal conditions were present. This indicates that the delineation was performed during an appropriate time as the conditions were drier than normal for this time of year (the wet season); and therefore, more representative of typical conditions. Although drier than normal conditions were present, extensive wetland criteria were observed during the site visit.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.