

Region 1

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

July 21, 2016

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball, Senior Project Scientist
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213-4750

Dear Mr. Ball:

This letter is in response to your request, submitted on behalf of the North Central Missouri Regional Water Commission, for our review of a wetland and stream delineation report for East Locust Creek Reservoir. The report is entitled Region 1, Wetland Delineation and Stream Assessment Report, East Locust Creek Reservoir, Sullivan County, Missouri. The report is dated April 5, 2016. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams and wetlands delineated in your report are jurisdictional waters of the United States. The preliminary jurisdictional determination encompasses a 165 acre parcel of land that would be inundated by the proposed East Locust Creek Reservoir.

The jurisdictional determinations for this project are considered Preliminary Jurisdictional Determinations (PJDs) in accordance with Corps regulations at 33 C.F.R. Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request Approved Jurisdictional Determinations (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

If you have any questions concerning this letter, please feel free to contact me at 816-389-3834 or by email at james.a.ptacek@usace.army.mil.

Sincerely,



James Ptacek
Regulatory Project Manger

Enclosure

cc (electronic copy):

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

BACKGROUND INFORMATION

A. **REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** July 21, 2016

B. **NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**

North Central Missouri Regional Water Commission
1018 Highway E
Milan, MO 63556

C. **DISTRICT OFFICE, FILE NAME, AND NUMBER:** CENWK-OD, East Locust Creek Reservoir, NWK-2004-00255

D. **PROJECT LOCATION(S) AND BACKGROUND INFORMATION: ELCR - Region 1**

State: Missouri County: Sullivan City: Milan
Center coordinates of site (lat/long in degree decimal format): Lat. 40.27995, Long. -93.08108
Universal Transverse Mercator: NAD 83/UTM Zone 15

Authority: ☒ Section 404 ☐ Section 10

Name of nearest waterbody: East Locust Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 3,468 linear feet

Cowardin Class: Riverine - ephemeral

Stream Flow: Ephemeral

Non-wetland waters: 1,746 linear feet

Cowardin Class: Riverine - Intermittent

Stream Flow: Intermittent

Wetlands: 14.95 acres

Cowardin Class: EM-Emergent

Wetlands: 7.6 acres

Cowardin Class: FO- Forested

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: N/A

Non-Tidal: *Waterbody*

E. **REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination.

Date: August 24, 2015

☒ Field Determination.

Date(s): August 31, 2015

The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

1. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and

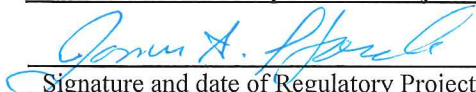
conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. §331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Olsson Associates
- ☒ 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: [Click here to enter text.](#)
- ☐ Corps navigable waters' study: [Click here to enter text.](#)
- ☒ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - ☒ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Missouri, Quadrangle
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Map
- ☒ National wetlands inventory map(s). Cite name: [Click here to enter text.](#)
- ☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
- ☐ FEMA/FIRM maps: [Click here to enter text.](#)
- ☐ 100-year Floodplain Elevation is: [Click here to enter text.](#)
(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth Historical Aerial Photographs
- ☐ or ☒ Other (Name & Date): [Click here to enter text.](#)
- ☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- ☐ Other information (please specify): [Click here to enter text.](#)

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.



Signature and date of Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD (REQUIRED,
unless obtaining
the signature is impracticable)

Site Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
W1	40.28557	-93.08677	Palustrine - Emergent	0.26	Section 404
W3	40.28224	-93.08569	Palustrine - Emergent	3.11	Section 404
W4	40.28307	-93.08280	Palustrine - Emergent	1.68	Section 404
W5	40.38176	-93.08221	Palustrine - Forested	0.76	Section 404
W6	40.27912	-93.08200	Palustrine - Emergent	5.35	Section 404
W7	40.27694	-93.07966	Palustrine - Emergent	4.45	Section 404
W8	40.27972	-93.07746	Palustrine - Forested	6.84	Section 404
W9	40.27600	-93.07632	Palustrine - Emergent	0.10	Section 404
T1	40.28563	-93.08670	Ephemeral	973	Section 404
T2	40.28111	-93.08415	Intermittent	1291	Section 404
T3	40.27524	-93.08102	Ephemeral	1027	Section 404
T4	40.27370	-93.07865	Intermittent	455	Section 404
T5	40.28096	-93.07645	Ephemeral	1468	Section 404

Region 2

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

May 24, 2017

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, on behalf of the North Central Missouri Regional Water Commission, for our review of the information for East Locust Creek Wetland Delineation and Stream Assessment Report – Region 2. The Report was dated May 2017. The project is located in Sullivan County, near Boynton, Missouri. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams, wetlands, and open waters delineated in your report are jurisdictional waters of the United States.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this letter, please feel free to contact Mr. James Ptacek at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Enclosure

cc:

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: May 24, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: North Central Missouri Regional Water Commission,
Milan, Missouri

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: ODR-M, NCMRWC - East Locust Creek Reservoir, Region 2,
NWK-2004-00255

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
**(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR
AQUATIC RESOURCES AT DIFFERENT SITES)**

State: Missouri County/parish/borough: Sullivan City: Milan

Center coordinates of site (lat/long in degree decimal format):

Lat.: 40.29897 degrees Long.: -93.09914 degrees

Universal Transverse Mercator: NAD 83/UTM Zone 15

Name of nearest waterbody: East Locust Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: May 24, 2017

☒ Field Determination. Date(s): Sep 19, 2016

**TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY
JURISDICTION.**

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
W1 275.w1	40.34083	-93.09661	0.95 acres	Palustrine-Forested Wetland	404
W2 264.w1	40.33839	-93.09889	0.01	Palustrine-Forested Wetland	404
W3 243.w1	40.32958	-93.10111	0.19	Palustrine-Forested Wetland	404
W4 236.w3	40.32699	-93.10072	0.06	Palustrine-Forested Wetland	404
W5 236.w1	40.32525	-93.09917	0.04	PFO	404
W6 236.w2	40.32475	-93.09759	0.49	Palustrine-Emergent Wetland	404

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION - REGION 2					
Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
East Locust Creek			18,390 feet	Perennial Stream	Section 404
209.t1	Latitude 40.31725	Long. -93.09939			
243.t1	Latitude 40.32800	Long. -93.10097			
T1 288.t1	Latitude 40.34202	Long. -93.09341	226 feet	Ephemeral Stream	Section 404
T2 264.t1	Latitude 40.3374	Long. -93.09934	613 feet	Ephemeral Stream	Section 404
T3 255.t1	Latitude 40.33499	Long. -93.09913	333 feet	Ephemeral Stream	Section 404
T4 255.t2	Latitude 40.33344	Long. -93.09964	251 feet	Ephemeral Stream	Section 404
T5 248.t2	Latitude 40.33258	Long. -93.10165	1,277 feet	Ephemeral Stream	Section 404
T6 248.t1	Latitude 40.33015	Long. -93.10241	1,014 feet	Ephemeral Stream	Section 404
T7 236.t1	Latitude 40.32522	Long. -93.09975	349 feet	Ephemeral Stream	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Submitted by Olsson Associates _____.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☒ U.S. Geological Survey Hydrologic Atlas: _____.
☒ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Mo. Quadrangle _____.
- ☒ Natural Resources Conservation Service Soil Survey. Citation: Sullivan Co. Soils Survey Map _____.
- ☒ National wetlands inventory map(s). Cite name: _____.
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____.(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth _____.
or ☒ Other (Name & Date): 2016 _____.
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

PTACEK.JAMES.ALAN.12
31382697

Digitally signed by PTACEK.JAMES.ALAN.1231382697
DN: c=US, o=U.S. Government, ou=DoD, ou=FA,
ou=USA, ou=PTACEK.JAMES.ALAN.1231382697
Date: 2017.05.24 14:55:23 -0500

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Region 3
Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

June 15, 2017

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, on behalf of the North Central Missouri Regional Water Commission, for our review of the information for East Locust Creek Wetland Delineation and Stream Assessment Report – Region 3. The Report was dated May 2017. The project is located in Sullivan County, near Boynton, Missouri. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams and wetlands delineated in your report are jurisdictional waters of the United States.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this letter, please feel free to contact Mr. James Ptacek at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Enclosure

cc:

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: Jun 15, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: North Central Missouri Regional Water Commission, 1018 Highway E, Milan, Mo. 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: NWK-ODR-M, North Central Missouri Regional Water Commission, NWK-2004-00255

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Missouri

County/parish/borough: Sullivan

City: Boyenton

Center coordinates of site (lat/long in degree decimal format):

Lat.: 40.29897

Long.: -93.09914

Universal Transverse Mercator: NAD83

Name of nearest waterbody: East Locust Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: Jun 14, 2017

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
W1 Reg. 3	40.34133	-93.07712	0.32 acre	Palustrine Forested	Section 404
W2 Reg. 3	40.33745	-93.08239	0.53 acre	Palustrine Forested	Section 404
W3 Reg. 3	40.33418	-93.08924	0.3 acre	Palustrine Emergent	Section 404
W4 Reg. 3	40.32602	-93.0927	0.16	Palustrine Forested	Section 404
T1 Reg. 3	40.34321	-93.06501	12680 ft.	Intermittent Stream	Section 404
T2 Reg. 3	40.34105	-93.07409	1160	Ephemeral Stream	Section 404

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non- wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Reg. 3 T3	40.3404	-93.07648	1874 feet	Intermittent Stream	Section 404
Reg. 3 T4	40.33937	-93.08138	855 feet	Ephemeral Stream	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Olsson Associates' site maps, stream and wetland plots on aerials.
- ☐ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☒ U.S. Geological Survey Hydrologic Atlas: _____.
☒ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock Quadrangle.
- ☒ Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Maps.
- ☒ National wetlands inventory map(s). Cite name: _____.
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____.(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth
or ☒ Other (Name & Date): 2016
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

PTACEK,JAMES.ALAN.12
31382697

Digitally signed by PTACEK,JAMES.ALAN.1231332697
DN: cn=PTACEK,JAMES.ALAN.1231332697, o=USDA, c=USA
Date: 2017.08.15 14:55:27 -0500

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Region 4

Preliminary Jurisdictional Determination



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE - MISSOURI
515 EAST HIGH STREET, SUITE 102
JEFFERSON CITY, MISSOURI 65101-3261

September 1, 2015

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, submitted on behalf of the North Central Missouri Regional Water Commission, for our review of a wetland and stream delineation report for East Locust Creek Reservoir. The report is entitled Region 4, Wetland Delineation and Stream Assessment Report, East Locust Creek Reservoir, Sullivan County, Missouri. It was received on July 23, 2015. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams and wetlands delineated in your report are jurisdictional waters of the United States. The preliminary jurisdictional determination encompasses a 167-acre parcel that would be inundated by the proposed East Locust Creek Reservoir.

The jurisdictional determinations for this project are considered Preliminary Jurisdictional Determinations (PJDs) in accordance with Corps regulations at 33 C.F.R. Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJDs are described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block and return the form to our office. If you do not concur with the jurisdictional determination then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization prior to impacting any waters identified in the PJD.

If you have any questions concerning this letter, please feel free to contact me at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Sincerely,

James Ptacek
Project Manager

Copies Furnished

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):

September 1, 2015

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

North Central Missouri Regional Water Commission
1018 Highway E
Milan, MO 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWK-OD, North Central Missouri Regional Water Commission, East Locust Creek Reservoir, Region 4 PJDs, 2004-00255

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Missouri County: Sullivan City: Milan

Center coordinates of site (lat/long in degree decimal format): Lat. 40.29520, Long. -93.08742

Universal Transverse Mercator: NAD 83/UTM Zone 15

Authority: ☐ Section 404 ☐ Section 10

Name of nearest waterbody: East Locust Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: 12,282 width (ft) #and/or # acres.

Cowardin Class: Riverine - ephemeral

Stream Flow: Ephemeral

Non-wetland waters: linear feet: 15,985 width (ft) #and/or # acres.

Cowardin Class: Riverine - Intermittent

Stream Flow: Intermittent

Wetlands: 7.58 acres.

Cowardin Class: EM-Emergent

Wetlands: 0.64 acres

Cowardin Class: FO- Forested

Wetlands: 0.07 acres

Cowardin Class: SS- Scrub-shrub

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: N/A

Non-Tidal: *Waterbody*

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination.

Date: September 1, 2015

☐ Field Determination.

Date(s):

The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

1. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing

a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. §331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Olsson Associates
- ☒ 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: [Click here to enter text.](#)
- ☐ Corps navigable waters’ study: [Click here to enter text.](#)
- ☒ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - ☒ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Missouri, Quadrangle
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Map
- ☒ National wetlands inventory map(s). Cite name: [Click here to enter text.](#)
- ☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
- ☐ FEMA/FIRM maps: [Click here to enter text.](#)
- ☐ 100-year Floodplain Elevation is: [Click here to enter text.](#)
(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth Historical Aerial Photographs
- ☐ or ☒ Other (Name & Date): [Click here to enter text.](#)
- ☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- ☐ Other information (please specify): [Click here to enter text.](#)

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

James Ptacek September 1, 2015

Signature and date of Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD (REQUIRED,
unless obtaining
the signature is impracticable)

Site Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
W1	40.299748	-93.086726	Palustrine - Forested	0.05	Section 404
W2	40.298845	-93.087338	Palustrine - Forested	0.16	Section 404
W3	40.297942	-93.088747	Palustrine - Emergent	0.03	Section 404
W4	40.297564	-93.088731	Palustrine - Emergent	0.19	Section 404
W5	40.296932	-93.089164	Palustrine - Emergent	0.01	Section 404
W6	40.296715	-93.088479	Palustrine - Forested	0.09	Section 404
W7	40.296371	-93.089082	Palustrine - Forested	0.12	Section 404
W8	40.29674	-93.08945	Palustrine - Emergent	0.07	Section 404
W9	40.294832	-93.089698	Palustrine - Emergent	0.17	Section 404
W10	40.292276	-93.089267	Palustrine - Emergent	0.07	Section 404
W11	40.290958	-93.089468	Palustrine - Scrub-Shrub	0.22	Section 404
W12	40.290171	-93.090697	Palustrine - Emergent	0.30	Section 404
W13	40.288103	-93.089559	Palustrine - Aquatic Bed/ Palustrine - Emergent	2.20	Section 404
W14	40.288739	-93.090804	Palustrine - Emergent	0.05	Section 404
W15	40.287568	-93.088957	Palustrine – Emergent	0.66	Section 404
W16	40.286589	-93.088664	Palustrine – Emergent	0.83	Section 404
W17	40.286767	-93.090649	Palustrine – Emergent/ Palustrine – Scrub-Shrub	2.77	Section 404

W18	40.29319	-93.08937	Palustrine - Emergent	0.23	Section 404
W19	40.29371	-93.09004	Palustrine – Scrub- Shrub	0.07	Section 404
T1	40.30571	-93.08472	Intermittent	12,332	Section 404
T2	40.30891	-93.07846	Ephemeral	102	Section 404
T3	40.30940	-93.07959	Ephemeral	119	Section 404
T4	40.30878	-93.08311	Ephemeral	441	Section 404
T5	40.30752	-93.08511	Ephemeral	1,122	Section 404
T6	40.30512	-93.08401	Ephemeral	554	Section 404
T7	40.30456	-93.08577	Ephemeral	423	Section 404
T8a	40.30162	-93.08465	Intermittent	416	Section 404
T8b	40.29958	-93.07716	Intermittent	2,940	Section 404
T9	40.30116	-93.08133	Ephemeral	434	Section 404
T10	40.30114	-93.08209	Ephemeral	197	Section 404

T11	40.30056	-93.08019	Ephemeral	572	Section 404
T12	40.29943	-93.07718	Ephemeral	33	Section 404
T13	40.29936	-93.07884	Ephemeral	126	Section 404
T14	40.29946	-93.08563	Ephemeral	798	Section 404
T15	40.29998	-93.08874	Ephemeral	1,354	Section 404
T16	40.29572	-93.08497	Ephemeral	62	Section 404
T17a	40.29419	-93.08853	Intermittent	297	Section 404
T17b	40.29586	-93.08434	Ephemeral	1,578	Section 404
T18	40.29221	-93.08874	Ephemeral	1,017	Section 404
T19	40.29054	-93.08860	Ephemeral	1,934	Section 404
T20	40.28946	-93.08843	Ephemeral	468	Section 404
T22	40.29684	-93.08997	Ephemeral	431	Section 404
T23	40.29788	-93.08936	Ephemeral	517	Section 404

Region 5

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

June 20, 2017

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, on behalf of the North Central Missouri Regional Water Commission, for our review of the information for East Locust Creek Wetland Delineation and Stream Assessment Report – Region 5. The Report was dated May 2017. The project is located in Sullivan County, near Boynton, Missouri. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams and wetlands delineated in your report are jurisdictional waters of the United States.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this letter, please feel free to contact Mr. James Ptacek at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Enclosure

cc:

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: Jun 20, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: North Central Missouri Regional Water Commission, 1018 Highway E, Milan, Missouri 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: ODR-M, NCMRWC, NWK-2004-00255

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Mo County/parish/borough: Sullivan City:

Center coordinates of site (lat/long in degree decimal format):

Lat.: 40.29897 Long.: -93.09914

Universal Transverse Mercator: NAD83

Name of nearest waterbody: East Locust Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: Jun 20, 2017

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
W1 Reg. 5	40.31603	-93.09282	0.004	Wetland Palustrine Forested	404
W2 Reg. 5	40.31635	-93.09154	0.6	"	"
W3 Reg. 5	40.31509	-93.09548	.03	"	"
W4 Reg. 5	40.3113	-93.1031	0.36	"	"
W5 Reg. 5	40.310579	-93.10554	0.35	"	"
W6 Reg. 5	40.30998	-93.10201	2.4	Wetland Palustrine Emergent	"

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION

Region 5	Latitude (decimal degrees)	Longitude (decimal degrees)	Waterbody Type	Acres of Open Water / Linear Feet of Streams	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Open Water	40.316076	-93.095882	L1UBHh	3.6 acres	Section 404
T1	40.32365	-93.09349	Ephemeral	2106 feet	Section 404
T2	40.32298	-93.08878	Ephemeral	674	Section 404
T3	40.32104	-93.08398	Intermittent	3,767	Section 404
T4	40.32131	-93.08452	Ephemeral	654	Section 404
T5	40.32078	-93.08418	Ephemeral	456	Section 404
T6	40.31904	-93.09538	Ephemeral	934	Section 404
T7	40.31896	-93.09558	Ephemeral	211	Section 404
T8	40.3165	-93.09758	Intermittent	250	Section 404
T9	40.31455	-93.09859	Intermittent	919	Section 404
T10	40.314195	-93.098287	Ephemeral	212	Section 404
T11	40.3146	-93.09552	Intermittent	63	Section 404
T12	40.3145	-93.0952	Intermittent	89	Section 404
T13	40.31593	-93.09279	Intermittent	524	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Site Maps - Aerial Photographs - Site Photographs - Tables.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☒ U.S. Geological Survey Hydrologic Atlas: _____.
☒ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Mo, Quad.
- ☒ Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Map.
- ☒ National wetlands inventory map(s). Cite name: _____.
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____.(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth 2015
or ☒ Other (Name & Date): 2017
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

PTACEK.JAMES.ALAN.12
31382697

Digitally signed by PTACEK.JAMES.ALAN.1231382697
DN: c=US, ou=U.S. Government, ou=DoD, ou=PRD,
ou=USA, ou=PTACEK.JAMES.ALAN.1231382697
Date: 2017.09.20 15:21:54 -0500

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Region 6

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

January 30, 2017

Missouri State Regulatory Office
(NWK-2004-00255)

RECEIVED

FEB 06 2017

OLSSON ASSOCIATES

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, on behalf of the North Central Missouri Regional Water Commission, for our review of the East Locust Creek Region 6 – Wetland Delineation and Stream Assessment Report. The report is dated May 2016. The project is located in Sullivan County, near Boynton, Missouri. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams, wetlands, and open waters delineated in your report are jurisdictional waters of the United States. Our acceptance of your jurisdictional report required that we correct the locations of three sites shown in your JD Form.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at:
http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this letter, please feel free to contact Mr. James Ptacek at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Enclosure

cc:

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: May 1, 2016

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: North Central Missouri Regional Water Commission, 1018 Highway E, Milan, Mo. 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWK-ODRM, NCMRWC, NWK-2004-00255

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Missouri

County/parish/borough: Sullivan

City: Milan

Center coordinates of site (lat/long in degree decimal format):

Lat.: 40.28905

Long.: -93.09912

Universal Transverse Mercator: NAD83

Name of nearest waterbody: East Locust Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: Jan 27, 2017

☒ Field Determination. Date(s): 6/9/15 - 6/11/15

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Region 6			Acres		
W1a	40.291525	-93.097923	6.13	Wetland	404
W1b	40.293211	-93.099293	5.8	Wetland	404
W1c	40.293696	-93.10181	16.69	Wetland	404
W2	40.293615	-93.103136	0.45	Wetland	404
W3	40.289518	-93.094189	1.53	Wetland	404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: USGS Topographic Maps, NWI Maps, Soil Maps.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☐ U.S. Geological Survey Hydrologic Atlas: _____.
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Pollock Scale - 1:24000.
- ☒ Natural Resources Conservation Service Soil Survey. Citation: undefined.
- ☒ National wetlands inventory map(s). Cite name: undefined.
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____.(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): GooglePro (Pollock) 2016
or ☒ Other (Name & Date): Date 2015
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

PTACEK.JAMES.ALAN.12
31382697

Digitally signed by PTACEK.JAMES.ALAN.1231382697
DN: cn=US, o=U.S. Government, ou=DOD, ou=PK,
ou=USA, email=PTACEK.JAMES.ALAN.1231382697
Date: 2017.01.27 12:27:51 -0500

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION

REGION 6	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage)	Type of aquatic resource (i.e., wetland vs. non- wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
W4a	40.289806	-93.097113	0.69	Wetland	404
W4b	40.288905	-93.094405	1	Wetland	404
W5a	40.286171	-93.090534	5.31	Wetland	404
W5b	40.28593	-93.09239	5.12	Wetland	404
W6	40.288035	-93.095905	0.45	Wetland	404
W7	40.285982	-93.098065	0.05	Wetland	404
W8	40.28525	-93.09831	0.62	Wetland	404
W9	40.282779	-93.100124	0.95	Wetland	404
W10	40.286527	-93.106859	0.93	Wetland	404
W11	40.29002	-93.106311	0.08	Wetland	404
W12	40.289551	-93.104135	0.04	Wetland	404
East Locust Creek			Estimated length of stream		
	40.28904	-93.09236	5,995	Non-wetland	404
T1	40.28911	-93.10289	2,606	Non-wetland	404
T2	40.2852	-93.10772	732	Non-wetland	404
T3	40.2898	-93.10245	868	Non-wetland	404
T4	40.28983	-93.10605	715	Non-wetland	404
T5	40.28667	-93.10755	365	Non-wetland	404
T6	40.28558	-93.10696	225	Non-wetland	404
T7	40.289	-93.09408	1,181	Non-wetland	404
T8	40.2879	-93.09463	953	Non-wetland	404
T8a	40.28161	-93.10204	2,315	Non-wetland	404
T9	40.28611	-93.09837	354	Non-wetland	404
T10	40.28174	-93.10236	242	Non-wetland	404
T11	40.28177	-93.10114	130	Non-wetland	404
T12	40.281219	-93.09057	731	Non-wetland	404
T13	40.28159	-93.09895	193	Non-wetland	404

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION

	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage)	Type of aquatic resource (i.e., wetland vs. non- wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
REGION 6					
T14	40.28235	-93.09889	234	Non-wetland	404
T15	40.28602	-93.09209	2,537	Non-wetland	404
T16	40.2858	-93.09353	525	Non-wetland	404
Open Water			Estimated Acres		
Pond 1	40.287057	-93.096347	4.68	Non-wetland	404
Pond 2	40.288465	-93.105442	4	Non-wetland	404

Region 7

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

May 23, 2017

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, on behalf of the North Central Missouri Regional Water Commission, for our review of the *revised* East Locust Creek Region 7 – Wetland Delineation and Stream Assessment Report. The report is dated May 2017. The project is located in Sullivan County, near Boynton, Missouri. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams, wetlands, and open waters delineated in your report are jurisdictional waters of the United States.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this letter, please feel free to contact Mr. James Ptacek at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Enclosure

cc:

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): May 23, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

North Central Missouri Regional Water Commission
1018 Highway E
Milan, MO 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWK-ODR-M, North Central Missouri Regional Water Commission – East Locust Creek Reservoir, NWK-2004-00255

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Missouri County: Sullivan City: Milan
Center coordinates of site (lat/long in degree decimal format): Lat. 40.29897, Long. -93.09914
Universal Transverse Mercator: NAD 83/UTM Zone 15
Authority: ☒ Section 404 ☐ Section 10

Name of nearest waterbody: East Locust Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: 7,874 width (ft) #and/or # acres.

Cowardin Class: Riverine - ephemeral

Stream Flow: Ephemeral

Non-wetland waters: linear feet: 4,322 width (ft) #and/or # acres.

Cowardin Class: Riverine - Intermittent

Stream Flow: Intermittent

Wetlands: 21.56 acres.

Cowardin Class: EM-Emergent

Wetlands: 7.69 acres

Cowardin Class: FO- Forested

Open Waters: 4.9 acres

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: N/A

Non-Tidal: *Waterbody*

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: May 23, 2017

☒ Field Determination. Date(s): June 8, 2015

The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

1. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has

the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. §331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Olsson Associates
- ☒ 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: [Click here to enter text.](#)
- ☐ Corps navigable waters’ study: [Click here to enter text.](#)
- ☒ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - ☒ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Missouri, Quadrangle
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Map
- ☒ National wetlands inventory map(s). Cite name: [Click here to enter text.](#)
- ☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
- ☐ FEMA/FIRM maps: [Click here to enter text.](#)
- ☐ 100-year Floodplain Elevation is: [Click here to enter text.](#)
(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth Historical Aerial Photographs
- ☐ or ☒ Other (Name & Date): 2015
- ☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- ☐ Other information (please specify): [Click here to enter text.](#)

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

James Ptacek May 23, 2017

Site Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
W1 Region 7	40.30695	-93.10353	Palustrine - Emergent	0.94	Section 404
W2 Region 7	40.30420	-93.10423	Palustrine - Emergent	0.47	Section 404
W4 Region 7	40.30633	-93.09642	Palustrine - Emergent	3.24	Section 404
W5 Region 7	40.30120	-93.10240	Palustrine - Emergent	4.86	Section 404
W6 Region 7	40.30129	-93.10192	Palustrine - Forested	6.46	Section 404
W7 Region 7	40.29539	-93.09788	Palustrine - Emergent	10.39	Section 404
W8 Region 7	40.29757	-93.0930	Palustrine - Forested	0.95	Section 404
W9 Region 7	40.295248	-93.096517	Palustrine - Forested	0.06	Section 404
W10 Region 7	40.29180	-93.09477	Palustrine - Emergent	1.39	Section 404
W11 Region 7	40.29169	-93.09695	Palustrine - Emergent	0.02	Section 404
W12 Region 7	40.29165	-93.09612	Palustrine - Emergent	0.05	Section 404
W13 Region 7	40.29053	-93.09410	Palustrine - Emergent	0.11	Section 404
W14 Region 7	40.29038	-93.09345	Palustrine - Forested	0.07	Section 404
W15 Region 7	40.28917	-93.09234	Palustrine – Emergent	0.09	Section 404
W16 Region 7	40.28831	-93.09148	Palustrine – Forested	0.08	Section 404
W17 Region 7	40.29119	-93.09493	Palustrine – Forested	0.07	Section 404

T1 Region 7	40.30637	-93.09645	Ephemeral	1,399	Section 404
T2 Region 7	40.30539	-93.09543	Ephemeral	829	Section 404
T3 Region 7	40.30584	-93.09538	Ephemeral	477	Section 404
T4 Region 7	40.30242	-93.10104	Intermittent	2,267	Section 404
T5 Region 7	40.29945	-93.10071	Intermittent	2,055	Section 404
T6 Region 7	40.29769	-93.09660	Ephemeral	1,705	Section 404
T7 Region 7	40.29773	-93.09748	Ephemeral	310	Section 404
T8 Region 7	40.29518	-93.09656	Ephemeral	1,347	Section 404
T9 Region 7	40.29336	-93.09537	Ephemeral	943	Section 404
T10 Region 7	40.29227	-93.09465	Ephemeral	304	Section 404
T11 Region 7	40.29082	-93.09499	Ephemeral	560	Section 404
Open Water			L1UBHh	4.9 acres	Section 404

Region 8

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

June 21, 2017

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, on behalf of the North Central Missouri Regional Water Commission, for our review of the information for East Locust Creek Wetland Delineation and Stream Assessment Report – Region 8. The Report was dated May 2017. The project is located in Sullivan County, near Boynton, Missouri. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams and wetlands delineated in your report are jurisdictional waters of the United States.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this letter, please feel free to contact Mr. James Ptacek at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Enclosure

cc:

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: Jun 21, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: North Central Missouri Regional Water Commission, 1018 Highway E, Milan, Missouri 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: ODR-M, NCMRWC, NWK-2004-00255

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Mo County/parish/borough: Sullivan City:

Center coordinates of site (lat/long in degree decimal format):

Lat.: 40.29897 Long.: -93.09914

Universal Transverse Mercator: NAD83

Name of nearest waterbody: East Locust Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: Jun 20, 2017

☐ Field Determination. Date(s):

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
W1 Reg. 8	40.31696	-93.10108	0.52	Wetland Palustrine Forested	404
W2 Reg. 8	40.31547	-93.10168	0.08	"	"
W3 Reg. 8	40.31485	-93.10419	39.47	Palustrine Emergent	"
W4 Reg. 8	40.31275	-93.10857	1.05	Scrub Shrub	"
W5 Reg. 8	40.30895	-93.1087	8.62	"	"
					"

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION					
Region 8	Latitude (decimal degrees)	Longitude (decimal degrees)	Waterbody Type	Acres of Open Water / Linear Feet of Streams	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
East Locust Creek	40.31541	-93.10166	Perennial	5929	Section 404
T1	40.32504	-93.10873	Ephemeral	206	Section 404
T2	40.32463	-93.10914	Ephemeral	256	Section 404
T3	40.32329	-93.10684	Ephemeral	375	Section 404
T4	40.32245	-93.10585	Ephemeral	533	Section 404
T5	40.32123	-93.10415	Ephemeral	480	Section 404
T6	40.31935	-93.10341	Ephemeral	4768	Section 404
T7	40.31578	-93.11304	Ephemeral	820	Section 404
T8	40.31338	-93.11121	Ephemeral	909	Section 404
T9	40.31362	-93.10901	Ephemeral	3271	Section 404
T10	40.31112	-93.11073	Ephemeral	341	Section 404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Site Maps - Aerial Photographs - Site Photographs - Tables.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☒ U.S. Geological Survey Hydrologic Atlas: _____.
☒ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Mo, Quad.
- ☒ Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Map.
- ☒ National wetlands inventory map(s). Cite name: _____.
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____.(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth 2015
or ☒ Other (Name & Date): 2017
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

PTACEK.JAMES.ALAN.12
31382697

Digitally signed by PTACEK.JAMES.ALAN.1231382697
DN: cn=US, o=US Government, ou=DOD, ou=PR,
ou=USA, email=PTACEK.JAMES.ALAN.1231382697
Date: 2017.09.20 15:21:54 -0500

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Region 9

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

May 23, 2017

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, on behalf of the North Central Missouri Regional Water Commission, for our review of the additional information for East Locust Creek Region 9 – Wetland Delineation and Stream Assessment Report. The information was provided by letter dated May 16, 2017. The project is located in Sullivan County, near Boynton, Missouri. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams, wetlands, and open waters delineated in your report are jurisdictional waters of the United States.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this letter, please feel free to contact Mr. James Ptacek at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Enclosure

cc:

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): May 23, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

North Central Missouri Regional Water Commission
1018 Highway E
Milan, MO 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWK-ODRM, North Central Missouri Regional Water Commission – East Locust Creek Reservoir, NWK-2004-00255, PJD Region 9

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Missouri County: Sullivan City: Milan
Center coordinates of site (lat/long in degree decimal format): Lat. 40.28814, Long. -93.07221
Universal Transverse Mercator: NAD 83/UTM Zone 15
Authority: ☒ Section 404 ☐ Section 10

Name of nearest waterbody: East Locust Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 20,717 linear feet

Cowardin Class: Riverine - ephemeral

Stream Flow: Ephemeral

Non-wetland waters: 11,039 linear feet

Cowardin Class: Riverine - Intermittent

Stream Flow: Intermittent

Wetlands: 0.89 acres.

Cowardin Class: EM-Emergent

Wetlands: 3.93 acres

Cowardin Class: FO- Forested

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: N/A

Non-Tidal: *Waterbody*

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination.

Date: May 23, 2017

☒ Field Determination.

Date(s): August 31, 2015

The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

1. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different

special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. §331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Olsson Associates
- ☒ 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: [Click here to enter text.](#)
- ☐ Corps navigable waters’ study: [Click here to enter text.](#)
- ☒ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - ☒ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Missouri, Quadrangle
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Map
- ☒ National wetlands inventory map(s). Cite name: [Click here to enter text.](#)
- ☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
- ☐ FEMA/FIRM maps: [Click here to enter text.](#)
- ☐ 100-year Floodplain Elevation is: [Click here to enter text.](#)
(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth Historical Aerial Photographs
- ☐ or ☒ Other (Name & Date): [Click here to enter text.](#)
- ☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- ☐ Other information (please specify): [Click here to enter text.](#)

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

James Ptacek May 23, 2017 & August 16, 2016

 Signature and date of Regulatory Project Manager
 (REQUIRED)

 Signature and date of
 person requesting preliminary JD (REQUIRED,
 unless obtaining
 the signature is impracticable)

Site Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
W1 Region 9	40.28789	-93.08141	Palustrine – Forested	1.03 acre	Section 404
W2 Region 9	40.28465	-93.07964	Palustrine - Forested	0.74 acre	Section 404
W3 Region 9	40.28307	-93.08280	Palustrine - Emergent	0.08 acre	Section 404
W4 Region 9	40.28307	-93.08280	Palustrine - Emergent	0.81 acre	Section 404
W5 Region 9	40.282180	-93.080578	Palustrine - Forested	2.16 acre	Section 404
T1 Region 9	40.28180	-93.08215	Intermittent	10,401 feet	Section 404
T2 Region 9	40.28897	-93.08121	Ephemeral	3,580 ft.	Section 404
T3 Region 9	40.28888	-93.08164	Ephemeral	1,081 ft.	Section 404
T4 Region 9	40.28694	-93.07822	Ephemeral	1,553 ft.	Section 404
T5 Region 9	40.28661	-93.07547	Ephemeral	1,179 ft.	Section 404
T6 Region 9	40.28783	-93.07262	Ephemeral	1,047 ft.	Section 404
T7 Region 9	40.29249	-93.07174	Ephemeral	2,406 ft.	Section 404
T8 Region 9	40.29253	-93.07178	Ephemeral	407 ft.	Section 404
T9 Region 9	40.29067	-93.06748	Ephemeral	1,699 ft.	Section 404
T10 Region 9	40.29419	-93.06250	Ephemeral	242 ft.	Section 404
T11 Region 9	40.29505	-93.06209	Ephemeral	248 ft.	Section 404
T12 Region 9	40.29187	-93.06172	Ephemeral	420 ft.	Section 404
T13 Region 9	40.29022	-93.06206	Ephemeral	638 ft.	Section 404
T14 Region 9	40.29017	-93.06198	Ephemeral	640 ft.	Section 404
T15 Region 9	40.28954	-93.06352	Ephemeral	827 ft.	Section 404
T16 Region 9	40.28728	-93.06568	Ephemeral	983 ft.	Section 404
T17 Region 9	40.28765	-93.06556	Ephemeral	154 ft.	Section 404
T18 Region 9	40.28719	-93.06869	Intermittent	893 ft.	Section 404
T19 Region 9	40.28704	-93.06901	Ephemeral	191 ft.	Section 404
T20 Region 9	40.28724	-93.07157	Ephemeral	709 ft.	Section 404
T21 Region 9	40.28682	-93.07338	Ephemeral	540 ft.	Section 404
T22 Region 9	40.28553	-93.07438	Ephemeral	477 ft.	Section 404
T23 Region 9	40.28557	-93.07496	Ephemeral	197 ft.	Section 404
T24 Region 9	40.28402	-93.07721	Ephemeral	516 ft.	Section 404
T25 Region 9	40.28288	-93.07927	Ephemeral	728 ft.	Section 404

Region 10
Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

August 25, 2016

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, submitted on behalf of the North Central Missouri Regional Water Commission, for our review of a wetland and stream delineation report for East Locust Creek Reservoir. The report is entitled Region 10, Wetland Delineation and Stream Assessment Report, East Locust Creek Reservoir, Sullivan County, Missouri. The report is dated April 2016. Your request has been assigned Regulatory file No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams and wetland delineated in your report are jurisdictional waters of the United States. Our acceptance of your jurisdictional report required that we corrected the locations of streams shown in your JD Form and ORM Upload Sheet to match that shown in your wetland and stream delineation report. Enclosed with this letter are notes we have formulated during our review of the report.

The jurisdictional determinations for this project are considered Preliminary Jurisdictional Determinations (PJDs) in accordance with Corps regulations at 33 C.F.R. Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. We request that you sign the signature block and return the form to our office for further instructions. The PJDs are described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block and return the form to our office. If you do not concur with the jurisdictional determination then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization prior to impacting any waters identified in the PJD.

If you have any questions concerning this letter, please feel free to contact me at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "James Ptacek". The signature is fluid and cursive, with the first name "James" and last name "Ptacek" clearly distinguishable.

James Ptacek
Project Manager

Enclosure
cc (electronic copy)

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

Region 10 – Notes

56.w1out – soil doesn't appear to meet criteria for F6

24.w3out – soil doesn't appear to meet criteria for F6

T1 – the PJD form has the wrong lat. and long. – I inserted the lat. and long. of T1 24.t1 on the form

T2 – the PJD form has the wrong lat. / long – I inserted the lat. / long of T2 43.t1 on the form

T3 – the PJD form has the wrong lat./long – I inserted the lat./long. Of T3 43.t3 on the form

Same issue for

T4 – T4 42.t1

T5 – T5 56.t2

T6 – T6 56.t3

T7 – T7 28.t1 Appears to be intermittent

T9 – T9 29.t1

T10 – T10 27.t1

T11 – T11 6.t1

T12 – T12 26.t2

T13 – T13 26.t1

T14 – T14 14.t4

T15- T14 26.t4

Through T25

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): August 24, 2016

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

North Central Missouri Regional Water Commission
1018 Highway E
Milan, MO 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: CENWK-OD, North Central Missouri Regional Water Commission, Est Locust Creek Reservoir, NWK-2004-00255

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Missouri County: Sullivan City: Milan
Center coordinates of site (lat/long in degree decimal format): Lat. 40.27515, Long. -93.06814
Universal Transverse Mercator: NAD 83/UTM Zone 15

Authority: ☒ Section 404 ☐ Section 10

Name of nearest waterbody: East Locust Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 24,351 linear feet

Cowardin Class: Riverine - ephemeral

Stream Flow: Ephemeral

Non-wetland waters: 10,644 linear feet

Cowardin Class: Riverine - Intermittent

Stream Flow: Intermittent

Wetlands: 9.73 acres.

Cowardin Class: EM-Emergent

Wetlands: 0.03 acres

Cowardin Class: UB-Unconsolidated Bottom

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: N/A

Non-Tidal: *Waterbody*

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: July 21, 2015

☒ Field Determination. Date(s): July 28, 2015

The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

1. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different

special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. §331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Olsson Associates
- ☒ 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: [Click here to enter text.](#)
- ☐ Corps navigable waters’ study: [Click here to enter text.](#)
- ☒ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - ☒ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Missouri, Quadrangle
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Map
- ☒ National wetlands inventory map(s). Cite name: [Click here to enter text.](#)
- ☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
- ☐ FEMA/FIRM maps: [Click here to enter text.](#)
- ☐ 100-year Floodplain Elevation is: [Click here to enter text.](#)
(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth Historical Aerial Photographs
- ☐ or ☒ Other (Name & Date): [Click here to enter text.](#)
- ☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- ☐ Other information (please specify): [Click here to enter text.](#)

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

James Ptacek August 24, 2016

 Signature and date of Regulatory Project Manager
 (REQUIRED)

 Signature and date of
 person requesting preliminary JD (REQUIRED,
 unless obtaining
 the signature is impracticable)

Site Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
W1 Region 10	40.27917	-93.06047	Palustrine – Unconsolidated Bottom	0.03	Section 404
W2 Region 10	40.27386	-93.07783	Palustrine - Emergent	9.64	Section 404
W3 Region 10	40.27304	-93.07611	Palustrine - Emergent	0.09	Section 404
T1 Region 10	40.27332	-93.07553	Intermittent	10,644	Section 404
T2 Region 10	40.27614	-93.05411	Ephemeral	163	Section 404
T3 Region 10	40.2779	-93.05516	Ephemeral	455	Section 404
T4 Region 10	40.27825	-93.05680	Ephemeral	441	Section 404
T5 Region 10	40.27903	-93.06060	Ephemeral	323	Section 404
T6 Region 10	40.27863	-93.06148	Ephemeral	1,343	Section 404
T7 Region 10	40.27445	-93.006002	Intermittent	2,359	Section 404
T8 Region 10	40.27418	-93.05889	Ephemeral	278	Section 404
T9 Region 10	40.27331	-93.0581	Ephemeral	167	Section 404
T10 Region 10	40.27284	-93.06470	Ephemeral	3,414	Section 404
T11 Region 10	40.26895	-93.06209	Ephemeral	245	Section 404
T12 Region 10	40.27521	-93.06738	Ephemeral	1,313	Section 404
T13 Region 10	40.27334	-93.06824	Ephemeral	1,590	Section 404
T14 Region 10	40.27156	-93.06742	Ephemeral	262	Section 404
T15 Region 10	40.27524	-93.07060	Ephemeral	914	Section 404
T16 Region 10	40.27492	-93.07039	Ephemeral	324	Section 404
T17 Region 10	40.27260	-93.07039	Ephemeral	899	Section 404
T18 Region 10	40.27160	-93.07001	Ephemeral	270	Section 404
T19 Region 10	40.27268	-93.07174	Ephemeral	756	Section 404
T20 Region 10	40.27237	-93.07304	Ephemeral	659	Section 404
T21 Region 10	40.27201	-93.07483	Ephemeral	865	Section 404
T22 Region 10	40.27766	-93.07278		4,133	Section 404
T24 Region 10	40.28067	-93.07069	Ephemeral	329	Section 404
T25 Region 10	40.27852	-93.07189	Ephemeral	395	Section 404
T26 Region 10	40.27788	-93.06237	Ephemeral	473	Section 404
T27 Region 10	40.27516	-93.06119	Ephemeral	299	Section 404
T28 Region 10	40.27466	-93.06030	Ephemeral	265	Section 404
T29 Region 10	40.27178	-93.06347	Ephemeral	430	Section 404
T30 Region 10	40.27074	-93.06283	Ephemeral	348	Section 404
T31 Region 10	40.27013	-93.06306	Ephemeral	326	Section 404

Region 11

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

February 23, 2017

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, on behalf of the North Central Missouri Regional Water Commission, for our review of the East Locust Creek Region 11 – Wetland Delineation and Stream Assessment Report. The report is dated May 2016. The project is located in Sullivan County, near Boynton, Missouri. Your request has been assigned Regulatory File No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams, wetlands, and open waters delineated in your report are jurisdictional waters of the United States. Our acceptance of your jurisdictional report required that we correct the location of one site shown in your JD Form.

The jurisdictional determination for this project is considered a Preliminary Jurisdictional Determination (PJD) in accordance with Corps regulations at 33 CFR Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. The PJD is described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block, and return the form to our office. If you do not concur with the jurisdictional determination, then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization, prior to impacting any waters identified in the PJD.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. You may also call and request a paper copy of the survey which you may complete and return to us by mail or fax.

If you have any questions concerning this letter, please feel free to contact Mr. James Ptacek at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Enclosure

cc:

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: Feb 23, 2017

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: North Central Missouri Regional Water Commission, 1018 Highway E, Milan, Mo. 63556

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: NWK, KCD, ODRM, East Locust Creek Reservoir, NWK-2004-00255, Region 11

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: Missouri County/parish/borough: Sullivan City: Milan

Center coordinates of site (lat/long in degree decimal format):

Lat.: 40.30268 Long.: -93.10700

Universal Transverse Mercator: NAD83

Name of nearest waterbody: East Locust Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: Feb 23, 2017

☐ Field Determination. Date(s): Jul 6, 2015

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Region 11			Acres		
W1	40.30951	-93.11607	0.37	Wetlands	404
W2	40.30768	-93.11588	0.28	Wetlands	404
W3	40.30772	-93.11364	0.34	Wetlands	404
W4	40.30851	-93.10974	7.21	Wetlands	404
W5	40.30325	-93.10592	43.36	Wetlands	404

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☒ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Map: Site maps, Topographic maps, Soil maps.
- ☒ Data sheets prepared/submitted by or on behalf of the PJD requestor.
☒ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale: _____.
- ☐ Data sheets prepared by the Corps: _____.
- ☐ Corps navigable waters' study: _____.
- ☐ U.S. Geological Survey Hydrologic Atlas: _____.
☐ USGS NHD data.
☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Pollock SW 7.5 x 7.5 DRG.
- ☒ Natural Resources Conservation Service Soil Survey. Citation: Sullivan county soils Survey Map.
- ☒ National wetlands inventory map(s). Cite name: FWS NWI Map for area in question.
- ☐ State/local wetland inventory map(s): _____.
- ☐ FEMA/FIRM maps: _____.
- ☐ 100-year Floodplain Elevation is: _____.(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): 2015.
or ☒ Other (Name & Date): 2016.
- ☐ Previous determination(s). File no. and date of response letter: _____.
- ☐ Other information (please specify): _____.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

PTACEK.JAMES.ALAN.12
31382697

Digitally signed by PTACEK.JAMES.ALAN.1231382697
DN: cn=US, o=U.S. Government, ou=DoD, ou=PKI,
email=PTACEK.JAMES.ALAN.1231382697
Date: 2017.02.23 12:38:14 -0600

Signature and date of
Regulatory staff member
completing PJD

Signature and date of
person requesting PJD
(REQUIRED, unless obtaining
the signature is impracticable)¹

¹ Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH “MAY BE” SUBJECT TO REGULATORY JURISDICTION					
Region 11 Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non- wetland waters)	Geographic authority to which the aquatic resource “may be” subject (i.e., Section 404 or Section 10/404)
W6	40.30555	-93.10826	0.71 acre	Wetlands	404
W7	40.30276	-93.10843	0.91 acre	Wetlands	404
W8	40.30243	-93.10576	5.3 acres	Wetlands	404
W9	40.30164	-93.10833	7.06 acres	Wetlands	404
W10	40.29972	-93.10548	32.15 acres	Wetlands	404
W11	40.29639	-93.10019	12.91 acres	Wetlands	404
W12	40.29515	-93.10305	1.0 acre	Wetlands	404
East Locust Creek (ELC)			Linear Feet of Channel		
ELC	40.30485	-93.1079	8,378 feet	Nonwetland Waters	404
T1	40.30957	-93.11596	734 feet	Nonwetland Waters	404
T2	40.31004	-93.11683	217 feet	Nonwetland Waters	404
T3	40.30969	-93.11571	197 feet	Nonwetland Waters	404
T4	40.3091	-93.11468	157 feet	Nonwetland Waters	404
T5	40.30737	-93.11177	1,937 feet	Nonwetland Waters	404
T6	40.307676	-93.11615	582 feet	Nonwetland Waters	404
T7	40.30763	-93.1163	118 feet	Nonwetland Waters	404
T8	40.30699	-93.1125	1,035 feet	Nonwetland Waters	404
T9	40.30655	-93.11219	945 feet	Nonwetland Waters	404
T10	40.30561	-93.11257	287 feet	Nonwetland Waters	404
T11	40.30497	-93.10832	527 feet	Nonwetland Waters	404
T12	40.30177	-93.1123	1,213 feet	Nonwetland Waters	404
T13	40.30205	-93.11282	136 feet	Nonwetland Waters	404
T14	40.30021	-93.11193	2,022 feet	Nonwetland Waters	404
T15	40.30037	-93.11238	312 feet	Nonwetland Waters	404
T16	40.30048	-93.11138	161 feet	Nonwetland Waters	404
T17	40.2994	-93.108	1,107 feet	Nonwetland Waters	404
T18	40.29778	-93.10678	949 feet	Nonwetland Waters	404
T19	40.29534	-93.10292	1,863 feet	Nonwetland Waters	404

RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION					
Region 11 Site Number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e., wetland vs. non- wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e., Section 404 or Section 10/404)
Open Water - Impoundment					
	40.307915	-93.114192	2.5 acres	Nonwetland Waters	404

Region 12

Preliminary Jurisdictional Determination



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, KANSAS CITY DISTRICT
MISSOURI STATE REGULATORY OFFICE
515 EAST HIGH STREET, #202
JEFFERSON CITY, MISSOURI 65101

August 29, 2016

Missouri State Regulatory Office
(NWK-2004-00255)

Aaron Ball
Olsson Associates
7301 West 133rd Street
Suite 200
Overland Park, Kansas 66213

Dear Mr. Ball:

This letter is in response to your request, submitted on behalf of the North Central Missouri Regional Water Commission, for our review of a wetland and stream delineation report for East Locust Creek Reservoir. The report is entitled Region 12, Wetland Delineation and Stream Assessment Report, East Locust Creek Reservoir, Sullivan County, Missouri. The report is dated April 2016. Your request has been assigned Regulatory file No. 2004-00255. Please reference this file number on any correspondence to us or to other interested parties concerning this matter.

Based upon a review of the information furnished, we have made a preliminary jurisdictional determination that the streams and wetland delineated in your report are jurisdictional waters of the United States. Our acceptance of your jurisdictional report required that we correct the location of one stream shown in your JD Form and ORM Upload Sheet, and added two open water bodies that were constructed on existing stream channels to the delineation report.

The jurisdictional determinations for this project are considered Preliminary Jurisdictional Determinations (PJDs) in accordance with Corps regulations at 33 C.F.R. Part 331. PJDs, while sufficient for permit determinations, are not appealable. If you wish, you may request an Approved Jurisdictional Determination (which may be appealed) by contacting our office for further instructions. We request that you sign the signature block and return the form to our office for further instructions. The PJDs are described in the enclosed *Preliminary Jurisdictional Determination Form*. We request that you sign the signature block and return the form to our office. If you do not concur with the jurisdictional determination then you will need to obtain an Approved Jurisdictional Determination from our office, and the appropriate permit authorization prior to impacting any waters identified in the PJD.

If you have any questions concerning this letter, please feel free to contact me at 816-389-3834 or email to james.a.ptacek@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Ptacek". The signature is fluid and cursive, with the first name "James" and last name "Ptacek" clearly distinguishable.

James Ptacek
Project Manager

Enclosure
cc (electronic copy)

Clif Baumer
Natural Resources Conservation Service
Columbia, Missouri
North Central Missouri Regional Water Commission
Milan, Missouri

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

U.S. Army Corps of Engineers

BACKGROUND INFORMATION

A. **REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD):** August 25, 2016

B. **NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:**

North Central Missouri Regional Water Commission
1018 Highway E
Milan, MO 63556

C. **DISTRICT OFFICE, FILE NAME, AND NUMBER:** CENWK-ODRM, North Central Missouri Regional Water Commission, NWK-2004-00255

D. **PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: Missouri County: Sullivan City: Milan

Center coordinates of site (lat/long in degree decimal format): Lat. 40.274683, Long. -93.083714

Universal Transverse Mercator: NAD 83/UTM Zone 15

Authority: ☒ Section 404 ☐ Section 10

Name of nearest waterbody: East Locust Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: 27,081 width (ft) #and/or # acres.

Cowardin Class: Riverine - ephemeral

Stream Flow: Ephemeral

Non-wetland waters: linear feet: 8,166 width (ft) #and/or # acres.

Cowardin Class: Riverine - Upper Perennial

Stream Flow: Perennial

Wetlands: 44.43 acres.

Cowardin Class: EM-Emergent

Wetlands: 28.72 acres

Cowardin Class: FO- Forested

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal: N/A

Non-Tidal: *Waterbody*

E. **REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination.

Date: July 1, 2015

☒ Field Determination.

Date(s): July 6, 2015

The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

1. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different

special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. §331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply)

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Olsson Associates
- ☒ 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: [Click here to enter text.](#)
- ☐ Corps navigable waters’ study: [Click here to enter text.](#)
- ☒ U.S. Geological Survey Hydrologic Atlas: [Click here to enter text.](#)
 - ☒ USGS NHD data.
 - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000 Pollock, Missouri, Quadrangle
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Sullivan County Soils Survey Map
- ☒ National wetlands inventory map(s). Cite name: [Click here to enter text.](#)
- ☐ State/Local wetland inventory map(s): [Click here to enter text.](#)
- ☐ FEMA/FIRM maps: [Click here to enter text.](#)
- ☐ 100-year Floodplain Elevation is: [Click here to enter text.](#)
(National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Google Earth Historical Aerial Photographs
☐ or ☒ Other (Name & Date): [Click here to enter text.](#)
- ☐ Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)
- ☐ Other information (please specify): [Click here to enter text.](#)

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

James Ptacek August 25, 2016

 Signature and date of Regulatory Project Manager
 (REQUIRED)

 Signature and date of
 person requesting preliminary JD (REQUIRED,
 unless obtaining
 the signature is impracticable)

Site Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
				Acres	
W1 Region 12	40.284845	-93.089893	Palustrine - Forested	0.6	Section 404
W2 Region 12	40.283492	-93.090089	Palustrine - Forested	1.1	Section 404
W3a Region 12	40.280881	-93.086487	Palustrine - Emergent	21.93	Section 404
W3b Region 12	40.27364	-93.082184	Palustrine - Emergent	6.1	Section 404
W4 Region 12	40.27771	-93.09008	Palustrine - Emergent	0.77	Section 404
W5 Region 12	40.272951	-93.087525	Palustrine - Emergent	1.41	Section 404
W6 Region 12	40.273369	-93.084546	Palustrine - Forested	0.51	Section 404
W7 Region 12	40.27117	-93.0844	Palustrine - Forested	6.76	Section 404
W8 Region 12	40.270424	-93.082204	Palustrine - Emergent	3.74	Section 404
W9 Region 12	40.267666	-93.081834	Palustrine - Emergent	16.58	Section 404
W10 Region 12	40.26948	-93.08206	Palustrine - Forested	12.12	Section 404
W11 Region 12	40.26845	-93.08388	Palustrine - Forested	0.6	Section 404
W12 Region 12	40.26712	-93.08442	Palustrine - Forested	0.93	Section 404
				Feet	
East Locust Creek Region	40.269736	-93.081199	Perennial	8,166	Section 404
T1 Region 12	40.283511	-93.090082	Ephemeral	1,863	Section 404
T2 Region 12	40.282891	-93.091749	Ephemeral	444	Section 404
T3 Region 12	40.282289	-93.092492	Ephemeral	399	Section 404
T4 Region 12	40.282071	-93.093444	Ephemeral	501	Section 404
T5 Region 12	40.282758	-93.090960	Ephemeral	602	Section 404
T6 Region 12	40.281472	-93.087550	Ephemeral	539	Section 404
T7 Region 12	40.278532	-93.083699	Ephemeral	1,499	Section 404
T8 Region 12	40.277009	-93.091587	Intermittent	1,515	Section 404
T9 Region 12	40.278433	-93.089975	Intermittent	704	Section 404
T10 Region 12	40.278253	-93.089861	Ephemeral	401	Section 404
T11 Region 12	40.277249	-93.091733	Ephemeral	418	Section 404
T12 Region 12	40.277333	-93.094082	Ephemeral	769	Section 404

T13 Region 12	40.276862	-93.092681	Ephemeral	544	Section 404
T14 Region 12	40.276900	-93.091836	Ephemeral	235	Section 404
T15 Region 12	40.276872	-93.090658	Ephemeral	520	Section 404
T16 Region 12	40.277000	-93.089457	Ephemeral	299	Section 404
T17 Region 12	40.276633	-93.088304	Ephemeral	341	Section 404
T18 Region 12	40.276530	-93.086442	Intermittent	317	Section 404
T19 Region 12	40.275454	-93.084595	Ephemeral	666	Section 404
T20 Region 12	40.274921	-93.083577	Ephemeral	773	Section 404
T21 Region 12	40.274393	-93.083472	Ephemeral	1,113	Section 404
T22 Region 12	40.271533	-93.085027	Ephemeral	1,866	Section 404
T23 Region 12	40.272948	-93.090966	Ephemeral	1,398	Section 404
T24 Region 12	40.273365	-93.087761	Ephemeral	504	Section 404
T25 Region 12	40.273284	-93.089072	Ephemeral	641	Section 404
T26 Region 12	40.273296	-93.090607	Ephemeral	274	Section 404
T27 Region 12	40.273254	-93.090970	Ephemeral	251	Section 404
T28 Region 12	40.273691	-93.092281	Ephemeral	317	Section 404
T29 Region 12	40.272913	-93.091292	Ephemeral	819	Section 404
T30 Region 12	40.272402	-93.090392	Ephemeral	517	Section 404
T31 Region 12	40.272034	-93.089789	Ephemeral	799	Section 404
T32 Region 12	40.271378	-93.087628	Ephemeral	470	Section 404
T33 Region 12	40.273697	-93.078307	Ephemeral	460	Section 404
T34 Region 12	40.26910	-93.08542	Ephemeral	1,233	Section 404
T35 Region 12	40.26811	-93.08551	Ephemeral	642	Section 404
T36 Region 12	40.26728	-93.08522	Ephemeral	952	Section 404
T37 Region 12	40.26670	-93.08712	Ephemeral	1,241	Section 404
T38 Region 12	40.26882	-93.08089	Ephemeral	432	Section 404
T39 Region 12	40.277314	-93.093669	Ephemeral	221	Section 404
				Acres	
Open Water 1 Region 12	40.277888	-93.087676	Lacustrine	6.44	Section 404
Open Water 2 Region 12	40.272334	-93.087354	Lacustrine	4.2	Section 404