



Clean Water Act Section 404: Site Visit/Case Development

For inspections authorized pursuant to Clean Water Act sections 308 and 404 (33 U.S.C. §§ 1318 and 1344)

This report includes only factual information gained by documentation, onsite observations, and/or onsite interviews.

Inspector Name(s)	Delia Garcia. Ph.D.	Time In	10:00 AM	Start Date	October 12, 2023
		Time Out	11:25 AM	End Date	October 12, 2023
Inspector's Organization	U.S. Environmental Protection Agency. Region 7				
Organization Requesting Inspection (if different)					
Inspection Type	Evaluation	Inspection Status	Original		
Site Name	DD Highway Campground				
Site Address*					
City*	Marquand	County*	Madison	State*	MO Zip Code* 63655
Mailing Address*					
City*	East Prairie	County*	Mississippi	State*	MO Zip Code* 63845
Latitude*			Longitude*		
Estimated Size of Site (acres)	22	Is there a home on the site?		☒ Yes ☐ No	
Inspector Signature	DELIA GARCIA Digitally signed by DELIA GARCIA Date: 2023.12.04 13:33:46 -06'00'			Date	
Supervisor Signature	JODI BRUNO Digitally signed by JODI BRUNO Date: 2023.12.05 14:16:39 -06'00'			Date	



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Site Name	DD Highway Campground	Start Date	October 12, 2023
		End Date	October 12, 2023
Inspection Purpose	Initial site visit		
Opening Conference			
☒ Presentation of Inspector Credentials			
Name and Title (Use N/A if owner/operator not available to join the inspection)			
Steven Ball / Property Owner			
☒ Opening Conference			
Name of person authorizing access if applicable			
Steven Ball			
Notes from Opening Conference			
Christopher Hopfinger with the U.S. Army Corps of Engineers, St. Louis District (COE) contacted Steven Ball and arranged for a site visit on October 12, 2023. On October 12, 2023, I arrived at the site at 10:00 am, accompanied by Hannah Lewis (U.S. Environmental Protection Agency). We met Jaynie Doerr (COE) and Christopher Hopfinger (COE) at the entrance to the property. Steven Ball, the property owner, was already present at the site. After introductions I presented my inspector credentials to Steven Ball and explained the purpose and procedures of the 404 inspection. I also provided him with the confidentiality notice (Attachment 3) and a copy of the Federal Codes 1001 and 1002 for his review. I informed Steven Ball that the U.S. Environmental Protection Agency (EPA) and the COE are the two agencies that have been authorized to enforce Section 404 of the Clean Water Act and that we were there to investigate complaints we had received about placement of fill within the Castor River. Following our initial discussions, we proceeded to walk along the Castor River to conduct our observations. I completed my assessment shortly after 11:00 am and we had a discussion regarding findings and next steps. No samples were taken during the inspection but I did take 18 photographs and 1 video. See Attachment 2 for the digital chain of custody/photo and video log, and photographs.			
☐ Access Issues if Any			
Describe			
N/A			
Inspection Observations and Sample Collection			
Site Owner/Site Operator/Responsible Party (Name, title and contact information)			
Steven Ball, Owner. [REDACTED] MO 63845. (b) (6) [REDACTED]			
Additional Persons Present at Inspection			
Hannah Lewis, Life Scientist, U.S. Environmental Protection Agency, Region 7 Christopher Hopfinger, Project Manager, U.S. Army Corps of Engineers, St. Louis District Jaynie Doerr, Missouri Section Chief, U.S. Army Corps of Engineers, St. Louis District			

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		End Date	October 12, 2023
General Site Characteristics (layout of property, etc.)			
The property is located south of Marquand, Missouri within Madison County. The address is 2108 Highway DD, Marquand, Missouri. The Castor River flows into the property from the northeast and flows in a southwest direction through the property (see Attachment 1). The DD Highway Campground encompasses approximately 22 acres. The Castor River delineates the western boundary of the property, while the eastern boundary is delineated by Highway 324. The northern boundary of the property ends at the Highway DD overpass and the southern boundary is bordered by a forested riparian corridor.			
Purpose and Need for Discharge of Dredged and/or Fill Material			
Steven Ball indicated that he is trying to protect his campground from flooding and save the trees.			
Site Overview (Past inspections, site description, permits, etc.)			
The U.S. Army Corps of Engineers staff had previously been on site on July 15, 2014 and May 19, 2022 to inspect and provide an overview of the Clean Water Act, Section 404 regulations. No 404 permits have been issued for the site.			
Scope of Inspection (Areas inspected or not inspected)			
I started my observations on the upstream boundary of the property and walked along the Castor River until I reached the southern boundary of the property. I also made observations of a secondary channel of the Castor River which was located near the southwest boundary of the property.			

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Environmental Conditions (e.g., wind, rain, smoke, dust, temperature, snow)

Temperature was in the low 40's. and wind was approximately 10 mph.

Field Work Conducted

FINDINGS AND OBSERVATIONS

Following introductions and the entrance interview I made some observations of the Castor River starting upstream as the river enters the property from under the Highway DD bridge. The water was clear and flowing. water within the channel varied in width from 15-20 feet during the time of my inspection. The remnants of an old river crossing were still visible just downstream of the Highway DD bridge (see photos 1 and 3 in Attachment 2). Willow saplings were observed growing in a small sandbar within the Castor River channel (see photos 2 and 5 in Attachment 2). Minnows were observed swimming within the Castor River.

As I continued walking downstream I observed large piles of gravel that had been pushed up against the trunks of trees and some which appeared to have been staged in the area (see photos 6 and 7 in Attachment 2). When I asked Steven Ball about the purpose of piling up the gravel up against the trees, he indicated that he was trying to protect the trees from being washed out during heavy flows. I tried establishing the Ordinary High Water Mark (OHWM) along the left bank of the Castor River to determine if those gravel piles were below the OHWM. but it was difficult given all the manipulation that had taken place along the left descending bank of the Castor River. A gravel levee had also been placed along the edge of the campground. Steven Ball told us that he was trying to build a levee to protect the campground from heavy flows. As I continued walking downstream. I observed additional piles of gravel pushed up against trees (see photo 9 in Attachment 2).

The remnants of a small dam was present across the Castor River (see photos 10 and 11 in Attachment 2). Steven Ball stated that kids staying at the campground had built it.

Manipulation along the left descending bank of the Castor River continued downstream. Gravel had been excavated and piled/ deposited within the secondary channel of the Castor River, which at the time of the inspection was mostly dry (see photos 12 and 13 in Attachment 2). Some pooled water was present within the secondary channel further downstream (photo 12 in Attachment 2). There were definitely differences in elevation that were caused by the pushing and stockpiling of gravel along the left descending bank of the river. but the elevation differences were difficult to capture in photos. The gravel sorting that you would expect in this type of river system was not present within the left descending bank of the Castor River. The gravel deposition observed was not natural. The right descending bank of the Castor River was actively eroding on the downstream section of the property (see photo 18 in Attachment 2)

Closing Conference

Documents Received and/or Requested During the Inspection

None

Compliance Assistance Provided (If any)

During the inspection the property owner indicated that he wanted to finish building the levee. we told him that he should not continue with any activities within the floodplain until we could establish the OHWM for the left descending bank of the Castor River.

Observations Relayed to Site Owner/Operator

The COE informed the property owner that stockpiling, pushing, and construction of levees within Waters of the United States is not allowed. We informed him that establishing the OHWM along the left bank of the Castor River was difficult given all the manipulation that had taken place. Steven Ball told us that he wanted to continue protecting his campground. and we told him he

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needed to halt any additional activity until we could establish the OHWM. We told him that the agencies would work together on reviewing aerial images and other sources of information that would allow us to establish the OHWM and we would be sending him an aerial imagery with an approximation of the OHWM along the left bank of the Castor River.			
Actions Taken by Owner/Operator During the Inspection (If any) N/A			
Potential Issues of Concern Including Regulatory Citations Section 301(a) of the CWA, 33 U.S.C. 1311(a), prohibits the discharge of pollutants except in compliance with, inter alia, Section 404 of the CWA, 33 U.S.C. 1344. Section 404 of the CWA, 33 U.S.C. 1344, specifically requires a person to obtain a permit from the Secretary of the Army acting through the Chief of Engineers, commonly referred to as the United States Army Corps of Engineers, for any discharge of "dredged or fill material" into the "navigable waters" of the United States. The property owner did not apply for or receive a Section 404 permit prior to manipulating the left bank of the Castor River on his property. Much of the manipulation, stock piling, and pushing of gravel occurred below the OHWM (see Attachment 4). The work was done without authorization despite the fact that staff from the COE had previously asked the property owner to halt any additional discharges into Waters of the United States without a permit.			
Attachments* ☒ Maps and Sketches ☒ Photographs (including location) and Photo Log ☐ Other (SSIP, Wetlands Delineation Forms, etc.) Attachment 1: Maps (3 pages) Attachment 2: October 12, 2023 Digital Image Log and Photos (23 pages) Attachment 3: Confidentiality Notice (1 page) Attachment 4: Aerial Imagery with OHWM (4 pages)			
Additional Notes After the inspection, Christopher Hopfinger utilized a combination of historical gage data, onsite physical evidence/assessment, and the elevation tool within the COE's National Regulatory Viewer to establish the OHWM. The OHWM of the left bank of the Castor River was labeled on aerial and LiDAR imagery by Christopher Hopfinger (see Attachment 4).			