

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS**  
**RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK**  
**COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Huntington  
 FILE NUMBER: 200400756

REGULATORY PROJECT MANAGER: Steve Spagna Date: September 20, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: In the office Y (Y/N) Date: September 20, 2004  
 At the project site Y (Y/N) Date: July 20, 2004

**PROJECT LOCATION INFORMATION:**

State: Ohio  
 County: Perry  
 Center coordinates of site by latitude & longitudinal coordinates: 39.7520350463782/ -82.1738094706887  
 Approximate size of site/property (including uplands & in acres): 500 acres  
 Name of waterway or watershed: Muskingum

**SITE CONDITIONS:**

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								853	
Dry Wash									
Mudflat									
Sandflat									
Wetlands		1.94							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)				8.12 A					
<u>Man-made Pond</u>				mining					
				pit pond					

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?				X	
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?		X			

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary    Or Approved X.

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

During a site investigation conducted on July 20, 2004 by Mr. Stan Walker of this office, it was determined stream segments S-A, S-B, S-I, wetlands WL-1, WL-2, WL-3, WL-6, WL-7, WL-8, WL-9, WL-10, WL-11, WL-12, WL-14, WL-15, and impoundments I-2, I-4, I-6, I-7, I-8, I-12, I-13, I-14, I-15, and I-16 are isolated and do not have a surface water connection to waters of the United States.

Table 1 indicates the total length of jurisdictional and isolated streams on site. Table 2 indicates the total acreage of jurisdictional and isolated wetlands and ponds on site.

**Table 1: Streams Identified on Oxford Mining Company, Inc.  
New Lexington North Permit Area**

<b>Water</b>	<b>Hydrologic Connectivity to Waters of the U.S.</b>	<b>Designation</b>	<b>Length</b>	<b>Length previously impacted by mining</b>
S-A	Isolated	Ephemeral	113	113
S-B	Isolated	Ephemeral	488	488
S-C	Connected	Ephemeral/ Intermittent	1128/ 404	1128/ 404
S-D	Connected	Intermittent	249	249
S-E	Connected	Perennial	392	392
S-F	Connected	Intermittent	516	516
S-G	Connected	Intermittent	545	545
S-H	Connected	Ephemeral	219	219
S-I	Isolated	Ephemeral	252	252
S-J	Connected	Ephemeral	357	357
S-K	Connected	Intermittent	688	688
S-L	Connected	Intermittent	529	529
S-M	Connected	Perennial	926	926
S-N	Connected	Ephemeral	518	518
S-O	Connected	Ephemeral	49	49
S-P	Connected	Intermittent	234	234
<b>Total Non-Jurisdictional Streams on site = linear feet</b>			853	853
<b>Total Jurisdictional Streams on-site = linear feet</b>			6754	6754

S = STREAM

**Table 2: Wetlands and Open Waters Identified on Oxford Mining Company, Inc.  
New Lexington North Permit Area**

ID	Type	Jurisdictional		Isolated	
		Wetland	Open Water	Wetland	Open Water
WL-1	PFO			0.14	
WL-2	PEM			0.11	
WL-3	PEM			0.05	
WL-4	PEM	0.11			
WL-5	PEM	0.11			
WL-6	PEM			0.01	
WL-7	PEM			0.04	
WL-8	POW			0.16	
WL-9	PEM			0.05	
WL-10	PEM			0.10	
WL-11	PEM			0.07	
WL-12	PEM			0.13	
WL-13	PEM	0.06			
WL-14	PEM			0.17	
WL-15	PEM			0.41	
WL-16	PEM	1.69			
I-1	PRB		0.82		
I-2	PRB			0.16	3.08
I-3	PRB		0.62		
I-4	PRB				0.37
I-5	PRB		0.16		
I-6	PRB				1.00
I-7	PRB				0.1
I-8	PRB				0.33
I-9	PRB	0.11	0.45		
I-10	PRB	0.23	1.33		
I-11	PRB		1.16		
I-12	PRB				1.29
I-13	PRB				0.38
I-14	PRB				0.16
I-15	PRB			0.34	1.03
I-16	PRB				0.38
Total acreage		2.31	4.54	1.94	8.12

WL = WETLAND    I = IMPOUNDMENT