



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**1. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 10-27-2020  
 ORM Number: LRH-2015-57-TUG  
 Associated JDs: 2013-135-TUG; 2016-1062-TUG; 2015-57-TUG  
 Review Area Location<sup>1</sup>: State: WV City: MYRTLE County: MINGO

**2. FINDINGS**

**A. Summary:**

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: NA or describe.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
  - There are “waters of the United States” within the Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
  - There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§10)<sup>2</sup>**

§10 Name	§10 Size	§10 Criteria	Rationale for §10 Determination
		N/A.	

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
		N/A.	

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
A (left branch of Riffe Br)	1300 linear ft	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observed flow along 1300 ft. Surface water connection to perennial Riffe Branch.
A2 (fork of A)	115 LF	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observed flow. Surface connection to perennial stream.
A3	67 LF	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
AB Main (Ashcamp Branch)	1920 LF	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If a navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.



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AB-1 (fork of Ashcamp Br)	109 LF	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
AB Main 3	350 LF	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
AB-4	285	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
AB-5	300	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-1 (trib of Left Fork of Riffe Br.)	2391	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-1C	367	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-1B	275	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-1A	175	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-2	2536	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-2A	366	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-2A1	218	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-2A2	138	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
LF-2B	78	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-Main (Bubby Branch)	2987	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-11 (trib of BB)	145	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-10	300	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-1	2167	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-1D	1480	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-1E	45	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-2	350	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-3	135	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-5B	353	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-5C	110	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-7	209	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-8	970	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-8A	640	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
BB-8D	137	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
B (trib of Riffe Branch)	118	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.



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E (trib of Riffe Branch)	2378	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
E1	100	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
E2	70	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
F	250	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
G	630	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
H	680	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
I	3555	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
I-2	70	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
I-3	118	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
I-4	220	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
Laurel Fork	1000	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
Riffe Branch	4480	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observed flow on multiple visits from its origin at old valley fill.
RB-3	1475	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
RB-3B	225	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
RB-6 (trib of Riffe Branch)	2522	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
RB-6D	252	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
RB-VF	45	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
Road Fork (RF)	2720	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.
RF4 (trib of RF)	120	(a)(2) Intermittent tributary...	Observed flow. Surface connection to perennial stream.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
		N/A.	

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	
0.14 acre	0.14 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	



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**D. Excluded Waters or Features**

<b>Excluded Waters ((b)(1) thru (b)(12)).<sup>4</sup></b>			
<b>Exclusion Name</b>	<b>Exclusion Size</b>	<b>Exclusion<sup>5</sup></b>	<b>Rationale for determination</b>
A	440 LF	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	No flow. No indicators of extended flow.
A1	58 LF	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
A2	385	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
A4	300	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
B	1000	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
RB-1	1243	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
RB-6	20	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
RB-6A	590	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
RB-6B	100	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
RB-6C	54	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
RB-6D	44	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
E1	500	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
I-1	65	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
I-5	50	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
RF2	100	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
RLF-0	400	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-Main	455	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-2	287	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-3	75	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-6	596	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-7	51	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-8C	52	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-8	789	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-9	76	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-10	56	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-10A	62	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
BB-12	238	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
AB-Main1	146	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
AB-Main2	125	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
AB-2	267	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
AB-2A	255	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
AB-3	110	(b)(3) Ephemeral feature...	No flow. No indicators of extended flow.
Wetland 4	0.01	(b)(1) Non-adjacent wetland.	No hydrologic connection to (a)(1) water

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks the Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four subcategories of the (b)(1) exclusions were administratively created for the purpose of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by or on behalf of the applicant/consultant: AJD request dtd 9-29-2020 from Doss Engineering, Inc.  
This information is sufficient for purposes of this JD.
- Rationale: NA
- Data sheets prepared by the Corps: NA
- Photographs: Aerial and Other:  
— Corps site visit conducted on: As conducted for previous JDs listed below.
- Previous AJD or PJD: [2015-57-TUG PJD dated 2 Feb 2017 (McCoy); 2013-135-TUG PJD dtd 19 Apr 2013 (re-checked 6-2020).
- Antecedent Precipitation Tool [*Provide detailed discussion in Section III.B.*]
- USDA/NRCS Soil Survey:
- USFWS NWI Maps:
- USGS Topographic Maps

Other Data Sources Used to Aid in this Determination:

Data Source	
USGS Source	
USDA Source	
USACE Sources	
State/Local/Tribal Sources	
Other Sources	

**B. Typical Year Assessment:** NA

**C. Additional Comments to Support AJD:** Large majority of AJD based on previous delineation & PJD completed within past 5 years. For area previously investigated over 5 years ago, this AJD is based on agent's site investigation of July 2020.