



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

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 10/8/2020
 ORM Number: LRH-2018-597-OHR
 Associated JDs: NA
 Review Area Location¹: State/Territory: near New Milton, Doddridge County WV City: Enter.
 County/Parish/Borough: Enter.
 Center Coordinates of Review Area: Latitude 39.211054 Longitude -80.628255 Southern End; and 39.214884, -80.62580 North end.

II. FINDINGS

- A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.
- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
 - There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
 - There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
 - There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

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

C. Clean Water Act Section 404

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

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

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

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

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

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



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland G	0.08	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland touches and drains into Stream 3, which is an entirely intermittent tributary of Hunter Fork, an indirect tributary of the Ohio River.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland J	0.03	acre(s)	(b)(1) Non-adjacent wetland.	No surface water connection to a tributary.
Wetland C.	0.001	acre(s)	(b)(1) Non-adjacent wetland.	No surface water connection to a tributary.
Wetland H.	0.01	acre(s)	(b)(1) Non-adjacent wetland.	No surface water connection to a tributary.
Wetland I	0.001	acre(s)	(b)(1) Non-adjacent wetland.	No surface water connection to a tributary.
Wetland F	0.04	acre(s)	(b)(1) Non-adjacent wetland.	No surface water connection to a tributary.
Wetland D	0.116	acre(s)	(b)(1) Non-adjacent wetland.	Separated from a tributary by 15 linear feet of upland. Wetland is not separated from tributary by a natural berm or artificial structure. All wetland hydrology enters groundwater. Wetland D has no surface water connection to a tributary.
TOTAL	0.198	acre(s)		

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: **Civil & Environmental Consultants Inc.**

This information is sufficient for purposes of this AJD.

Rationale: **NA**

Data sheets prepared by the Corps: **Title(s) and/or date(s).**

Photographs: **Select. Photos taken on April 7, 2020 included in report dated July 24, 2020.**

Corps site visit(s) conducted on: **Date(s).**

Previous Jurisdictional Determinations (AJDs or PJDs): **2018-597-OHR dated 12-7-2018.**

Antecedent Precipitation Tool: **provide detailed discussion in Section III.B.**

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

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



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- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Available maps](#).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): The Corps' Antecedent Precipitation Tool indicates that the field review (7 April 2020) was conducted during a wet season. The data indicates the site had not received rain in the 3 days prior to the site review. Precipitation received during the 20 days prior to the site visit had been within the 30-year normal range. Prior to the 20-day period, precipitation had been greater than the 30-year normal range between December 2019 and March 2020.

C. Additional comments to support AJD: [None](#)