



**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): April 13, 2021

ORM Number: LRH-2019-461-GUY

Associated JDs: -- PJD 2019-461-GUY dated Dec.6, 2019

Review Area Location<sup>1</sup>: State: WV City: 1 mile NW of Ittman; County: WYOMING COUNTY

Coordinates: 37.6084; -81.394

**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.
- 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**

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

<b>Tributaries ((a)(2) waters):</b>			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
“Hollow C” (trib of Still Run)	1190 LF	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Flow regime verified under PJD dtd Dec.6, 2019. Observed flow and physical indicators extended flow from mouth to E/I point at Sta. 11+90.

<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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<b>Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):</b>			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
None	NA	N/A.	

<b>Adjacent wetlands ((a)(4) waters):</b>			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	
None		N/A.	

**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>
“Hollow B”	3,150 LF	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	PJD issued 6-9-2020 delineated and verified as all ephemeral. No indicators of extended surface flow. Includes 90 ft of culverted channel.
“Hollow C”	860 LF	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	PJD issued 6-9-2020 delineated & verified as ephemeral for 860 ft updrain of Sta. 11+90 (E/I point). No indicators of extended flow.

**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: JD report titled “Approve JD Request for the Still Run Project Area”, dated February 17, 2021, provided by True Line, Inc.

This information is sufficient for purposes of this JD.

- Rationale: NA
- Data sheets prepared by the Corps: NA
- Photographs: Aerial and Other: Included in JD document.
- Corps site visit conducted on: As conducted for previous JDs listed below.
- Previous AJD or PJD: PJD 2019-461-GUY dtd Dec.6, 2019; & info received thru June 1, 2020.
- Antecedent Precipitation Tool [Provide detailed discussion in Section III.B.]
- USDA/NRCS Soil Survey:
- USFWS NWI Maps:
- USGS Topographic Maps

<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.



US Army Corps  
of Engineers  
Huntington District

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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:** The agent's site delineations were conducted from last week in August through the first week of September 2019. The Antecedent Precipitation Tool (APT) indicates the amount of precipitation received in the vicinity in the previous 30 days was below the the 30-year average for that location. The area received 0.12 inch of rain on August 27; then 0.11 inch rain on August 28, but no additional rain from August 29 through September 6, 2019.

**C. Additional Comments to Support AJD:** See attached JD Map titled "Still Run Jurisdictional Determination Map, February 2021".