



**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): 6/23/2020
 ORM Number: LRH-2019-706-SCR-Deer Creek
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Oak Run & Fairfield Townships
 County/Parish/Borough: Madison
 Center Coordinates of Review Area: Latitude 39.85396 Longitude -83.33211

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
 - 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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
WC01	5572	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	N/A.
WC02	10597	linear feet	(a)(2) Perennial tributary	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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	
WC05	502	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	N/A.
WC08	2760	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	N/A.
WC13	1567	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	N/A.
WC14	173	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	N/A.
WC100	7142	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	N/A.
WC102	12	linear feet (a)(2) Intermittent tributary	N/A.



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(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	
WC107	2127	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	N/A.
WC108	2160	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
WB09	26.752	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB12	4.376	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB19	.302	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB36	1.327	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB37	.153	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB40	.618	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
WB45	34.137	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB46	.886	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB59	.733	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB61	.202	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	N/A.
WB62	1.373	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB110	1.274	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB112	1.329	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.
WB114	.020	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
P01	.302	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional	N/A.

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			water that meets (c)(6).	
P02	.521	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	N/A.
WC03	876	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC04	542	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC06	648	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC07	699	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC09	514	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC10	499	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC09	514	linear feet	(b)(3) Ephemeral feature, including	N/A.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			an ephemeral stream, swale, gully, rill, or pool.	
WC10	499	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC11	605	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC12	358	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC15	449	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC16	1068	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC17	351	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC18	340	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC19	812	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC20	248	linear feet	(b)(3) Ephemeral feature, including an ephemeral	N/A.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			stream, swale, gully, rill, or pool.	
WC21	164	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC22	184	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC23	305	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC24	1759	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC25	1783	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC26	717	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC101	51	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC103	256	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC104	475	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WC105	479	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC109	565	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC110	291	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WC111	816	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WB01	.024	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB02	.157	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB03	.106	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB04	.023	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB05	.074	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB06	.259	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB07	.165	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB08	.050	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB13	.814	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB14	1.854	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB15	.024	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB16	.060	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB17	.046	acre(s)	(b)(1) Non-adjacent wetland.	N/A.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WB18	.128	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB20	.152	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB21	.589	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB22	.307	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB23	.096	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB24	.076	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB25	.685	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB26	.243	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB27	.041	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB28	.158	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB29	.168	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB30	.095	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB31	3.237	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB32	.142	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB33	.619	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB34	.367	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB35	.048	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB38	.060	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB39	.056	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB41	.111	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB42	.113	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB43	.190	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB44	.259	acre(s)	(b)(1) Non-adjacent wetland.	N/A.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WB47	.043	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB48	.103	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB49	.075	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB50	.048	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB51	.062	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB52	.394	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB53	.063	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB54	.165	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB55	.825	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB56	.260	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB57	.275	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB58	.214	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB60	.139	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB100	.462	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB101	.570	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB102	.137	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB103	.172	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB104	.041	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB105	.090	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB106	.040	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB107	.068	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB108	.492	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB109	.360	acre(s)	(b)(1) Non-adjacent wetland.	N/A.



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Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
WB111	.152 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB115	.360 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB116	1.132 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB117	.108 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB118	.054 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB119	.075 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB201	.160 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB202	.315 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB203	.188 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB204	.125 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB205	.074 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB206	1.012 acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WB207	.184 acre(s)	(b)(1) Non-adjacent wetland.	N/A.

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: [Madison Solar Site Wetland Delineation Report, Prepared by Westwood Profesionals on behalf of 1st Solar, dated 19 October 2018 with additional information received on 22 June 2020.](#)

This information **Select.** sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Appendix C of the referenced delineation report.](#)

Corps site visit(s) conducted on: [January 11, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Madison County Soil Survey](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)

USGS topographic maps: [1:24K Big Plain Ohio Quad](#)

Other data sources used to aid in this determination:



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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	Ohio EPA ORAM and QHEI data forms within the referenced delineation report.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: Antecedent Precipitation information was collected three months prior to the wetland delineation field work was calculated and it was determined that these periods were wetter than normal. This was obtained from the AgACIS WETS Station in London, Ohio.