



**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): 9/8/2020

ORM Number: LRH-2020-562-SCR

Associated JDs: N/A

Review Area Location¹: State/Territory: Ohio City: Union Township County/Parish/Borough: Ross County

Center Coordinates of Review Area: Latitude 39.496676 Longitude -83.04672

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
S101	1700 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S101 (Wolf Run) is a perennial, direct tributary to Yellowbud Creek, an (a)(2) water and direct tributary to the Scioto River, an (a)(1) water, at a location outside of the review area. Through this path, S101 contributes perennial surface water flow indirectly to the Scioto River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
S201	661 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to	S201 (Unnamed Tributary to Yellowbud Creek) is an intermittent, direct tributary to Yellowbud Creek, an (a)(2) water and direct tributary to the Scioto River, an

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 independent 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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		an (a)(1) water in a typical year	(a)(1) water, at a location outside of the review area. S201 contributes intermittent surface water flow indirectly to the Scioto River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
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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

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W110	0.29 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W110 directly abuts S101, Wolf Run, an (a)(2) water. Reference S101 above.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
W001	0.21 acre	(b)(1) Non-adjacent wetland	W001 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W002	0.15 acre	(b)(1) Non-adjacent wetland	W002 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W003	0.92 acre	(b)(1) Non-adjacent wetland	W003 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W004	0.92 acre	(b)(1) Non-adjacent wetland	W004 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1),

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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			and is not subject to regulation under Section 404.
W005	3.70 acres	(b)(1) Non-adjacent wetland	W005 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W006	4.75 acres	(b)(1) Non-adjacent wetland	W006 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W007	2.43 acres	(b)(1) Non-adjacent wetland	W007 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W008	0.68 acre	(b)(1) Non-adjacent wetland	W008 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W009	0.33 acre	(b)(1) Non-adjacent wetland	W009 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W010	0.21 acre	(b)(1) Non-adjacent wetland	W010 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W011	1.12 acres	(b)(1) Non-adjacent wetland	W011 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1),

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W012	0.62 acre	(b)(1) Non-adjacent wetland	W012 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W013	1.90 acres	(b)(1) Non-adjacent wetland	W013 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W014	0.80 acre	(b)(1) Non-adjacent wetland	W014 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W015	0.55 acre	(b)(1) Non-adjacent wetland	W015 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W016	2.80 acres	(b)(1) Non-adjacent wetland	W016 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W017	0.24 acre	(b)(1) Non-adjacent wetland	W017 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W018	0.18 acre	(b)(1) Non-adjacent wetland	W018 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1),

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W019	0.36 acre	(b)(1) Non-adjacent wetland	W019 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W020	0.78 acre	(b)(1) Non-adjacent wetland	W020 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W021	0.12 acre	(b)(1) Non-adjacent wetland	W021 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W022	2.19 acres	(b)(1) Non-adjacent wetland	W022 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W023	0.11 acre	(b)(1) Non-adjacent wetland	W023 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W024	0.06 acre	(b)(1) Non-adjacent wetland	W024 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W025	0.07 acre	(b)(1) Non-adjacent wetland	W025 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1),

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W026	0.14 acre	(b)(1) Non-adjacent wetland	W026 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W027	0.44 acre	(b)(1) Non-adjacent wetland	W027 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W028	0.11 acre	(b)(1) Non-adjacent wetland	W028 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W029	0.04 acre	(b)(1) Non-adjacent wetland	W029 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W101	0.18 acre	(b)(1) Non-adjacent wetland	W101 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W102	0.18 acre	(b)(1) Non-adjacent wetland	W102 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W103	0.03 acre	(b)(1) Non-adjacent wetland	W103 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1),

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W104	0.63 acre	(b)(1) Non-adjacent wetland	W104 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W105	0.20 acre	(b)(1) Non-adjacent wetland	W105 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W106	0.84 acre	(b)(1) Non-adjacent wetland	W106 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W107	0.08 acre	(b)(1) Non-adjacent wetland	W107 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W108	0.07 acre	(b)(1) Non-adjacent wetland	W108 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W109	0.10 acre	(b)(1) Non-adjacent wetland	W109 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W201	1.30 acres	(b)(1) Non-adjacent wetland	W201 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1),

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W202	7.92 acres	(b)(1) Non-adjacent wetland	W202 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W203	17.28 acres	(b)(1) Non-adjacent wetland	W203 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W204	6.47 acres	(b)(1) Non-adjacent wetland	W204 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W205	0.34 acre	(b)(1) Non-adjacent wetland	W205 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W206	0.19 acre	(b)(1) Non-adjacent wetland	W206 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W207	0.15 acre	(b)(1) Non-adjacent wetland	W207 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W208	0.08 acre	(b)(1) Non-adjacent wetland	W208 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1),

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W209	0.17 acre	(b)(1) Non-adjacent wetland	W209 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W210	0.02 acre	(b)(1) Non-adjacent wetland	W210 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W211	0.26 acre	(b)(1) Non-adjacent wetland	W211 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W212	0.07 acre	(b)(1) Non-adjacent wetland	W212 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W213	0.09 acre	(b)(1) Non-adjacent wetland	W213 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W214	0.52 acre	(b)(1) Non-adjacent wetland	W214 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W215	0.32 acre	(b)(1) Non-adjacent wetland	W215 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1),

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W216	1.02 acres	(b)(1) Non-adjacent wetland	W216 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W217	0.17 acre	(b)(1) Non-adjacent wetland	W217 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W218	0.31 acre	(b)(1) Non-adjacent wetland	W218 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W219	0.09 acre	(b)(1) Non-adjacent wetland	W219 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W220	0.26 acre	(b)(1) Non-adjacent wetland	W220 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.
W221	0.96 acre	(b)(1) Non-adjacent wetland	W221 does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404.

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.

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APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- Information submitted by, or on behalf of, the applicant/consultant: [Regulated Waters Delineation Report, Yellowbud Solar, Pickaway and Ross Counties, Ohio dated May 2020 and completed by Cardno \(JD, May 2020\)](#)
This information *is* sufficient for purposes of this AJD.
Rationale: [The information provided by or on behalf of the applicant accurately reflects the district's conclusions on the AJD.](#)
- Data sheets prepared by the Corps: [N/A](#)
- Photographs: [Appendix B – Site Photographs and Figure 5 – Delineation Map \(JD, May 2020\)](#)
- Corps Site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\). N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Figure 4 – Soil Survey \(JD, May 2020\)](#)
- USFWS NWI maps: [Figure 2 – NWI and Watershed \(JD, May 2020\)](#)
- USGS topographic maps: [Figure 1 – Project Location \(JD, May 2020\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	NHD, Huntington District Regulatory Viewers
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Appendix C – Wetland Delineation Data Sheets and Appendix D – Wetland and Stream Forms (JD, May 2020)
Other Sources	FEMA National Flood Hazard Layer, Huntington District Regulatory Viewers and Exhibit 3 – Construction in Floodway Constraints (JD, May 2020)

B. Typical year assessment(s): [A typical year occurs over a rolling thirty year period and includes the analysis of precipitation and other climatic variables to establish a normal period range \(seasonally or annually\) for a specific geographic region where the aquatic resource occurs. Two \(2\) point-in-time data sources dated 21 April 2020 and 22 April 2020, with a corresponding antecedent precipitation tool \(APT\) report, is included in the evaluation for the excluded features listed in Section II D. According to the APT report for 21 April 2020, wetter than normal conditions with an antecedent condition calculation of 15 were observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of 3.65 severe wetness. The 30-day rolling total for precipitation was within the 30-year normal range. According to the APT report for 22 April 2020, wetter than normal conditions with an antecedent condition calculation of 15 were observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of 3.65 severe wetness. The 30-day rolling total for precipitation was within the 30-year normal range. During the 21 April 2020 and 22 April 2020, S101 and S201 both exhibited flow within the stream channels. S101 is depicted as Wolf Run on the](#)

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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USGS topographic map. Additionally, S101 is depicted on the NWI map and the NHD. S101 includes a clearly defined bed and bank, coarse bed material (sand and gravel), riffles, and moderate sinuosity. Based on the submitted information, S101 contributes perennial flow downstream indirectly to the Scioto River, an (a)(1) water. Therefore, S101 is an (a)(2) water. W110 directly abuts S101. Therefore, W110 is an (a)(4) water. S201 is not depicted on the USGS topographic map. However, S201 is depicted on the NWI and NHD maps. S201 includes a clearly defined bed and bank, silt and sand bed material, and no sinuosity. Based on the submitted information, S201 exhibits intermittent flow. S201 contributes intermittent flow downstream indirectly to the Scioto River, an (a)(1) water. Therefore, S201 is an (a)(2) water. The JD review area is not located within the 100-year floodplain. W001-W029, W101-W109, and W201-W221 do not abut a water identified in 33 CFR 328.3(a)(1), (2), or (3), are not inundated by flooding from a water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year, are not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature, and are not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure. Therefore, W001-W029, W101-W109, and W201-W221 are not jurisdictional waters of the United States per 33 CFR 328.3(b)(1).

C. Additional comments to support AJD: N/A.

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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.