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): 5/27/2021
ORM Number: LRH-2020-00913-SCR-Deer Creek
Associated JDs: N/A
Review Area Location[1]: State/Territory: Ohio City: Deer Creek and Perry Townships
County/Parish/Borough: Pickaway
Center Coordinates of Review Area: Latitude 39.575920 Longitude -83.165075

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
SS-T02-001	5,874	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-001 (Deer Creek) is a direct perennial tributary to the Scioto River an (a)(1) TNW. Through this path, Stream SS-T02-001 contributes surface water flow directly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-002	2,424	linear feet	(a)(2) Perennial tributary	Stream SS-T02-002 is a direct perennial tributary to Deer Creek (SS-T02-001). Deer Creek is a direct

[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.

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.	tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-002 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-003	138	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-003 is an indirect intermittent tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-003 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T04-001	1,730	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T04-001 is a direct intermittent tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T04-001 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-004	2,640	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-004 is a direct perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-004 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-005	2,862	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-005 is a direct perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-005 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T01-001	1,054	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T01-001 (Slate Run) is a direct perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T01-001 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T01-002	3,928	linear feet	(a)(2) Perennial tributary	Stream SS-T01-002 is an indirect perennial tributary to Deer Creek. Deer Creek is a direct tributary to the

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.	Scioto River, an (a)(1) TNW. Through this path, Stream SS-T01-002 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T01-003	1,669	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T01-003 is an indirect perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T01-003 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-008	2,036	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-008 is a direct perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-008 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-009	584	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-009 is an indirect intermittent tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-009 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-010	321	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-010 is an indirect perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-010 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-011	557	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-011 is an indirect perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-011 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T02-012	2,238	linear feet	(a)(2) Perennial tributary	Stream SS-T02-012 (Hay Run) is direct perennial tributary to Deer Creek. Deer Creek is a direct

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.	tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T02-012 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T04-004	1,653	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T04-004 is an indirect intermittent tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T04-004SS contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T04-009	2,760	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T04-009 is an indirect intermittent tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T04-009 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T04-010	1,082	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T04-010 is an indirect intermittent tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T04-010 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T03-001	5,945	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T03-001 is an indirect perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T03-001 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T03-002	849	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T03-002 is an indirect perennial tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T03-002 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T03-003	5,433	N/A.	(a)(2) Perennial tributary	Stream SS-T03-003 is an indirect perennial tributary to Deer Creek. Deer Creek is a direct tributary to the

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.	Scioto River, an (a)(1) TNW. Through this path, Stream SS-T03-003 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form).
SS-T04-008	60	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T04-008 is an indirect intermittent tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Through this path, Stream SS-T04-008 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form). Approximately 55 linear feet of SS-S04-008 are enclosed in a culvert. This 55 linear feet would not be part of the (a)(2) tributary.
SS-T02-006	1,480	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream SS-T02-006 is an indirect intermittent tributary to Deer Creek. Deer Creek is a direct tributary to the Scioto River, an (a)(1) TNW. Stream SS-T02-006 flows in an open channel for approximately 1,480 linear feet within the study area before being encased in an active agricultural drainage system (e.g., tiles and culverts). Based on aerial imagery, historic topographic maps, and the delineation report, SS-T02-006 terminates at a culvert inlet to a “significant agricultural drainage system” which outlets to on-site SS-T02-005, a perennial tributary to Deer Creek. Through this path, Stream SS-T02-006 contributes surface water flow indirectly to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III. B. of this AJD form). Approximately 1,380 linear feet of SS-S02-006 are enclosed in an active agriculture drainage system. This approximate 1,380 linear feet would not be part of the (a)(2) tributary.

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
W-T02-004	0.46	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-T02-004 physically abuts Stream SS-T02-001, a perennial (a)(2) tributary. Reference Section III. B. of this AJD form for typical year assessments and Section III. C for details. Refer to the enclosed map

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
				entitled "Field Delineated Features Atlanta Farms Solar Project."
W-T02-005	0.35	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-T02-005 physically abuts Stream SS-T02-001, a perennial (a)(2) tributary. Reference Section III. B. of this AJD form for typical year assessments and Section III. C for details. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
W-T05-001	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-T05-001 physically abuts Stream SS-T01-001, a perennial (a)(2) tributary. Reference Section III. B. of this AJD form for typical year assessments. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
W-T04-001	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-T04-001 physically abuts Stream SS-T04-001, an intermittent (a)(2) tributary. Reference Section III. B. of this AJD form for typical year assessments. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
W-T04-009	0.27	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-T04-009 physically abuts Stream SS-T02-013, a perennial (a)(2) tributary. Reference Section III. B. of this AJD form for typical year assessments. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
W-T04-008 W-T04-007	0.82 0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetlands W-T04-007 and W-T04-008 physically abut Stream SS-T04-008, an intermittent (a)(2) tributary. Reference Section III. B. of this AJD form for typical year assessments. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
W-T02-006	0.33	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-T02-006 physical abuts Stream SS-T02-066, an intermittent (a)(2) tributary. Reference the (a)(2) determination for SS-T02-006 for additional information/flow path. Reference Section III. B. of this AJD form for typical year assessments. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
SS-T02-007 SS-T02-013 SS-T04-003	565 273 1,653	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Streams SS-T02-007, SS-T02-013, SS-T04-003, and SS-T04-007 are ephemeral streams and meet the definition of "ephemeral" in paragraph

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
SS-T04-007	149		stream, swale, gully, rill, or pool.	33 CFR 328.3 (c)(3). Reference Section III. B. of this AJD form for typical year assessments. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
WB-T05-001	0.66	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).	Pond WB-T05-001 is a man-made feature that was constructed or excavated entirely in uplands. There is no culvert or other channelized non-jurisdictional surface water feature (e.g., culvert, etc.) that provides a conveyance to downstream waters. Pond WB-T05-001 does not contribute surface water flow to a downstream jurisdictional water in a typical year. WB-T05-001 is not an impoundment of an (a)(1)-(a)(3) water. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
W-T02-001 W-T02-002 W-T02-003 W-T04-002 W-T04-003 W-T05-002 W-T05-003 W-T05-004 W-T05-005 W-T02-007 W-T01-001 W-T04-005 W-T04-006 W-T03-001 (poly 1 and 2) W-T01-002 W-T04-004	2.21 0.54 0.20 0.03 0.02 0.02 0.03 0.03 0.05 1.07 0.19 0.04 0.07 0.63 0.12 0.26	acre(s)	(b)(1) Non-adjacent wetland.	The subject wetlands, have been determined to not be "adjacent" to a paragraph (a)(1), (2), or (3) water (33 CFR 328.3(c)(1)(i)-(iv)). Refer to Section III. C. for an assessment of each adjacency criteria.
DD-T04-040 DD-T04-041	845 1,059	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The subject ditches, DD-T04-040 and DD-T04-041, have ephemeral flow, are not (a)(1) or (a)(2) waters, and are not relocated tributaries. Based on remote sensing tools and historic topographic maps, the ditches were constructed in uplands along a former railroad line. The ditches were not constructed in (a)(4) waters. The subject ditches did not have flow present during the wetland delineator's site visit. Leaf matter has accumulated in the ditches which

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				supports the determination that the ditches have no more than ephemeral flow. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
SS-T04-006 SS-T04-005	1,206 3,521	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The subject ditches, SS-T04-006 and SS-T04-005, have ephemeral flow, are not (a)(1) or (a)(2) waters, and are not relocated tributaries. Based on remote sensing tools and historic topographic maps, the ditches were constructed in uplands along a former railroad line. The ditches were not constructed in (a)(4) waters. The subject ditches did not have flow present during the wetland delineator's site visit. Leaf matter has accumulated in the ditches which supports the determination that the ditches have no more than ephemeral flow. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."
W-T01-002 (poly 1 and 2) W-T04-004	460 1,520	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The subject ditches, W-T01-002 (Poly 1 and 2) and W-T04-004 are not (a)(1) or (a)(2) waters or relocated tributaries. Based on remote sensing tools and historic topographic maps, the ditches were constructed in uplands and occur along an existing county road. The subject ditches were not constructed in (a)(4) waters. The subject ditches did not have flow present during the wetland delineator's site visit. Refer to the enclosed map entitled "Field Delineated Features Atlanta Farms Solar Project."

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: The "Wetland and Waterbody Delineation Report for the Atlanta Farms Solar Project" (Delineation Report), dated December 2019, prepared by Ecology and Environmental, Inc., on behalf of Atlanta Solar Farms LLC. Additional information necessary to complete the AJD was received on 23 April 2021 and 25 May 2021.

This information is sufficient for purposes of this AJD.

Rationale: The information provided accurately reflects the district's conclusions on the aquatic resource within the geographic boundary of the AJD Review Area.

☐ Data sheets prepared by the Corps: N/A

☒ Photographs: Aerial and Other: Aerial imagery accessed in the National Regulatory Viewer, Historic Aerials (histoicaerials.com), and Google Earth.
☐ Corps site visit(s) conducted on: N/A
☐ Previous Jurisdictional Determinations (AJDs or PJDs): N/A
☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.
☒ USDA NRCS Soil Survey: NRCS Soil Types Map accessed from the National Regulatory Viewer.
☒ USFWS NWI maps: Accessed from the National Regulatory Viewer.
☒ USGS topographic maps: USGS Topo Maps accessed from the National Regulatory Viewer and Historic Aerials (historicaerials.com).

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset (NHD) accessed in the National Regulatory Viewer.
USDA Sources	Other than the Web Soil Survey Report listed above, no other USDA sources were used.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	USACE wetland data forms and ORAM forms within referenced report and Federal Emergency Management Agency (FEMA) National Flood Hazard mapping accessed in the National Regulatory Viewer.

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 periodic range (seasonally or annually) for a specific geographic region where the aquatic resource occurs. Two (2) point-in-time data sources, dated 8 November 2018 and 9 October 2019, with corresponding APT reports, were included in the evaluation for the (a)(2) and (a)(4) waters and the non-adjacent (a)(4) and excluded (b)(1) waters or features, as listed in Section II. C. and II. D. of this AJD form.

According to the APT report for 8 November 2018, wetter than normal conditions were observed during the WebWIMP wet season with a Palmer Drought Severity Index (PDSI) Value of extreme wetness. The antecedent precipitation condition with a score of 16 is considered “wetter than normal” for that point in time. According to the APT report for 9 October 2019, drier than normal conditions were observed during the WebWIMP wet season with a Palmer Drought Severity Index (PDSI) Value of moderate wetness. The antecedent precipitation condition with a score of 8 is considered “drier than normal” for that point in time. These two point in time data points correspond to dates the wetland delineators conducted field delineations. The periodic range used for this typical assessment was the three (3) 30-day periods preceding the observation date and the nearest available weather station (Circleville, Washington 3.9 ESE, Washington Court Hourse, Chillicothe 3.7 S, Chillcothe Mound City, Laurelville, and Sedalia) within the Scioto River watershed in the 8-digit HUC (05060002). This geographic range is appropriate because it is the

same 8-digit HUC as the aquatic resources within the geographic boundary of the AJD Review Area

C. Additional comments to support AJD:

33 CFR 328.3(a)(2) – During wetter than normal conditions of the wet season (Nov 2018) and drier than normal conditions of the wet season (Oct 2019), the (a)(2) tributaries listed in Section II. C., demonstrated regular (perennial) or intermittent flow, meeting the requirements of jurisdictional tributaries. These waters contribute flow, directly or indirectly, to an (a)(1) water, the Scioto River, in a typical year. It has been determined that the perennial and intermittent waters listed in Section II. C. of this AJD form are waters of the United States under 33 CFR 328.3(a)(2) and are subject to regulation under Section 404 of the Clean Water Act (Section 404).

33 CFR 328.3(a)(4) – The wetlands listed in Section II. C. of this AJD form directly abut intermittent and perennial (a)(2) tributaries, as evidenced by the submitted delineation report and and review of remote sensing tools. According to the FEMA National Flood Hazard mapping, a portion of the north/northeast corner of the AJD boundary are located in the 100-year floodplain. This area incorporates portions of the riparian corridor of Streams SS-T02-001, SS-T02-003, SS-T02-004, and SS-T02-005. Wetlands W-T02-004 and W-T02-005 are located within the riparian corridor/floodplain and have been determined to directly abut a jurisdictional (a)(2) tributary (SS-T02-001). The remaining portions of the site are not located in the 100-year floodplain. It has been determined that the wetlands listed in Section II. C. of this AJD form, are waters of the United States per 33 CFR 328.3(a)(4) and are subject to regulation under Section 404.

33 CFR 328.3(b)(1) - The subject wetlands listed in Section II.D., have been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water (33 CFR 328.3(c)(1)(i)-(iv)). Each adjacency criteria is assessed below:

■ (i) The subject wetlands do not abut paragraph (a)(1), (2), or (3) waters as evidenced by the submitted wetland delineation report and a review of remoting sensing resources. The subject wetlands persist in depressional landforms in the landscape, correspond to widely spaced contour lines, and are entirely surrounded by uplands on all sides. Many of the subject wetlands occur in active agricultural fields. No (a)(1)-(3) waters were observed within the immediate vicinity of the perimeter of the subject wetlands; therefore, the subject wetlands are not abutting a paragraph (a)(1)-(3) water.

■ (ii) No evidence of inundation by flooding from a paragraph (a)(1), (2), or (3) water was documented in the Delineation Report. Based on remoting sensing, no potential (a)(1)-(3) waters were observed within the immediate vicinity of the subject wetlands. Based on a review of mapping resources, aerial photographs, and the delineation report, the nearest mapped (a)(1)-(2) water ranges from approximately 80 feet to over 1,000 feet from the subject wetlands listed in Section II.D. of this AJD form. According to the FEMA National Flood Hazard mapping, Wetland W-T02-002, W-T02-003, and W-T02-007 are located in the 100-year floodplain; however, they do not directly abut an (a)(1)-(a)(3) water. It has been determined that W-T02-002, W-T02-003, and W-T02-007 are not inundated by flooding in a typical year. In addition, there are no (a)(3) water documented in the AJD boundary. The Delineation Report and remoting sensing resources do not indicate the subject wetlands are prone to being inundated by flooding from a paragraph (a)(1)-(3) water, the subject wetlands have been determined to not meet adjacency criteria (ii).

■ (iii) The subject wetlands persist in a depressional landforms in the landscape, corresponds to widely

spaced contour lines, and are entirely surrounded by uplands on all sides. Many of the subject wetlands occur in active agricultural fields. The subject wetlands are not separated from a paragraph (a)(1)-(3) water by a natural berm, bank, dune, or similar natural feature and, therefore, do not meet adjacency criteria (iii).

■ (iv) The subject wetlands persist in depressional landforms in the landscape, correspond to widely spaced contour lines, and are entirely surrounded by uplands on all sides. Many of the subject wetlands occur in active agricultural fields. Based on remote sensing resources and the Delineation Report, there were no artificial dikes, barriers, or similar artificial structures documented around the perimeter of the subject wetlands nor were there any artificial features (e.g., culverts) documented within or stemming from the subject wetlands. The subject wetland are not separated from a paragraph (a)(1)-(3) water by an artificial dike, barrier, or similar artificial structure and, therefore, the do not meet adjacency criteria (iv).