



**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): 12/9/2020
 ORM Number: LRH-2020-380-KAN
 Associated JDs: N/A
 Review Area Location¹: State/Territory: West Virginia City: Nitro County/Parish/Borough: Putnam
 Center Coordinates of Review Area: Latitude 38.4548 Longitude -81.8772

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 |
|---------------|-----------|-------------|--|--|
| Kanawha River | 158 | linear feet | RHA Tidal water is subject to the ebb and flow of the tide | In Public Notice 94-40 dated July 27, 1994, the Kanawha River was determined to be a Section 10 stream, a TNW, from the mouth at Point Pleasant, WV to mile 97.0, near Glen Ferris, WV |

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 |
| Kanawha River | 158 | linear feet | (a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide. | In Public Notice 94-40 dated July 27, 1994, the Kanawha River was determined to be a Section 10 stream, a TNW, from the mouth at Point Pleasant, WV to mile 97.0, near Glen Ferris, WV |

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 |
| 1-1-SC – UT Little Scary Creek | 53 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | 1-1-SC is an intermittent, indirect tributary to Little Scary Creek, an (a)(2) water and a tributary to the Kanawha River, an (a)(1) TNW. 1-1-SC contributes surface water flow indirectly to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |
| ARMOUR – Armour Creek | 497 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Armour Creek is a perennial, direct tributary to the Kanawha River, an (a)(1) TNW. Armour Creek contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). Approximately 557.70 linear feet (lf) of Armour Creek is conveyed through a culvert. |
| JS-8 – UT Rockstep Run | 10 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | JS-8 is an intermittent tributary to Rockstep Run, an (a)(2) water and an indirect tributary to the Kanawha River, an (a)(1) TNW. JS-8 contributes surface water flow indirectly to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |
| KS-06 – UT Armour Creek | 118 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | KS-06 is an intermittent tributary to Armour Creek, an (a)(2) water and a direct tributary to the Kanawha River, an (a)(1) TNW. KS-06 contributes surface water flow indirectly to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |
| KS-11 – UT Kanawha River | 835 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | KS-11 is an intermittent tributary to the Kanawha River, an (a)(1) TNW. KS-11 contributes surface water flow indirectly to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). Approximately 36.9 linear feet (lf) of KS 11 is conveyed through a culvert. |
| LSC – Little Scary Creek | 98 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | LSC is a perennial, direct tributary to the Kanawha River, an (a)(1) TNW. LSC contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). Approximately 379 linear feet (lf) of LSC is conveyed through a culvert. |



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| Tributaries ((a)(2) waters): | | | | |
|--|-------------|-------------|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| ROCKSTEP – Rockstep Run | 351 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Rockstep is a perennial, indirect tributary to the Kanawha River, an (a)(1) TNW. Rockstep contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |
| Rockstep UT1 – UT1 Rockstep Run | 202 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Rockstep UT1 is a perennial tributary to Rockstep Run, an (a)(2) water and an indirect tributary to the Kanawha River, an (a)(1) TNW. Rockstep UT1 indirectly contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |
| Rockstep UT2 UT1 – UT2 UT 1 Rockstep Run | 124 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Rockstep UT2 UT1 is a perennial tributary to Rockstep Run, an (a)(2) water and an indirect tributary to the Kanawha River, an (a)(1) TNW. Rockstep UT2 UT1 indirectly contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |
| Rockstep UT3 – UT3 Rockstep Run | 38 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Rockstep UT3 is a perennial tributary to Rockstep Run, an (a)(2) water and an indirect tributary to the Kanawha River, an (a)(1) TNW. Rockstep UT3 indirectly contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |
| S11 – UT Kanawha River | 595 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | S11 is an intermittent tributary to the Kanawha River, an (a)(1) TNW. S11 contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). Approximately 171.80 linear feet (lf) of S 11 is conveyed through a culvert. |
| UT AR – UT Armour Creek | 1,053 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | UT AR is an intermittent tributary to Armour Creek, an (a)(2) water and a direct tributary to the Kanawha River, an (a)(1) TNW. UT AR contributes surface water flow indirectly to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). Approximately 531.5 linear feet (lf) of UT AR is conveyed through a culvert. |



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| Tributaries ((a)(2) waters): | | | |
|---|-----------------------------|--|---|
| (a)(2) Name | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination |
| UT KAN – UT Kanawha River | 316 linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | UT KAN is an intermittent tributary to the Kanawha River, an (a)(1) TNW. UT KAN contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). Approximately 134.5 linear feet (lf) of UT KAN is conveyed through a culvert. |
| UT LSC – UT Little Scary Creek | 289 linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | UT LSC is a perennial tributary to Little Scary Creek, an (a)(2) water and a direct tributary to the Kanawha River, an (a)(1) TNW. UT LSC contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |
| UT 1 LSC – UT1 Little Scary Creek | 1,249 linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | UT1 LSC is a perennial tributary to Little Scary Creek, an (a)(2) water and a direct tributary to the Kanawha River, an (a)(1) TNW. UT1 LSC contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). Approximately 150 linear feet (lf) of UT 1 LSC is conveyed through a culvert. |
| UT 1 SC – UT1 Little Scary Creek | 209 linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | UT1 SC is a perennial tributary to Little Scary Creek, an (a)(2) water and a direct tributary to the Kanawha River, an (a)(1) TNW. UT1 SC contributes surface water flow to the Kanawha River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). |

| 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 |
| W5 - PEM | 0.02 acre(s) | (a)(4) Wetland abuts an (a)(1)- (a)(3) water. | W5 abuts UT AR, an intermittent tributary, an (a)(2) water. |
| W2 - PEM | 0.12 acre(s) | (a)(4) Wetland abuts an (a)(1)- (a)(3) water. | W2 abuts LSC, a perennial tributary, an (a)(2) water. |



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| Adjacent wetlands ((a)(4) waters): | | | | |
|------------------------------------|-------------|---------|--|--|
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination |
| JW2 - PFO | 0.09 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | JW2 abuts UT1 LSC, a perennial tributary, an (a)(2) water. |
| W1 - PSS | 0.1 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | W1 abuts UT1 LSC, a perennial tributary, an (a)(2) water. |
| W6 - PEM | 0.14 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | W6 abuts Rockstep UT1, a perennial tributary, an (a)(2) water. |
| JW8 - PFO | 0.05 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | JW8 abuts Rockstep UT2 UT1, a perennial tributary, (a)(2) water via a culvert. The culvert allows for typical year flows. |
| JW7 - PEM | 0.01 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | JW 7 PEM abuts JS8, an intermittent tributary, an (a)(2) water. |
| JW7 - PSS | 0.01 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | JW 7 PSS abuts JS8, an intermittent tributary, an (a)(2) water. |
| W10 | 1.28 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Based on aerial photography, 3DEP Elevation mapping, hydrology indicators, W10 directly abuts Armour Creek, a perennial tributary to the Kanawha River and an (a)(2) water. Additionally, W10 directly abuts a perennial UNT Armour Creek, an (a)(2) water, outside of the area of interest (AOI). |
| N/A. | N/A. | N/A. | N/A. | N/A. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|-------------|---|---|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| JS 1 –UT of UT2 – UT 1 Rockstep Run | 49 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | JS 1 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| JS 2 – UT to UT Little Scary Creek | 159 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | JS 2 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 183.90 lf of JS 2 is conveyed through a culvert. |
| JS 3 – UT to UT Little Scary Creek | 176 | linear feet | (b)(3) Ephemeral feature, including an ephemeral | JS 3 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for |

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 |
| | | | stream, swale, gully, rill, or pool. | typical year assessments. In addition, approximately 165.40 lf of JS 3 is conveyed through a culvert. |
| JS 4 – UT to UT1 Little Scary Creek | 161 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | JS 4 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 166.60 lf of JS 4 is conveyed through a culvert. |
| JS 5 – UT to UT1 Little Scary Creek | 271 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | JS 5 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 109.1 lf of JS 5 is conveyed through a culvert. |
| JS 6 – UT Kanawha River | 1,720 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | JS 6 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 167.1 lf of JS 6 is conveyed through a culvert. |
| JS 7 – UT Little Scary Creek | 226 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | JS 7 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 01 – UT Armour Creek | 39 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 01 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 02 – UT Armour Creek | 49 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 02 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 03 – UT Armour Creek | 150 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 03 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 04 – UT Armour Creek | 126 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 04 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 110.60 lf of KS 04 is conveyed through a culvert. |



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|----------------|---|---|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| KS 05 – UT Armour Creek | 274 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 05 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 07 – UT Armour Creek | 39 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 07 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 09 – UT Armour Creek | 606 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 09 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 10 – UT Armour Creek | 6 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 10 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 11 – UT Kanawha River | 1,325 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 11 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 12 – UT Kanawha River | 54 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 12 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 13 – UT Kanawha River | 300 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 13 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 14 – UT Little Scary Creek | 89 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 14 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 15 – UT Little Scary Creek | 74 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 15 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 6.70 lf of KS 15 is conveyed through a culvert. |



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|--|----------------|------------------------|---|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination | |
| KS 16 – UT Little Scary Creek | 207 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 16 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 166.5 lf of KS 16 is conveyed through a culvert. |
| KS 17 – UT Little Scary Creek | 131 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 17 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 11.40 lf of KS 17 is conveyed through a culvert. |
| KS 18 – UT Little Scary Creek | 250 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 18 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 30.10 lf of KS 18 is conveyed through a culvert. |
| KS 19 – UT Kanawha River | 181 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 19 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 20 – UT Kanawha River | 224 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 20 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 21 – UT Little Scary Creek | 183 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 21 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 22 – UT Little Scary Creek | 280 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 22 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| KS 23 – UT Little Scary Creek | 230 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | KS 23 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 161.80 lf of KS 23 is conveyed through a culvert. |
| KS 24 – UT Little Scary Creek | 371 | linear feet | (b)(3) Ephemeral feature, including an ephemeral | KS 24 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). |



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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. | Reference Section III B of this AJD form for typical year assessments. |
| KS 9A – UT Armour Creek | 39 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. KS 9A is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| Rockstep UT2a – UT 2 Rockstep Run | 52 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Rockstep UT2a is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| Rockstep UT2b – UT2 Rockstep Run | 72 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Rockstep UT2b is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. |
| S12a – UT Little Scary Creek | 20 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. S12a is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments. In addition, approximately 199.6 lf of S12a is conveyed through a culvert. |
| KW01 | 0.15 | acre(s) | (b)(1) Non-adjacent wetland. KW01 abuts KS09, a non-jurisdictional ephemeral stream. KW01 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. Reference Section IIIB of the AJD form for typical year assessments. |
| KW04 | 0.02 | acre(s) | (b)(1) Non-adjacent wetland. KW04 is not inundated by flooding nor does it directly abut an (a)(1) or (a)(2) water and, therefore, 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. Reference Section IIIB of the AJD form for typical year assessments. |
| KW02-PSS | 0.03 | acre(s) | (b)(1) Non-adjacent wetland. KW02-PSS abuts KS11, a non-jurisdictional ephemeral stream. KW02-PSS 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. |



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|------------------------|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | Reference Section IIIB of the AJD form for typical year assessments. |
| KW02-PEM | 0.09 | acre(s) | (b)(1) Non-adjacent wetland. KW02-PEM abuts KS11, a non-jurisdictional ephemeral stream. KW02-PEM 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. Reference Section IIIB of the AJD form for typical year assessments. |
| W12 | 0.01 | acre(s) | (b)(1) Non-adjacent wetland. W12 is not inundated by flooding nor does it directly abut an (a)(1) or (a)(2) water and, therefore, 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. Reference Section IIIB of the AJD form for typical year assessments. |
| W9 | 0 | acre(s) | (b)(1) Non-adjacent wetland. W9 is not inundated by flooding nor does it directly abut an (a)(1) or (a)(2) water and, therefore, 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. The water occurs primarily outside the area of interest (AOI). Reference Section IIIB of the AJD form for typical year assessments. |
| W11 | 0.15 | acre(s) | (b)(1) Non-adjacent wetland. W11 abuts KS17 and KS18, both of which are a non-jurisdictional ephemeral streams. W11 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. Reference Section IIIB of the AJD form for typical year assessments. |
| W-TPT-2 - PFO | 0.05 | acre(s) | (b)(1) Non-adjacent wetland. W-TPT-2 - PFO abuts KS15, a non-jurisdictional ephemeral stream. W-TPT-2 - PFO 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. Reference Section IIIB of the AJD form for typical year assessments. |
| W-TPT-2 - PSS | 0.1 | acre(s) | (b)(1) Non-adjacent wetland. W-TPT-2 - PSS abuts KS15, a non-jurisdictional ephemeral stream. W-TPT-2 - PSS does not meet the definition of an adjacent wetland (33 |



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|------------------------|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | 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. Reference Section IIIB of the AJD form for typical year assessments. |
| JW1 | 0.05 | acre(s) | (b)(1) Non-adjacent wetland. JW1 abuts JS1, a non-jurisdictional ephemeral stream. JW1 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. Reference Section IIIB of the AJD form for typical year assessments. |
| JW4 | 0.02 | acre(s) | (b)(1) Non-adjacent wetland. JW4 abuts JS3, a non-jurisdictional ephemeral stream. JW5 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. Reference Section IIIB of the AJD form for typical year assessments. |
| JW5 | 0.02 | acre(s) | (b)(1) Non-adjacent wetland. JW5 abuts JS2, a non-jurisdictional ephemeral stream. JW5 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. Reference Section IIIB of the AJD form for typical year assessments. |
| JW6 | 0.06 | acre(s) | (b)(1) Non-adjacent wetland. JW6 abuts JS7, a non-jurisdictional ephemeral stream. JW6 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. Reference Section IIIB of the AJD form for typical year assessments. |
| KW05 | 0.02 | acre(s) | (b)(1) Non-adjacent wetland. KW05 abuts KS22, a non-jurisdictional ephemeral stream. KW05 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. Reference Section IIIB of the AJD form for typical year assessments. |
| W7d | 0.01 | acre(s) | (b)(1) Non-adjacent wetland. W7d is not inundated by flooding nor does it directly abut an (a)(1) or (a)(2) water and, therefore, does not meet the definition of an |



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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | |
|--|----------------|------------------------|---|
| Exclusion Name | Exclusion Size | Exclusion ⁵ | Rationale for Exclusion Determination |
| | | | 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. Reference Section IIIB of the AJD form for typical year assessments. |
| W4 | 2.38 | acre(s) | (b)(1) Non-adjacent wetland. W4 abuts JS6, a non-jurisdictional ephemeral stream. W4 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. Reference Section IIIB of the AJD form for typical year assessments. |
| KW03 | 0.35 | acre(s) | (b)(1) Non-adjacent wetland. KW03 abuts KS13, a non-jurisdictional ephemeral stream. KW03 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. Reference Section IIIB of the AJD form for typical year assessments. |
| W8 | 0.08 | acre(s) | (b)(1) Non-adjacent wetland. W8 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. Reference Section IIIB of the AJD form for typical year assessments. |
| DITCH | 64 | 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). DITCH is not an (a)(1) or (a)(2) water nor was it constructed in an (a)(4) water. According to the information provided, this feature is a man-made feature, constructed in uplands and conveys runoff from nearby roadways. |
| KS08 | 109 | 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). KS08 is not an (a)(1) or (a)(2) water nor was it constructed in an (a)(4) water. According to the information provided, this feature is a man-made feature, constructed in uplands and conveys runoff from nearby roadways. |



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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: [Waters of the United States Delineation Report, I64 Widening Project, Brayman Trumbull, A Joint Venture, Putnam County, WV dated April 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: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Submitted as part of the applicant's Waters of the U.S. Delineation and has been made part of the administrative file.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

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: [Submitted as part of the applicant's Waters of the U.S. Delineation and has been made part of the administrative file.](#)

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

USGS topographic maps: [Submitted as part of the applicant's Waters of the U.S. Delineation and has been made part of the administrative file.](#)

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) dated 12 August 2020, Huntington District Regulatory Viewer |
| USDA Sources | N/A. |
| NOAA Sources | N/A. |
| USACE Sources | For assessment of W10, Terrain and Topographic Mapping, Huntington District Regulatory Viewer was utilized. |
| State/Local/Tribal Sources | West Virginia Wetlands Inventory Mapping dated 12 August 2020, Huntington District Regulatory Viewer |
| Other Sources | N/A. |

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. A single point-in-time data, 18 February 2020 with a corresponding APT report, were included in the evaluation for the excluded ephemeral streams listed in Section II D. According to the APT report, moderate wetness conditions were observed during the wet season and an ARC score of 18. The antecedent precipitation condition is considered "wetter than normal" for that point in time. During wetter than normal conditions in the wet season, little to no flow was observed, supporting the fact that the above waters are ephemeral streams and supports the fact they do not meet the flow requirements of a jurisdictional tributary. In addition, the conditions were rainy on the day of data collection \(0.39 inches\). It has been determined that the ephemeral streams listed in Section II D, above, exhibit ephemeral flow, and are not waters of the United States per 33 CFR 328.3\(b\)\(3\), and are not subject to regulation under Section 404. Even at a higher than normal precipitation range, the above listed wetlands still did not meet the definition of an adjacent wetland.](#)



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The listed wetlands do not abut a water identified in 33 CFR 328.3(a)(1), (2), or (3), is not inundated by flooding from a water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year, is 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 is 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. Additionally, it has been determined that the above listed ditches are not a water of the United States per 33 CFR 328.3(a)(1) or (2), nor was it constructed in an adjacent wetland, per 33 CFR 328.2 (a)(4), is not considered a water of the United States per 33 CFR 328.3(b)(5), and is not subject to regulation under Section 404.

Additionally, in February 2020, regular/constant and/or intermittent flow, was observed in the perennial and intermittent streams in listed above in Section II C. It has been determined that the perennial and intermittent streams listed in Section II C, above, exhibit perennial and intermittent flow, and are waters of the United States per 33 CFR 328.3(a)(2) and are subject to regulation under Section 404. Additionally, it has been determined that (a)(4) Wetlands listed above directly abuts a water identified in 33 CFR 328.3(a)(2). Therefore, these Wetlands are waters of the United States per 33 CFR 328.3 (a)(4) and are subject to regulation under Section 404.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.