



**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): 9/11/2020
 ORM Number: LRH-2020-670-SCR-UNT to Scioto River
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Chillicothe County/Parish/Borough: Ross
 Center Coordinates of Review Area: Latitude 39.411814 Longitude -82.971761

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.	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
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	1,250	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 1 (1,250 linear feet) is not a water of the United States per 33 CFR 328.3(a)(1) or (2), was not constructed in an adjacent wetland per 33 CFR 328.2 (a)(4), and is not considered a water of the United States per 33 CFR 328.3(b)(5). Reference Section III B of this AJD form for typical year assessments.
Stream A	316	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream A is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3), is not considered a water of the United States per 33 CFR 323.8 (b)(3), and is not subject to regulation under Section 404.
Wetland 1	0.173	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 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.
Wetland 2	0.236	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 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.

- Information submitted by, or on behalf of, the applicant/consultant: [Preliminary Jurisdictional Waters Determination Report, Prairie Run North & South, Chillicothe, Ohio dated August 21, 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: Attachment 5 - Site Photographs \(Prairie Run North & South JD, August 2020\), HistoricalAerials.com \(2015, 2013, 2011, 2010, 2009, 2007, 2004, 1994, 1983, 1960, 1959\).](#)
- 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.](#)

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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- USDA NRCS Soil Survey: [Attachment 2 - Soil Survey Data \(USDA, NRCS Web Soil Survey Maps\) \(Prairie Run North & South JD, August 2020\)](#)
- USFWS NWI maps: [Attachment 1 - Figures and Mapping \(NWI and NHD Map\) \(Prairie Run North & South JD, August 2020\)](#)
- USGS topographic maps: [Figure 2 - Topographic Map \(Prairie Run North & South JD, August 2020\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A
State/Local/Tribal Sources	N/A
Other Sources	Attachment 6 - Field Data Sheets (USACE Wetland Data Forms and ORAM Forms) in referenced report.

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. The antecedent precipitation tool was utilized to determine typical year for point-in-time data sources. Based on the antecedent precipitation tool, 24 July 2020 is included during the WebWIMP dry season and has a Palmer Drought Severity Index of moderate wetness. The 30-day rolling total for precipitation is within the 30-year normal range. Therefore, site precipitation conditions are considered to be normal when compared to typical year conditions. Even at a normal range Stream A, Wetland 1, Wetland 2, and the ditch are not considered jurisdictional features. Wetland 1 and Wetland 2 are not waters of the United States per 33 CFR 328.3 (b)(1). Stream A is not a water of the United States per 33 CFR 328.3 (b)(3) and Ditch 1 is not a water of the United States per 33 CFR 328.3 (b)(5).

C. Additional comments to support AJD: The project is not located within the FEMA 100-year floodplain.