



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): [3/17/2021](#)
 ORM Number: [LRH-2020-900-TUS-River Styx](#)
 Associated JDs: [N/A](#)
 Review Area Location¹: State/Territory: [OH](#) City: [Rittman](#) County: [Wayne County](#)
 Center Coordinates of Review Area: [40.970387°N, 81.771829°W](#)

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
River Styx	562 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	River Styx is a perennial, indirect tributary to the Tuscarawas River, an (a)(1) water, at a location outside of the review area. River Styx contributes perennial surface water flow indirectly to the Tuscarawas River, an (a)(1) water, 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

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)) ⁴ :			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A.	N/A

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Surface Water Delineation Report for the Rittman Industrial Site, Wayne County, Ohio dated June 2020 \(Report\) and received on 8 December 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: [Appendix B – Project Photographs \(Report\) and Aerial: Appendix A, Figure 2 - Site Vicinity Map \(Report\)](#)
- Corps Site visit(s) conducted on: [10 March 2021](#)
- 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: [Appendix A, Figure 3 – National Wetland Inventory and Soils Map \(Report\)](#)
- USFWS NWI maps: [Appendix A, Figure 3 – National Wetland Inventory and Soils Map \(Report\)](#)
- USGS topographic maps: [Appendix A, Figure 1 – Site Location Map \(Report\)](#)

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	Corps Regulatory GIS Viewers
State/Local/Tribal Sources	Appendix A, Figure 4 – Stream Eligibility Map (Report)
Other Sources	Appendix A, Figure 5 – 100-Year Floodplain Map (Report)
Other Sources	Appendix D – QHEI Stream Evaluation Data Forms (Report)

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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- 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 22 June 2020 and 10 March 2021, each with a corresponding antecedent precipitation tool (APT) report, are included in the evaluation for the features listed in Section II, as applicable. According to the APT report for 22 June 2020, normal conditions with an antecedent condition calculation of 14 were observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of severe wetness. The 30-day rolling total for precipitation was within the 30-year normal range. Based on the submitted report, on 22 June 2020, River Styx exhibited flow within the stream channel which corresponds with the APT report conditions. According to the APT report for 10 March 2021, drier than normal conditions with an antecedent condition calculation of 6 were observed during the WebWIMP wet season with a Palmer Drought Severity Index value of incipient wetness. The 30-day rolling total for precipitation was below the 30-year normal range. Based on the site visit on 10 March 2021 and despite being drier than normal conditions, River Styx still exhibited perennial flow within the stream channel.

River Styx is a perennial stream and is depicted on the USGS topographic map, NWI map, and the National Hydrography Dataset (NHD). Field indicators of perennial flow were also observed in River Styx, including a clearly defined bed and bank. Based on the submitted information, River Styx contributes perennial flow downstream indirectly to the Tuscarawas River, an (a)(1) water, in a typical year. Therefore, River Styx is an (a)(2) water and is considered a jurisdictional water of the United States per 328.3(a)(2)

- C. Additional comments to support AJD:** According to the National Flood Hazard FEMA map, portions of the site are located within the 100-year floodplain, however there are portions of the site not located within the 100-year floodplain.

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