



**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): 6/1/2021

ORM Number: LRH-2021-76-OHR-Plum Run

Associated JDs: N/A

Review Area Location¹: State/Territory: Ohio City: Mowrystown County/Parish/Borough: Brown & Highland

Center Coordinates of Review Area: Latitude 39.0404 Longitude -83.6824

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
WB-003	4138.0 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-003, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-003 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-004	8458.0 linear feet	(a)(2) Intermittent tributary	WB-004, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of

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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(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.	the review area. WB-004 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-008	413.8	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-008, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-008 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-009	1424.7	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-009, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-009 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-011	2913.1	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-011, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-011 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-014	2166.6	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-014, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-014 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-015	4415.2	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-015, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-015 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-018	1216.5	linear feet (a)(2) Intermittent tributary	WB-018, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of



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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.	the review area. WB-018 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-019	5902.4	linear feet (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-019, is a perennial, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-019 contributes perennial surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-023	1244.4	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-023, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-023 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-025	3379.9	linear feet (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-025, is a perennial, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-025 contributes perennial surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).
WB-029	900.1	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	WB-029, is an intermittent, indirect tributary to the Ohio River, an (a)(1) water, at a location outside of the review area. WB-029 contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B below).

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
WB-002	0.81	acre(s) (a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or	WB-002 is a pond that abuts WB-003, an (a)(2) water that contributes intermittent surface water flow indirectly to the Ohio 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
		indirectly to an (a)(1) water in a typical year.	

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
WL-003	0.12 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WL-003 abuts WB-006, an (a)(2) water that contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
WL-005	1.23 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WL-005 abuts WB-008, an (a)(2) water that contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
WL-006	0.43 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WL-006 abuts WB-008, an (a)(2) water that contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
WL-010	1.09 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WL-010 abuts WB-019, an (a)(2) water that contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
WL-011	0.07 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WL-011 abuts WB-025, an (a)(2) water that contributes perennial surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
WL-013	0.91 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WL-013 abuts WB-029, an (a)(2) water that contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
WL-014	0.31 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WL-014 abuts WB-003, an (a)(2) water that contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
WL-017	0.1 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WL-017 abuts WB-004, an (a)(2) water that contributes intermittent surface water flow indirectly to the Ohio River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
WB-001	0.51	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	WB-001 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an a(1)-a(3) water in a typical year.
WB-005	0.55	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	WB-005 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an a(1)-a(3) water in a typical year.
WB-006	399.4	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-006 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WB-007	0.48	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	WB-007 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an a(1)-a(3) water in a typical year.
WB-010	791.3	linear feet	(b)(3) Ephemeral feature, including	WB-010 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).

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
			an ephemeral stream, swale, gully, rill, or pool.	Reference Section III D for typical year assessments.
WB-012	0.53	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	WB-012 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an a(1)-a(3) water in a typical year.
WB-013	0.43	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	WB-013 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an a(1)-a(3) water in a typical year.
WB-016	429.5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-016 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WB-017	102.9	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-017 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WB-020	1220.1	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-020 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WB-021	242.8	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-021 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WB-022	353.0	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-022 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WB-026	156.4	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-026 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WB-027	0.66	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	WB-027 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an a(1)-a(3) water in a typical year.
WB-028	678.6	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).	WB-028 is a roadside ditch created in uplands that exhibits ephemeral flow
WB-030	470.9	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).	WB-030 is a roadside ditch created in uplands that exhibits ephemeral flow.
WB-031	1827.5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-031 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WB-032	286.5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-032 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WB-033	227.6	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-033 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WB-100	600.0	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	WB-100 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
WL-001	0.16	acre(s)	(b)(1) Non-adjacent wetland.	WL-001 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-002	0.04	acre(s)	(b)(1) Non-adjacent wetland.	WL-002 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-004	0.05	acre(s)	(b)(1) Non-adjacent wetland.	WL-004 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-007	0.36	acre(s)	(b)(1) Non-adjacent wetland.	WL-007 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-008	0.44	acre(s)	(b)(1) Non-adjacent wetland.	WL-008 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-009	0.05	acre(s)	(b)(1) Non-adjacent wetland.	WL-009 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an



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Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			(a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-012	0.03	acre(s)	(b)(1) Non-adjacent wetland. WL-012 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-015	0.27	acre(s)	(b)(1) Non-adjacent wetland. WL-015 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-016	0.45	acre(s)	(b)(1) Non-adjacent wetland. WL-016 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-018	2.18	acre(s)	(b)(1) Non-adjacent wetland. WL-018 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-019	0.37	acre(s)	(b)(1) Non-adjacent wetland. WL-019 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-020	0.57	acre(s)	(b)(1) Non-adjacent wetland. WL-020 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-021	0.28	acre(s)	(b)(1) Non-adjacent wetland. WL-021 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.



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Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
WL-022	0.23 acre(s)	(b)(1) Non-adjacent wetland.	WL-022 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.
WL-023	0.07 acre(s)	(b)(1) Non-adjacent wetland.	WL-023 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.

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: [Cardno, Inc., on behalf of the applicant, submitted the Jurisdictional Determination for Waterbodies and Wetlands associated with Willowbrook Solar I Project dated December 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: In the report referenced above.](#)
- 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Wetland and Waterbody Maps in the report referenced above.](#)
- USGS topographic maps: [Figure 1.1 – Project Overview in the report referenced above.](#)

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	Corps ORM Layer
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
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. One point-in-time data sources, one for 4 November 2017, with a corresponding APT report, were included in the evaluation for](#)



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the streams listed in Sections II C & D. According to the APT report of 4 November 2017, wetter than normal conditions were observed during the dry season with a PSDI Value of 2.97 (moderate wetness) and an ARC score of 13. The antecedent precipitation condition is considered “normal” for that point in time. Based on the pictures submitted with the Report, during normal conditions in the wet season, little to no flow was observed, supporting the fact that the ephemeral streams (WB-006, WB-010, WB-016, WB-017, WB-020, WB-021, WB-022, WB-026, WB-028, WB-031, WB-032, WB-033, and WB-100) do not meet the flow requirements of a jurisdictional tributary. It has been determined that the ephemeral streams listed in Section II D, above, exhibit ephemeral flow, and is not a water of the United States per 33 CFR 328.3(b)(3), and is not subject to regulation under Section 404. WB-003, WB-004, WB-008, WB-009, WB-011, WB-014, WB-015, WB-018, WB-019, WB-023, WB-025, WB-029 contribute perennial or intermittent flow downstream indirectly to the Ohio River, an (a)(1) water in a typical year. Therefore, WB-003, WB-004, WB-008, WB-009, WB-011, WB-014, WB-015, WB-018, WB-019, WB-023, WB-025, WB-029 are a (a)(2) waters.

- C. Additional comments to support AJD:** The proposed project area is located outside of the FEMA 100 year floodplain.