



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

1. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 1-21-2021

ORM Number: LRH-2014-120-GUY

Associated JDs: LRH-2014-120-GUY PJD issued on 4 November 2014.

Review Area Location¹: State: WV City: MYRTLE County: MINGO
latitude 37.70444, longitude -81.7511

2. FINDINGS

A. Summary:

- 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: NA or describe.
- 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 the 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.	

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.	

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		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.	

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

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

² If a 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) thru (b)(12): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for determination
SC-2	1,126 linear feet	(b)(3) Ephemeral feature, including ephemeral stream, swale, gully, rill, pool.	Observed dry channel along entire length during steady rain. Observed in 2014 as entirely dry.

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: AJD request dtd 10 November 2020 from Navigator Environmental & Technical Services, Inc.
 - This information is sufficient for purposes of this JD. Rationale: NA
 - Data sheets prepared by the Corps: NA
- Photographs: Aerial and Other:
 - Corps site visit conducted on: NA
 - Previous AJD or PJD: 2014-120-GUY PJD issued 4 November 2014.
- Antecedent Precipitation Tool [*Provide detailed discussion in Section III.B.*]
 - USDA/NRCS Soil Survey:
 - USFWS NWI Maps:
 - USGS Topographic Maps

Other Data Sources Used to Aid in this Determination:

Data Source	
USGS Source	
USDA Source	
USACE Sources	
State/Local/Tribal Sources	
Other Sources	

B. Typical Year Assessment: The Corps' Antecedent Precipitation Tool indicates that the AJD site Received at or above the 30-year average precipitation.

C. Additional Comments to Support AJD: NA

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 the 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 subcategories of the (b)(1) exclusions were administratively created for the purpose 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.