



**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): 2/24/2021
 ORM Number: LRH-2020-484-OHR-UNT Ohio River
 Associated JDs: No
 Review Area Location¹: State/Territory: West Virginia City: Lesage County/Parish/Borough: Cabell
 Center Coordinates of Review Area: Latitude 38.574968 Longitude -82.285388

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
UNT 1	675)	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			UNT 1 is an intermittent, direct tributary to the Ohio River, an (a)(1) TNW, at a location outside of the area of interested (AOI). Through this path, UNT 1 contributes surface water flow directly to the Ohio River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form). Approximately 675 linear feet (lf) of UNT 1 within the AOI is conveyed off-site towards the Ohio River.

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.



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

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
Wetland 02	1.036	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 02 directly abuts the Ohio River, an (a)(1) TNW, a water identified in 33 CFR 328.3(a)(1), as described above.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 01	0.777	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 01 is a physically remote and isolated wetland. Reference Section III B of this AJD form for typical year assessments.
Wetland 03	0.017	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 03 is a physically remote and isolated wetland. Reference Section III B of this AJD form for typical year assessments.

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: [Wetland Delineation and Stream Identification Report for the Huntington Area Development Council HADCO Phase II Park Property, Cabell County, West Virginia Dated 18 March 2020.](#)

This information **Select.** sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Appendix A Project Mapping and Appendix B Wetland and Stream Photo Log dated 10 March 2020 included in the report, Wetland Delineation and Stream Identification Report for the Huntington Area Development Council HADCO Phase II Park Property, Cabell County, West Virginia Dated 18 March 2020.](#)

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

Previous Jurisdictional Determinations (AJDs or PJDs): [LRH-2020-484-OHR-UNT Ohio River \(PJD Form Dated 23 June 2020 and PJD Letter Dated 25 June 2020\)](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Appendix A Soil Type Map included in the report, Wetland Delineation and Stream Identification Report for the Huntington Area Development Council HADCO Phase II Park Property, Cabell County, West Virginia Dated 18 March 2020.](#)

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.



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

- USFWS NWI maps: [Appendix A NWI Map included in the report, Wetland Delineation and Stream Identification Report for the Huntington Area Development Council HADCO Phase II Park Property, Cabell County, West Virginia Dated 18 March 2020](#)
- USGS topographic maps: [Athalia OH WV](#)

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	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, 10 March 2020, with a corresponding APT report, were included in the evaluation for the excluded isolated wetlands listed in Section II D (Wetland 01 and Wetland 03), and a jurisdictional wetland and stream listed in Section II C (Wetland 02 and UNT 1). According to the APT report for 10 March 2020, normal conditions were observed during the wet season with a PSDI Value of 2.37 (moderate wetness) and an ARC score of 13. It has been determined that Wetland 1 and Wetland 3, listed in Section II D, above, do not meet the definition of adjacent wetlands (33 CFR 328.3(c)(1)(i)-(iv)), are not considered a water of the United States per 33 CFR 328.3(b)(1), and are not subject to regulation under Section 404. On 10 March 2020, during normal conditions of the wet season, intermittent flow was observed, supporting the fact that UNT 1 meets the flow requirements of a jurisdictional tributary. It has been determined that the stream, UNT 1, listed in Section II C, above, exhibit intermittent flow, and is a water of the United States per 33 CFR 328.3(a)(2), and is subject to regulation under Section 404. Additionally, it has been determined that Wetland 02, listed in Section II C, above, abuts a water identified in 33 CFR 328. 3(a)(1), is a water of the United States per 33 CFR 328.3(a)(4), and is subject to the regulation under Section 404.

C. Additional comments to support AJD: According to the FEMA National Flood Hazard Layer on the WV Flood Tool website, the review area is in the “100 year flood plain”.

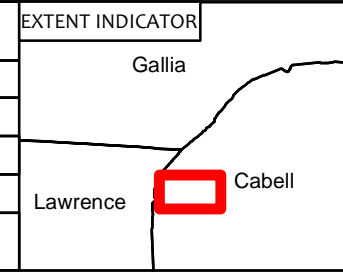
LRH-2020-484-OHR-UNT Ohio River
 Non-Jurisdictional Features
 Wetland 1
 Wetland 3

Jurisdictional Features
 Wetland 2
 UNT 1

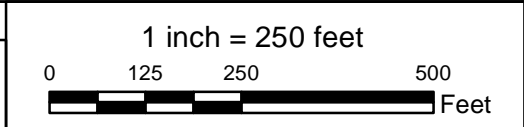


Document Path: C:\Users\jgoudy\Desktop\HADCO\delineation.mxd

	DETAILS:
	Quad: Barboursville
	Drawn By: jgoudy Date: 6/19/2020
	Surveyed By: JG Date: 03/10/2020
Project No. 101-020-1380	



Upland Data Point	Area of Interest
Intermittent Stream	
PEM Wetland	
PFO Wetland	



Delineation Map
 HADCO Phase II Park
 Cabell County - West Virginia

THRASHER