



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): 2/5/2021
 ORM Number: LRH-2019-00804-MUS
 Associated JDs: N/A
 Review Area Location¹:
 State/Territory: OH City: Pataskala County/Parish/Borough: Licking County
 Center Coordinates of Review Area: Latitude 40.0154 Longitude -82.6587

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
ST-A-I	1,667 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-A-I is an intermittent, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-A-I contributes intermittent surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-A-P	1,751 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-A-P is a perennial, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-A-P contributes perennial surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-B	1,865 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-B is a perennial, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-B contributes perennial surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-C	300 feet	(a)(2) Intermittent tributary contributes surface water flow	ST-C is an intermittent, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside

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.



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

		directly or indirectly to an (a)(1) water in a typical year	of the review area. ST-C contributes intermittent surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-D-I	1,452 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-D-I is an intermittent, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-D-I contributes intermittent surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-D-P	770 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-D-P is a perennial, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-D-P contributes perennial surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-E-I	1,095 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-E-I is an intermittent, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-E-I contributes intermittent surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-F	334 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-F is an intermittent, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-F contributes intermittent surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-I	948 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-I is a perennial, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-I contributes perennial surface water flow indirectly to the Muskingum River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
ST-O	151 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	ST-O is an intermittent, indirect tributary to the Muskingum River, an (a)(1) water, at a location outside of the review area. ST-O contributes intermittent surface water flow indirectly to the Muskingum 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

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland AA	0.321 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland AA directly abuts ST-A-P, an (a)(2) water. Reference ST-A-P above.
Wetland A	3.975 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A directly abuts ST-A-P and ST-B, (a)(2) waters. Reference ST-A-P and ST-B above.
Wetland BB	0.097 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland BB directly abuts ST-D-P, an (a)(2) water. Reference ST-D-P above.
Wetland B	0.204 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland B directly abuts ST-B, an (a)(2) water. Reference ST-B above.
Wetland CC	0.012 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland CC directly abuts ST-B, an (a)(2) water. Reference ST-B above.

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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**

Wetland C	0.205 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C directly abuts ST-C and ST-O, (a)(2) waters. Reference ST-C and ST-O above.
Wetland D-H	3.351 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland D-H directly abuts ST-I, an (a)(2) water. Reference ST-I above.
Wetland I	0.079 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland I directly abuts ST-E-I, an (a)(2) water. Reference ST-E-I above.
Wetland K-P	0.878 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland K-P directly abuts ST-A-I, an (a)(2) water. Reference ST-A-I above.
Wetland L	0.195 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland L directly abuts ST-A-I, an (a)(2) water. Reference ST-A-I above.
Wetland S	0.188 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland S directly abuts ST-E-I, an (a)(2) water. Reference ST-E-I above.
Wetland T	0.19 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland T directly abuts ST-E-I, an (a)(2) water. Reference ST-E-I above.
Wetland V	0.048 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland V directly abuts ST-A-I, an (a)(2) water. Reference ST-A-I above.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
ST-E-E	1,192 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-E-E is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
ST-G	404 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-G is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
ST-H	636 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-H is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
ST-J	612 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-J is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
ST-K	562 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-K is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
ST-L	149 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-L is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
ST-M	88 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-M is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
ST-N	459 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-N is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
ST-P	213 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	ST-P is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).
Wetland DD	0.029 acres	(b)(1) Non-adjacent wetland	Wetland DD does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland E	0.071 acres	(b)(1) Non-adjacent wetland	Wetland E does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland F	0.051 acres	(b)(1) Non-adjacent wetland	Wetland F does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland G	0.116 acres	(b)(1) Non-adjacent wetland	Wetland G does not meet the definition of an adjacent

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

			wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland J	0.171 acres	(b)(1) Non-adjacent wetland	Wetland J does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland N	0.261 acres	(b)(1) Non-adjacent wetland	Wetland N does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland O	0.139 acres	(b)(1) Non-adjacent wetland	Wetland O does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland Q	0.05 acres	(b)(1) Non-adjacent wetland	Wetland Q does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland R	0.064 acres	(b)(1) Non-adjacent wetland	Wetland R does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland U	0.006 acres	(b)(1) Non-adjacent wetland	Wetland U does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland W	0.022 acres	(b)(1) Non-adjacent wetland	Wetland W does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland X	0.167 acres	(b)(1) Non-adjacent wetland	Wetland X does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland Y	0.286 acres	(b)(1) Non-adjacent wetland	Wetland Y does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.
Wetland Z	0.017 acres	(b)(1) Non-adjacent wetland	Wetland Z does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)). Reference Section III B of this AJD form.

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: *Title(s) and date(s)*.

Revised Surface Water Delineation and Preliminary Jurisdiction Determination Scenic View Estates (fka Barrington Ridge North Site) Pataskala, Ohio dated September 2019 and completed by the Mannik & Smith Group, Inc. (JD, Sep 2019)

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) Title(s) and/or date(s)*. *Figure 3 – Surface Water Delineation and Attachment F – Photographs (JD, Sep 2019)*

Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*. *LRH-2019-804-MUS – PJD dated 29 October 2019 and LRH-2003-1316-MUS – AJD dated 10 September 2004*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Title(s) and/or date(s)*. *Figure 2 – NWI/Soils Classification (JD, Sep*

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

- 2019)
USFWS NWI maps: *Title(s) and/or date(s)*. Figure 2 – NWI/Soils Classification (JD, Sep 2019)
- USGS topographic maps: *Title(s) and/or date(s)*. Figure 1 – Site Location (JD, Sep 2019)

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	N/A.
Other Sources	Attachment C – Wetland Data Forms, Attachment D – ORAM Forms, and Attachment E – HHEI (JD, Sep 2019).

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. Four (4) point-in-time data sources dated 24 April 2019, 25 April 2019, 31 May 2019, and 12 June 2019 associated with the field investigation completed by Mannik & Smith Group, Inc., with corresponding antecedent precipitation tool (APT) reports, are included in the evaluation for the features listed in Section II D, as applicable. According to the APT reports for 24 April 2019 and 25 April 2019, normal conditions with an antecedent condition calculation of 13 were observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of extreme wetness. The 30-day rolling total for precipitation within the 30-year normal range. According to the APT report for 31 May 2019, normal conditions with an antecedent condition calculation of 11 were observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of extreme wetness. The 30-day rolling total for precipitation within the 30-year normal range. According to the APT report for 12 June 2019, normal conditions with an antecedent condition calculation of 14 were observed during the WebWIMP dry season with a Palmer Drought Severity Index Value of extreme wetness. The 30-day rolling total for precipitation within the 30-year normal range. During field investigations completed by Mannik & Smith Group, Inc., Streams ST-A-I, ST-A-P, ST-B, ST-C, ST-D-I, ST-D-P, ST-E-I, ST-F, ST-I, and ST-O exhibited flow within the stream channel which corresponds with the APT report conditions for intermittent and perennial flow regimes. Field indicators of perennial and intermittent flow were also observed in Streams ST-A-I, ST-A-P, ST-B, ST-C, ST-D-I, ST-D-P, ST-E-I, ST-F, ST-I, and ST-O. Based on the submitted information, ST-A-I, ST-C, ST-D-I, ST-E-I, ST-F, and ST-O contribute intermittent flow downstream indirectly to the Muskingum River, an (a)(1) water, in a typical year. Based on the submitted information, ST-A-P, ST-B, ST-D-P, and ST-I contribute perennial flow downstream indirectly to the Muskingum River, an (a)(1) water, in a typical year. Therefore, ST-A-I, ST-A-P, ST-B, ST-C, ST-D-I, ST-D-P, ST-E-I, ST-F, ST-I, and ST-O are (a)(2) waters. Wetland AA and Wetland A directly about ST-A-P, an (a)(2) water. Wetland A, Wetland B, and Wetland CC directly about ST-B, an

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

(a)(2) water. Wetland BB and Wetland DD directly abut ST-D-P, an (a)(2) water. Wetland C directly abuts ST-C and ST-O, (a)(2) waters. Wetland D-H directly abuts ST-I, an (a)(2) water. Wetland I, Wetland S, and Wetland T directly abut ST-E-I, an (a)(2) water. Wetland K-P, Wetland L, and Wetland V directly abut ST-A-I, an (a)(2) water. Therefore, Wetlands AA, A, BB, B, CC, C, D-H, I, K-P, L, S, T, and V are (a)(4) waters.

Based on the submitted information, Streams ST-E-E, ST-G, ST-H, ST-J, ST-K, ST-L, ST-M, ST-N, and ST-P exhibit ephemeral flow. Therefore, Streams ST-E-E, ST-G, ST-H, ST-J, ST-K, ST-L, ST-M, ST-N, and ST-P do not provide intermittent or perennial flow downstream to an (a)(1) water in a typical year and are not jurisdictional waters of the United States per 33 CFR 328.3(b)(3). Wetlands DD, E, F, G, J, N, O, Q, R, U, W, X, Y, and Z do not abut a water identified in 33 CFR 328.3(a)(1), (2), or (3), are not inundated by flooding from a water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year, are not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature, and are not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure. Therefore, Wetlands DD, E, F, G, J, N, O, Q, R, U, W, X, Y, and Z are not jurisdictional waters of the United States per 33 CFR 328.3(b)(1).

- C. Additional comments to support AJD:** According to the National Flood Hazard FEMA map, the site is not located within a flood hazard area.

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