



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): 28-SEP-2020

ORM Number: LRH-2020-0698

Associated JDs: N/A

Review Area Location¹:

State/Territory: OH City: Green Township County/Parish/Borough: Ross County

Center Coordinates of Review Area: Latitude 39.42211 Longitude -82.966895

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
Stream A	3396.7 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream A is an intermittent tributary to the Scioto River, an (a)(1) water, at a location outside of the AOI in a typical year (reference Section III B of this AJD form).
Stream I	187.424 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream I is an intermittent tributary to Kinnikinnick Creek, an (a)(2) water, an indirect tributary to the Scioto River, an (a)(1) water, at a location outside of the AOI in a typical year (reference Section III B of this AJD form).
Stream I-1	81.1228 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream I-1 is an intermittent tributary to Kinnikinnick Creek, an (a)(2) water, an indirect tributary to the Scioto River, an (a)(1) water, at a location outside of the AOI in a typical year (reference Section III B of this AJD form).
Stream K	658.498 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream K is an intermittent tributary to the Scioto River, an (a)(1) water, at a location outside of the AOI in a typical year (reference Section III B of this AJD form).

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

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**

(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 1	12.1337 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 is an (a)(4) water that directly abuts Stream A, an intermittent (a)(2) water.
Wetland 14	0.8644 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 14 is an (a)(4) water that directly abuts Stream I, an intermittent (a)(2) water.
Wetland 2	32.9207 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 2 is an (a)(4) water that directly abuts an offsite perennial (a)(2) water.
Wetland 26	0.3128 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 26 is an (a)(4) water that directly abuts Stream I-1, an intermittent (a)(2) water.
Wetland 27	0.0826 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 27 is an (a)(4) water that directly abuts an off-site intermittent (a)(2) water.
Wetland 5	1.5423 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 5 is an (a)(4) water that directly abuts Stream I, an intermittent (a)(2) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Open Water Pond A	0.3739 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Feature does not contribute flow to an (a)(1)-(a)(2) water, it is an artificial (manmade) feature constructed entirely in uplands, and is not an impoundment of a (a)(1)-(a)(2) water.
Stream B	931.789 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream B-1	125.358 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream C	572.157 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream C-1	165.249 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream C-2	55.9679 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream D	174.893 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream D-1	228.481 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream E	323.193 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	Feature is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).

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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

		rill, or pool	Reference Section III B of this AJD form for typical year assessments.
Stream F	1296.73 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of "ephemeral" in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream G	329.76 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of "ephemeral" in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream G-1	163.832 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of "ephemeral" in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream H	443.699 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of "ephemeral" in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream J	355.606 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of "ephemeral" in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Wetland 10	1.0487 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 11	0.0334 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 12	0.2127 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 13	0.197 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 15	0.1873 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 16	0.032 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 17	0.0064 acres	(b)(1) Non-adjacent wetland	Feature 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)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 18	0.0123 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 19	0.0655 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 20	0.057 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 21	0.3117 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 22	0.074 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 23	0.0338 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 24	0.0764 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 25	0.6588 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 28	0.0965 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.

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

Wetland 29	1.4646 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 3	0.1743 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 30	0.1526 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 31	0.0787 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 4	2.0806 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 6	1.8506 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 7	1.0351 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 8	1.7502 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland 9	0.9865 acres	(b)(1) Non-adjacent wetland	Feature does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. 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.

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

- Information submitted by, or on behalf of, the applicant/consultant: *Wetland Delineation Report Salt City Solar, LLC Green Township, Ross County, Ohio* dated 30 October 2019. This information (*is/is not/is and is not*) sufficient for purposes of this AJD.
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *Within referenced report*
- Corps Site visit(s) conducted on: *11-Sept-2020*
- 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: *Ross County, Ohio*
- USFWS NWI maps: *Title(s) and/or date(s)*.
- USGS topographic maps: *Kingston, OH 7.5 topo*

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	Wetland Data Forms and ORAM Forms within referenced report.

- 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 (1) point-in-time data source, 9 September 2020, with a corresponding antecedent precipitation tool report, were included in the evaluation for the excluded features on-site. The antecedent precipitation tool was utilized to determine typical year for point-in-time data sources. Wetland adjacency was assessed on 9 September 2020. Based on the antecedent precipitation tool, 9 September 2020 is included during the WebWIMP dry season and has a Palmer Drought Severity Index of (2.54) moderate wetness. The 30-day rolling total for precipitation was within the 30-year normal range. Therefore, site conditions are within typical year conditions.
- C. Additional comments to support AJD:** The property is located outside of the FEMA 100 year floodplain.

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