



**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): 3/12/2021

ORM Number: LRH-2021-204-SCR

Associated JDs: N/A

Review Area Location¹: State/Territory: Ohio City: Piketon County/Parish/Borough: Pike

Center Coordinates of Review Area: Latitude 39.016565 Longitude -82.988991

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.	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.	N/A.

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

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Perimeter Road West Drainage Ditch	75	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Perimeter Road West Drainage Ditch is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Perimeter Road East Drainage Ditch	75	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Perimeter Road East Drainage Ditch is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 1	112	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 1 is a stormwater control feature that was constructed or excavated in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 2	100	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 2 is a stormwater control feature that was constructed or excavated in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 3	90	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 3 is a stormwater control feature that was constructed or excavated in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 4	70	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat,	Ditch 4 is a stormwater control feature that was constructed or excavated in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.

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
			infiltrate, or store stormwater runoff.	
Ditch 5	110	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 5 is a stormwater control feature that was constructed or excavated in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 6	100	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 6 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 7	50	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 7 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 8	43	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 8 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 9	130	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 9 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 10	70	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat,	Ditch 10 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.



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Excluded waters ((b)(1) – (b)(12)); ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			infiltrate, or store stormwater runoff.	
Ditch 11	57	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 11 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 12	60	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 12 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 13	64	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 13 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 14	50	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 14 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 15	60	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 15 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 16	70	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat,	Ditch 16 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.



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Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			infiltrate, or store stormwater runoff.	
Ditch 17	140	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 17 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 18	90	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 18 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 19	50	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 19 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 20	50	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 20 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 21	80	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Ditch 21 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.
Ditch 22	120	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat,	Ditch 22 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		infiltrate, or store stormwater runoff.	
Ditch 23	85	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.
			Ditch 23 is a stormwater control feature that was constructed or excavated in uplands or in non-jurisdictional waters to convey, treat, infiltrate, or store stormwater runoff, and is not considered to be a water of the United States per 33 CFR 328.3(b)(10), and is not subject to regulation under Section 404.

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: [Jurisdictional Determination Request, Portsmouth Diffusion Plant Culvert Replacements, Pike County, Ohio dated 4 March 2021](#)
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: HistoricalAerials.com \(2017, 2015, 2013, 2011, 2010, 2009, 2007, 2004, 1994, 1986, 1985, 1983, 1971, and 1960\).](#)
- Corps site visit(s) conducted on: [N/A](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Soil Survey Map \(NRCS Soil Survey Map\) \(March 2021\)](#)
- USFWS NWI maps: [N/A](#)
- USGS topographic maps: [Topographic Map \(March 2021\)](#)

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): [N/A.](#)

C. Additional comments to support AJD: [The JD review boundary is not located within the FEMA 100-year floodplain.](#)



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