



**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): 7/16/2020
 ORM Number: LRH-2020-464-NEW
 Associated JDs: NA
 Review Area Location¹: State/Territory: WV City: Princeton County/Parish/Borough: Enter.
 Center Coordinates of Review Area: Latitude 37.2947 Longitude -81.0733

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
Reach 1 ER-UT 0+00 to 5+28) – Trib to East River of New River	528 LF	N/A.	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Reach 2 ER-UT (5+28 to 9+00)– trib to	372 LF	N/A.	(a)(2) Intermittent tributary contributes

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
East River of New River		surface water flow directly or indirectly to an (a)(1) water in a typical year.	along its length, and continues to flow into and through Reach 1.

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
N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Reach 3: ER-UT (9+00 to 19+50)	1050 LF	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.
Reach 4 ER-UT Upper Intermittent (19+50 to 33+33)	1383 LF	N/A.	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.
Reach 5: ER-UT5 (0+00 to 9+40)	940 LF	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.
Reach 6: ER-UT5 Upper Intermittent (9+40 to 24+76)	1536 LF	N/A.	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.

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
			Reach 5 or contribute surface flow to an (a)(1) water in a typical year.
Reach 7; ER-UT5B (Braid) (0+00 to 8+76)	876 LF	N/A.	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year. Flows into Reach 6 (updrain of ephemeral Reach 5) and does not flow into or through Reach 5 and does not contribute flow to Reach 1 or to an (a)(1) water in a typical year.
Reach 8, ER-UT5C (0+00 to 2+33)	233 LF	N/A.	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year. Flows into Reach 6 (updrain of ephemeral Reach 5) and does not flow into or through Reach 5 or contribute flow to Reach 1 or to an (a)(1) water in a typical year.
Reach 9, ER-UT5D (0+00 to 7+70)	770 LF	N/A.	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year. Flows into Reach 6 (updrain of ephemeral Reach 5) and does not flow into or through Reach 5 or contribute flow to Reach 1 or to an (a)(1) water in a typical year.

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; Mercer Crushed Stone Quarry Modification 10, May 2020”](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Select. As included in above-stated report.](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- 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: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

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.



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- B. Typical year assessment(s):** The Corps' Antecedent Precipitation Tool indicates that, on the date of the field review (May 12, 2020), the site was "wetter than normal" and the site's March through May precipitation had been above the 30-year normal precipitation range. The data indicates the site received rain in a few days prior to the site review (but the data is imprecise for amount and dates). Rainfall data from usclimatedata.com for Princeton WV (located 10 miles north of the site) indicates the Princeton gage received 0.4 inches during the 3 days prior to the site review.
- C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)