



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 September 2020
ORM Number: LRH-2020-00608-MUS
Associated JDs: N/A
Review Area Location¹:
State/Territory: OH City: Cadiz / Athens County/Parish/Borough: Harrison County
Center Coordinates of Review Area: Latitude 40.226086, Longitude -81.033678

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
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

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
KLF-STREAM04 (EPH)	135 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	KLF-STREAM04 meets the definition of “ephemeral” in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.

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.



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KLF-STREAM07 (EPH)	82 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	KLF-STREAM07 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
KLF-STREAM08 (EPH)	438 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	KLF-STREAM08 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
KLF-STREAM10 (EPH)	497 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	KLF-STREAM10 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
KLF-STREAM11 (EPH)	79 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	KLF-STREAM11 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
KLF-STREAM13 (EPH)	226 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	KLF-STREAM13 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
KLF-STREAM14 (EPH)	541 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	KLF-STREAM14 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
KLF-WETLAND01 (PEM)	0.177 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND01 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.
KLF-WETLAND02 (PEM)	0.004 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND02 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.
KLF-WETLAND03 (PEM)	0.422 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND03 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.
KLF-WETLAND04 (PEM)	0.282 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND04 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.
KLF-WETLAND12 (PEM)	0.059 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND12 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.
KLF-WETLAND12 (PFO)	0.047 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND12 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.
KLF-WETLAND17 (PEM)	0.109 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND17 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.

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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.



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KLF-WETLAND18 (PEM)	0.614 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND18 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.
KLF-WETLAND21 (PEM)	0.003 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND21 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.
KLF-WETLAND22 (PEM)	0.071 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND22 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.
KLF-WETLAND25 (PEM)	0.023 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND25 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.
KLF-WETLAND26 (PEM)	0.007 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND26 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.
KLF-WETLAND27 (PEM)	0.009 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND27 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.
KLF-WETLAND28 (PEM)	0.012 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND28 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.
KLF-WETLAND29 (PEM)	0.032 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND29 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.
KLF-WETLAND30 (PEM)	0.039 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND30 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.
KLF-WETLAND31 (PEM)	0.038 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND31 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.
KLF-WETLAND32 (PEM)	0.018 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND32 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.
KLF-WETLAND33 (PEM)	0.07 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND33 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

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			328.3(b)(1), and is not subject to regulation under Section 404.
KLF-WETLAND34 (PEM)	0.09 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND34 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.
KLF-WETLAND37 (PEM)	0.012 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND37 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.
KLF-WETLAND38 (PEM)	0.008 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND38 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.
KLF-WETLAND44 (PEM)	0.039 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND44 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.
KLF-WETLAND45 (PEM)	0.007 acres	(b)(1) Non-adjacent wetland	KLF-WETLAND45 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.

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: *Request for Approved Jurisdictional Determination, Harrison Power 138-kV Transmission Line, Harrison County, Ohio* dated 4 August 2020 (JD_4 AUG 2020).

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 Figure 2 Aerial Imagery Map (JD_4 AUG 2020), ATTACHMENT B Photo Log (JD_4 AUG 2020)*.

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	National Hydrography Dataset (NHD) dated 23 September 2020, Huntington District Regulatory Viewer
USDA Sources	N/A.

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NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	TABLE 2 Stream Descriptions (JD_4 AUG 2020), TABLE 3 Wetland Descriptions (JD_4 AUG 2020)

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 dated 6 June 2018, with a corresponding antecedent precipitation tool (APT) report, is included in the evaluation for the excluded feature listed in Section II D. According to the APT report for 6 June 2018, wetter than normal conditions were observed during the WebWIMP dry season with a Palmer Drought Severity Index Value of 2.77 moderate wetness. The 30-day rolling total for precipitation was higher than the 30-year normal range. Even at a higher than normal precipitation range, the wetlands still did not meet the definition of an adjacent wetland. The wetlands listed in the table above 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. The streams listed above do not meet the definition of waters of the United States as identified in 33 CFR 328.3(a)(1) or (2).

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.

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