



**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): 1/20/2021

ORM Number: CELRP-2020-262

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: WV City: Greer County/Parish/Borough: Monongalia

Center Coordinates of Review Area: Latitude 39.577549 Longitude 79.864924

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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	
ASE_Stream03	755	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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
ASE_Stream04	28	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream05	72	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream06	303	Linear Feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream07	38	Linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream08	31	Linear Feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream09	169	Linear Feet	(a)(2) Intermittent tributary	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	

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.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
ASE_Stream01	259	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream02	91	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream12	469	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Wetland01	0.148	Acre	(b)(1) Non-adjacent wetland.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Wetland02	0.035	Acre	(b)(1) Non-adjacent wetland.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
ASE_Wetland03 (POW)	0.08	Acre	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Wetland03 (PEM)	0.022	Acre	(b)(1) Non-adjacent wetland.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream10	215	Linear Feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Stream11	101	Linear Feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch01	345	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch02	329	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch03	31	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
ASE_Ditch04	207	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch05	107	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch06	37	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch07	9	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch08	103	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch09	49	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch10	65	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Ditch11	50	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Erosional Rill01	121	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
ASE_Erosional Rill02	395	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.
ASE_Erosional Rill03	360	Linear Feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Observations made by consulting firm and supported by site visit conducted on August 13, 2020.

### 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: [Wetland Delineation and Stream Identification Report for Wagon Wheel Portal](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

☒ Photographs: [Aerial and Other: Background of mapping is 2019 Monongalia County, WV aerial imagery, photographs dated May 19, 2020 which were provided as part of the report](#)

☒ Corps site visit(s) conducted on: [August 13, 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: [Custom Soil Resource Report for Marion and Monongalia Counties, WV May 22, 2020](#)

☐ USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).

☒ USGS topographic maps: [USGS 7.5' quads Masontown and Morgantown South](#)

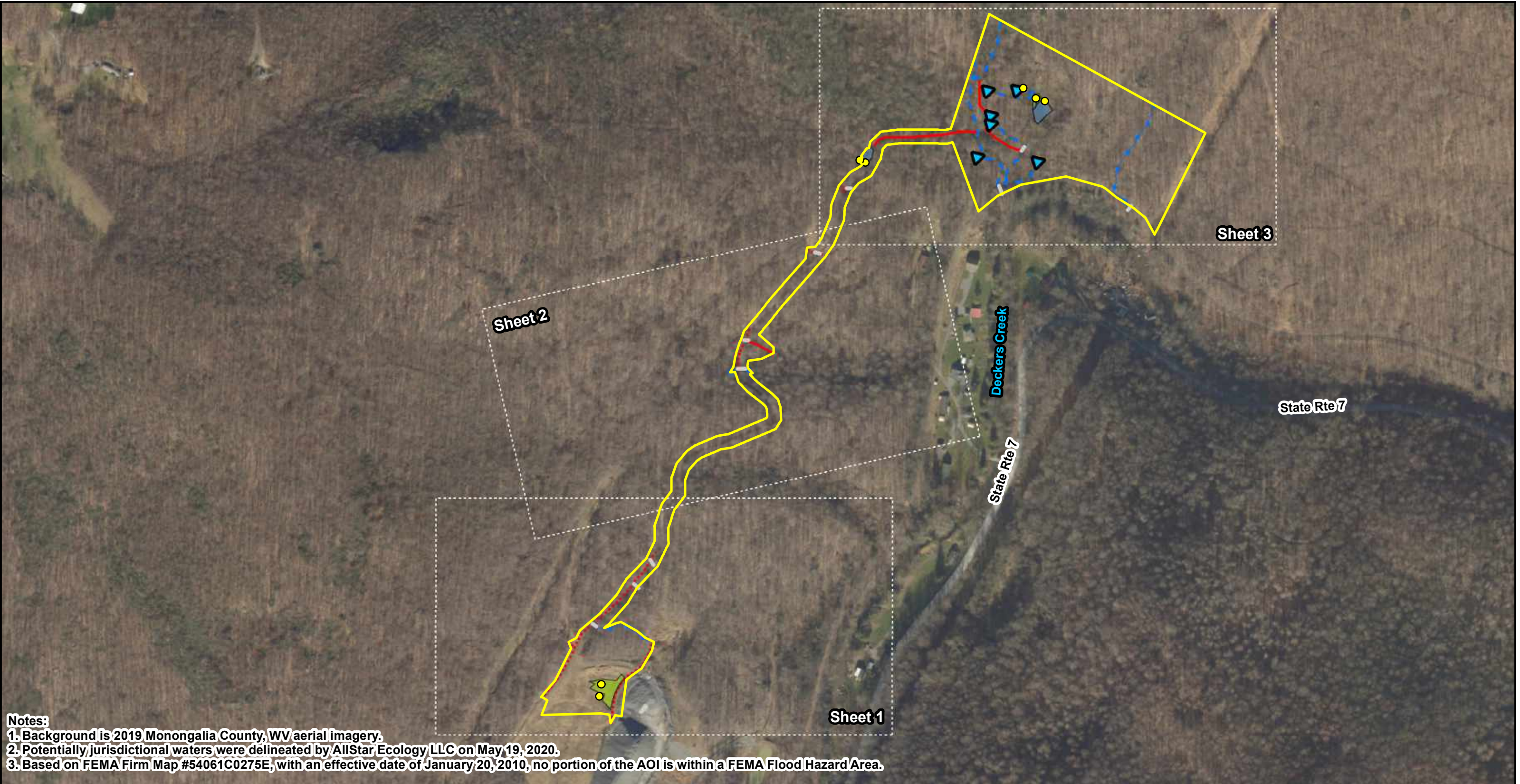
**Other data sources used to aid in this determination:**


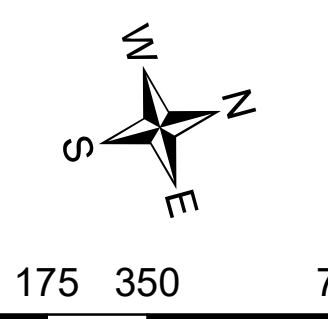
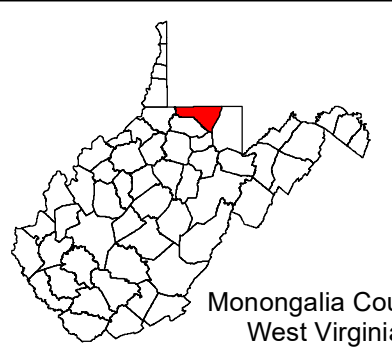




































Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A](#)

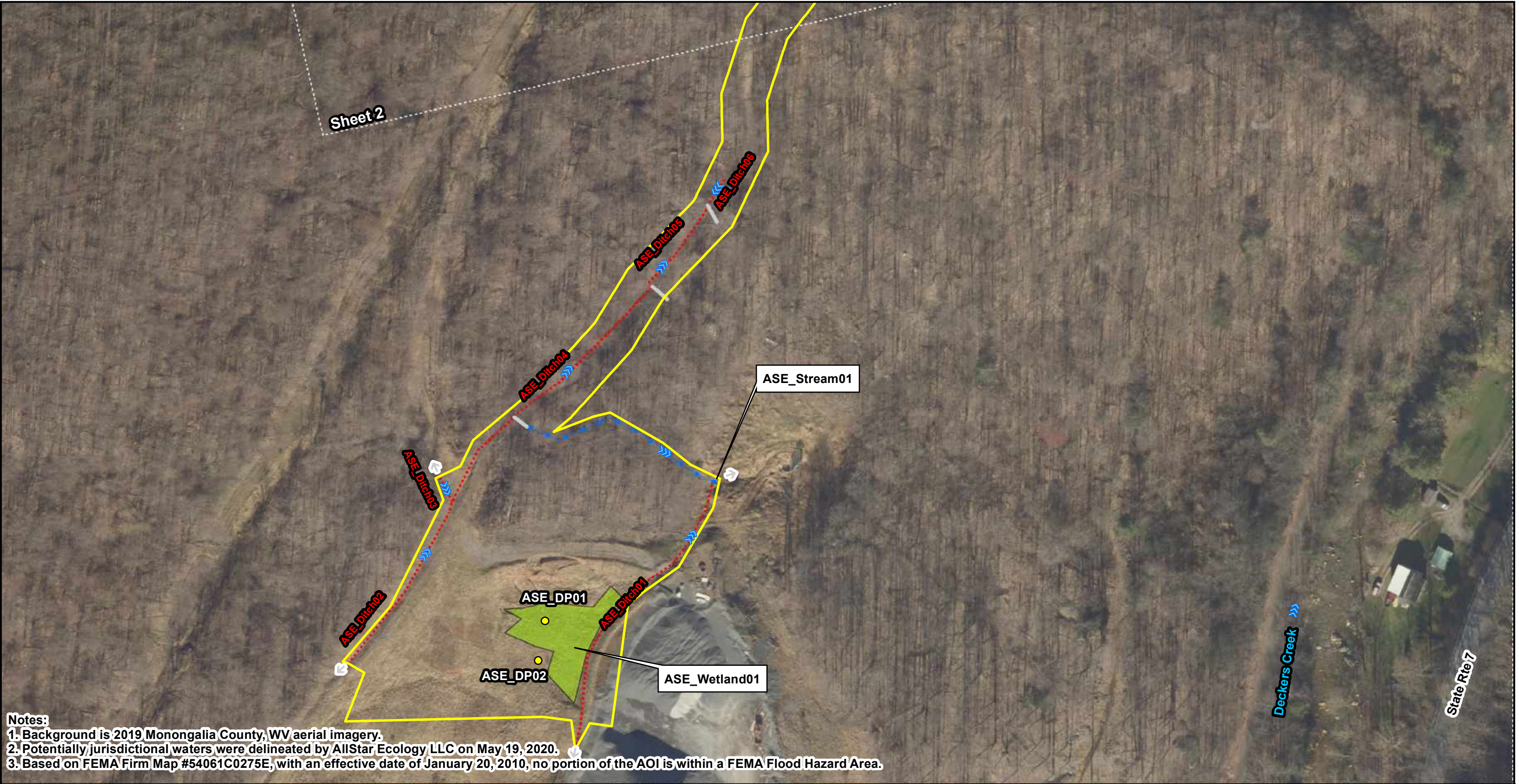
**C. Additional comments to support AJD:** [N/A](#)



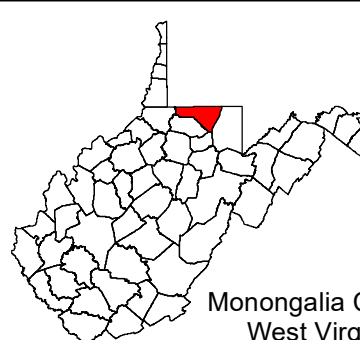
















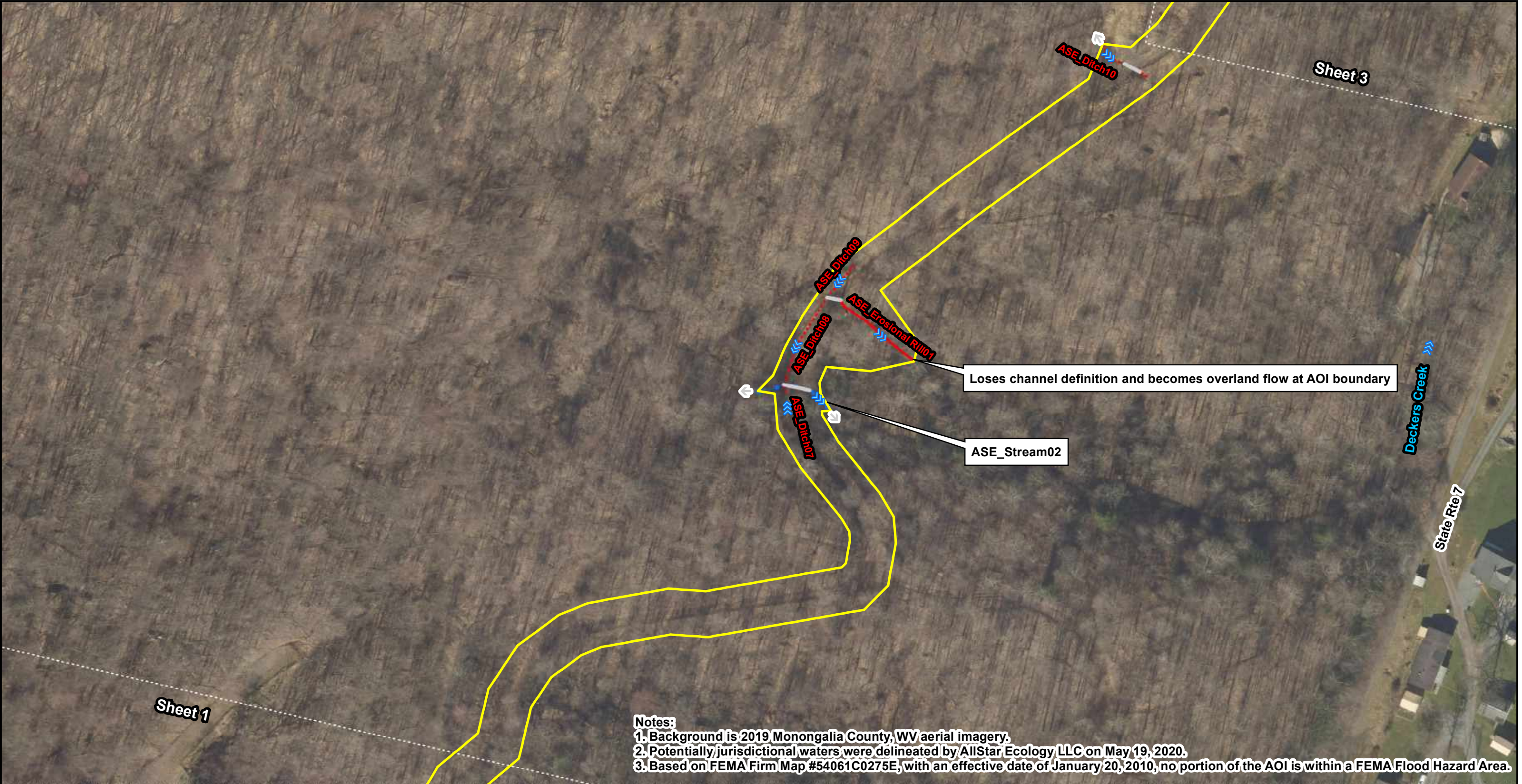
 <p><b>ALLSTAR ECOLOGY</b> Natural Resource Specialists</p>	 <p>0 175 350 700 ft</p>	 <p>Monongalia County, West Virginia</p>	<table border="0"> <tr> <td></td> <td>AOI</td> <td></td> <td>INTERMITTENT</td> <td></td> <td>DATA POINT (DP)</td> </tr> <tr> <td></td> <td>PEM</td> <td></td> <td>EPHEMERAL</td> <td></td> <td>ACTIVE SEEP</td> </tr> <tr> <td></td> <td>POW</td> <td></td> <td>DITCH- NJD</td> <td></td> <td>FEATURE CONTINUES</td> </tr> <tr> <td></td> <td>DRAINAGE- NJD</td> <td></td> <td>FLOW DIRECTION</td> <td></td> <td></td> </tr> <tr> <td></td> <td>EXISTING CULVERT</td> <td></td> <td></td> <td></td> <td></td> </tr> </table>		AOI		INTERMITTENT		DATA POINT (DP)		PEM		EPHEMERAL		ACTIVE SEEP		POW		DITCH- NJD		FEATURE CONTINUES		DRAINAGE- NJD		FLOW DIRECTION				EXISTING CULVERT					<p><b>Greer Industries, Inc.</b></p> <p>Figure 2 Potentially Jurisdictional Waters Wagon Wheel Portal</p> <table border="1"> <tr> <td>Date: 05/20/2020</td> <td>Index</td> </tr> </table>		Date: 05/20/2020	Index
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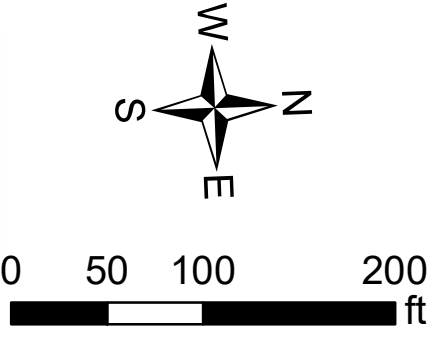







































 <b>ALLSTAR ECOLOGY</b> Natural Resource Specialists	 0 50 100 200 ft	 Monongalia County, West Virginia	 AOI  PEM  POW	 INTERMITTENT  EPHEMERAL  DITCH- NJD  DRAINAGE- NJD  EXISTING CULVERT	 DATA POINT (DP)  ACTIVE SEEP  FEATURE CONTINUES  FLOW DIRECTION	<b>Greer Industries, Inc.</b>	
						Figure 2 Potentially Jurisdictional Waters Wagon Wheel Portal	
						Date: 05/20/2020	Sheet 1

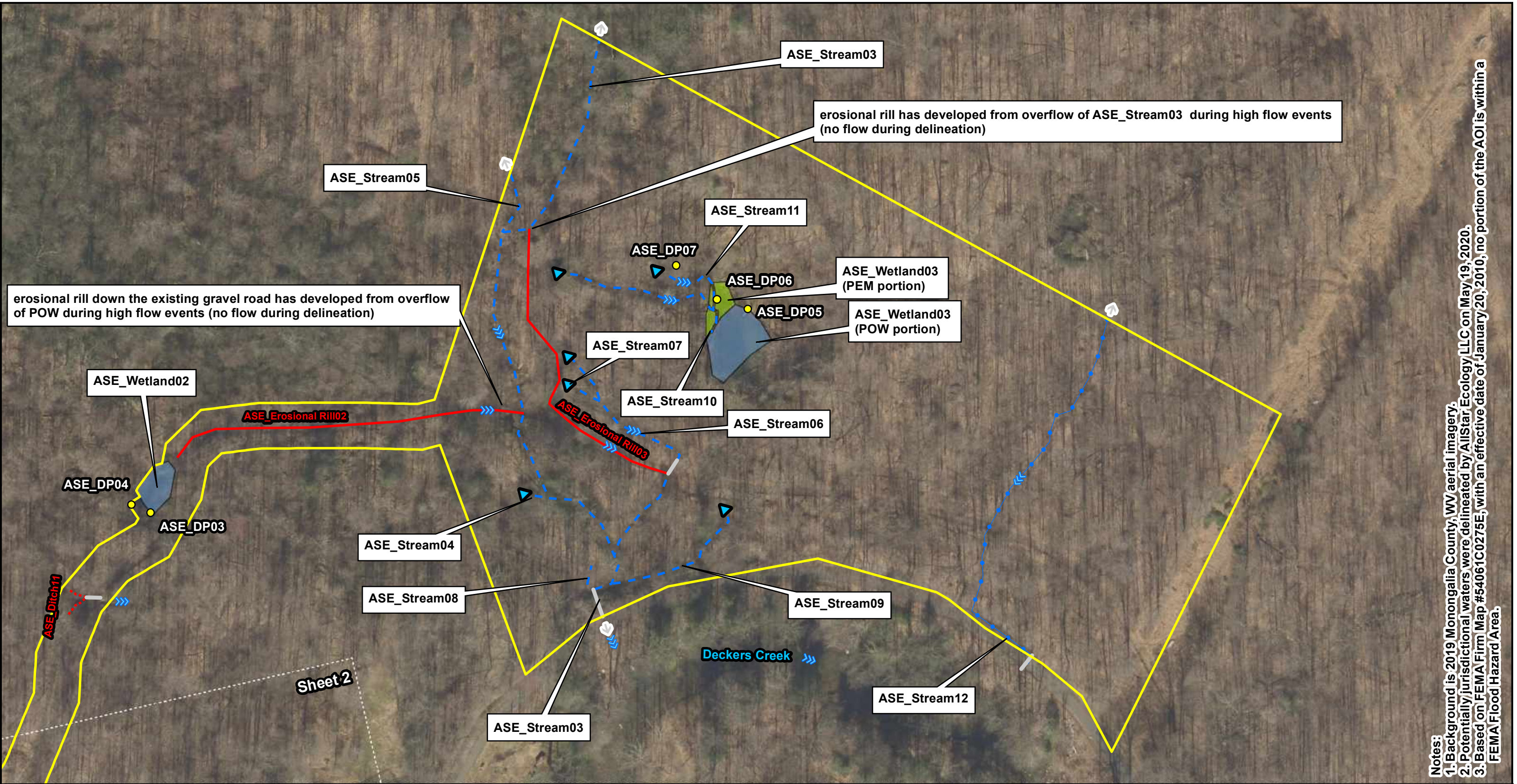





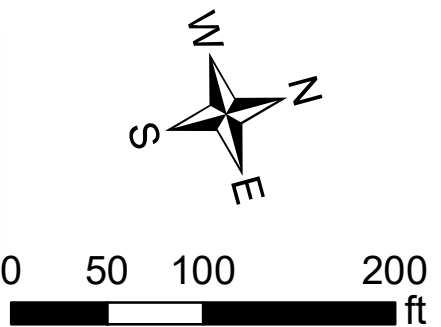





































**Notes:**  
1. Background is 2019 Monongalia County, WV aerial imagery.  
2. Potentially jurisdictional waters were delineated by AllStar Ecology LLC on May 19, 2020.  
3. Based on FEMA Firm Map #54061C0275E, with an effective date of January 20, 2010, no portion of the AOI is within a FEMA Flood Hazard Area.

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