



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
WILLIAM S. MOORHEAD FEDERAL BUILDING  
1000 LIBERTY AVENUE  
PITTSBURGH, PA 15222-4186

RECEIVED  
NOV 18 2011

November 15, 2011

Operations Division  
Regulatory Branch  
2011-1499

Aimee Toole  
American Electric Power  
1 Riverside Plaza  
Columbus, Ohio 43215-2373

Dear Ms. Toole:

This letter is in response to the aquatic resource delineation report, received on September 10, 2011 prepared by Dan Godec with Civil and Environmental Consultants, Inc. titled Jurisdictional Waters Delineation Report American Electric Power Company Incorporated Proposed Mitchell Landfill Project. A delineation of Option 1 consisting of 131 acres and Option 2 consisting of 216 acres was performed on August 11 through 15, 2011.

This site was investigated on September 14, 2011. You have requested a preliminary jurisdictional determination (PJD) for the proposed permit area. The waters listed in the enclosed spreadsheet and depicted on the attached resource map are potential waters of the United States:

The USACE authority to regulate waters of the U.S. is based, in part, on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (CWA) requires that a Department of the Army (DA) permit be obtained prior to the discharge of dredged or fill material into waters of the U.S., including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for any work in, on, over or under a navigable water. In addition, our December 2, 2008 headquarters guidance titled "Revised Guidance on Clean Water Act Jurisdiction Following the U.S. Supreme Court Decision in *Rapanos v. United States* and *Carabell v. United States*" must be followed for the USACE to provide final verification of CWA jurisdiction.

Based on a review of the information provided, 2 wetlands totaling 0.02 acre and 30 stream channels totaling 15,001 linear feet are located within the proposed permit area. This office has determined that these waters **may** be jurisdictional waters of the United States in accordance with the Regulatory Guidance Letter for Jurisdictional Determinations issued by the U.S. Army Corps of Engineers on June 26, 2008 (RGL No. 08-02). As indicated in the

guidance, this **PJD is non-binding and** cannot be appealed (33 C.F.R. 331.2) and only provides a written indication that waters of the U.S, including wetlands, may be present on-site.

At this time you have requested a Preliminary Jurisdictional Determination with an option to request an approved JD later. However, for the purposes of the determination of impacts, compensatory mitigation, and other resource protection measures for activities that require authorization from this office, the streams and wetlands identified above will be evaluated as if they are jurisdictional waters of the United States. Additional details concerning these waters may be found in the attached *Preliminary Jurisdictional Determination Form*.

If you have any questions, please contact Jared N. Pritts by phone at (412) 395-7251 or email at [jared.n.pritts@usace.army.mil](mailto:jared.n.pritts@usace.army.mil) and reference project No. 2011-1499 in all future correspondence with this office regarding this delineation.

Sincerely,

//SIGNED//

Karen A. Kochenbach  
Chief, Southern Section  
Regulatory Branch

Enclosure

Copy Furnished  
WVDEP

CEC, Inc., Dan Godec

**ATTACHMENT**

**PRELIMINARY JURISDICTIONAL DETERMINATION FORM**

**BACKGROUND INFORMATION**

**A. Report Completion Date for Preliminary Jurisdictional Determination (JD):**  
September 9, 2011

**B. Name and Address of Person Requesting Preliminary JD:** American Electric Power,  
Aimee Toole, 1 Riverside Plaza, Columbus, Ohio 43215-2373

**C. District Office, File Name, and Number:** Pittsburgh District, Proposed Mitchell  
Landfill Project, LRP-2011-1499

**D. Project Locations and Background Information:**

**State:** West Virginia

**County:** Marshall

**Township:**

**Longitude:** N 39° 49' 34.38"

**Latitude:** W 80° 46' 36.42"

**Nearest Waterbody:** Fish Creek and Little Tribble Creek

**Identify (estimate) amount of waters in review area:** See spreadsheet enclosed with  
the preliminary JD letter

**Name of any water-body on site that has been identified as Section 10 waters:** None  
**Tidal waters:** None

**E. Review Performed for Site Evaluation (Check All That Apply)**

**Office (Desk) Determination Date:**

**Field Determination Date(s):** September 14, 2011

**SUPPORTING DATA:** Date reviewed for preliminary JD (check all that apply –  
checked items should be included in case file, where checked and requested,  
appropriately reference sources below):

**Maps, plans, plots, or plat submitted by or on behalf of the applicant/consultant:**  
**Jurisdictional Waters Delineation Report American Electric Power Company  
Incorporated Proposed Mitchell Landfill Project Cresap, Marshall County, West**

**Virginia prepared for American Electric Power Company Inc. prepared by Civil and Environmental Consultants, Inc. Cincinnati, Ohio CEC Project Number 110-416 dated September 9, 2011**

**Data sheets prepared by Corps: none**

**Corps Navigable Water Study: none**

**U.S. Geological Survey Hydrologic Atlas:**

USGS NHD Data

USGS 8 & 12 digit HUC Maps

**U.S. Geological Survey Map(s). Cite scale and quad name: 7.5 minute series, Glen Easton, West Virginia Quadrangle**

**USDA Natural Resources Conservation Service Soil Survey - Citation: USDA NRCS website: "World\_Imagery" – Aerials Express – "NorthernWV2010" Color Aerial Mosaic, 2010**

**Other information (please specify): USEPA Rapid Bioassessment Protocol, USACE High-Gradient Headwaters Streams (HGM) Data Forms, Benthic Macroinvertebrate Field Data Sheet, Photographs taken by CEC during the delineation**

**IMPORTANT NOTE: The information recorded on this form has been verified by the Corps and should be relied upon for later jurisdictional determinations.**

  
\_\_\_\_\_  
**Signature and date of  
Regulatory Project Manager  
(Required)**

\_\_\_\_\_  
**Signature & Date of Person  
Requesting Preliminary JD  
(Required unless obtaining  
Signature is impracticable)**



**TABLE 3  
STREAM CHARACTERISTICS**

| Stream Segment Identifier | Classification | Approximate Length Within Project Area | USEPA High Gradient Stream Score | USACE Functional Capacity Units (FCU) |                        |         |
|---------------------------|----------------|--|----------------------------------|---------------------------------------|------------------------|---------|
|                           |                |  |                                  | Hydrology                             | Biogeochemical Cycling | Habitat |
| Stream 1                  | Intermittent   | 3,465                                  | 131                              | 97                                    | 93                     | 88      |
| Stream 1                  | Intermittent   |  | 146                              | 95                                    | 90                     | 89      |
| Stream 1                  | Intermittent   |  | 154                              | 98                                    | 93                     | 94      |
| Stream 1                  | Ephemeral      | 78                                     | 96                               | --                                    | --                     | --      |
| Stream 1a                 | Ephemeral      | 327                                    | 103                              | --                                    | --                     | --      |
| Stream 1b                 | Ephemeral      | 70                                     | 75                               | --                                    | --                     | --      |
| Stream 1c                 | Ephemeral      | 79                                     | 73                               | --                                    | --                     | --      |
| Stream 1d                 | Ephemeral      | 151                                    | 102                              | --                                    | --                     | --      |
| Stream 2                  | Intermittent   | 372                                    | 130                              | 98                                    | 94                     | 89      |
| Stream 2a                 | Ephemeral      | 70                                     | 92                               | --                                    | --                     | --      |
| Stream 2a                 | Intermittent   | 413                                    | 82                               | 93                                    | 80                     | 61      |
| Stream 2a-1               | Ephemeral      | 298                                    | 82                               | --                                    | --                     | --      |
| Stream 2a-2               | Ephemeral      | 51                                     | 89                               | --                                    | --                     | --      |
| Stream 2a-3               | Ephemeral      | 92                                     | 86                               | --                                    | --                     | --      |
| Stream 2b                 | Ephemeral      | 550                                    | 109                              | --                                    | --                     | --      |
| Stream 3                  | Ephemeral      | 375                                    | 103                              | --                                    | --                     | --      |
| Stream 3                  | Intermittent   | 216                                    | 118                              | 100                                   | 94                     | 82      |
| Stream 3a                 | Ephemeral      | 178                                    | 109                              | --                                    | --                     | --      |
| Stream 3b                 | Ephemeral      | 119                                    | 103                              | --                                    | --                     | --      |
| Stream 4                  | Ephemeral      | 495                                    | 111                              | --                                    | --                     | --      |
| Stream 5                  | Ephemeral      | 383                                    | 110                              | --                                    | --                     | --      |
| Stream 6                  | Ephemeral      | 51                                     | 77                               | --                                    | --                     | --      |
| Stream 6                  | Intermittent   | 292                                    | 116                              | 92                                    | 90                     | 87      |
| Stream 7                  | Ephemeral      | 394                                    | 107                              | --                                    | --                     | --      |
| Stream 8                  | Ephemeral      | 82                                     | 97                               | --                                    | --                     | --      |
| Stream 8                  | Intermittent   | 2744                                   | 138                              | 97                                    | 94                     | 96      |
| Stream 8                  | Intermittent   |  | 153                              | 91                                    | 75                     | 79      |
| Stream 8a                 | Ephemeral      | 181                                    | 101                              | --                                    | --                     | --      |
| Stream 8a                 | Intermittent   | 95                                     | 127                              | 65                                    | 58                     | 62      |
| Stream 8b                 | Ephemeral      | 201                                    | 113                              | --                                    | --                     | --      |
| Stream 9                  | Ephemeral      | 89                                     | 107                              | --                                    | --                     | --      |
| Stream 9                  | Intermittent   | 210                                    | 125                              | 96                                    | 88                     | 86      |
| Stream 10                 | Ephemeral      | 199                                    | 92                               | --                                    | --                     | --      |
| Stream 10                 | Intermittent   | 395                                    | 137                              | 96                                    | 92                     | 86      |
| Stream 10a                | Ephemeral      | 160                                    | 103                              | --                                    | --                     | --      |
| Stream 11                 | Ephemeral      | 298                                    | 124                              | --                                    | --                     | --      |



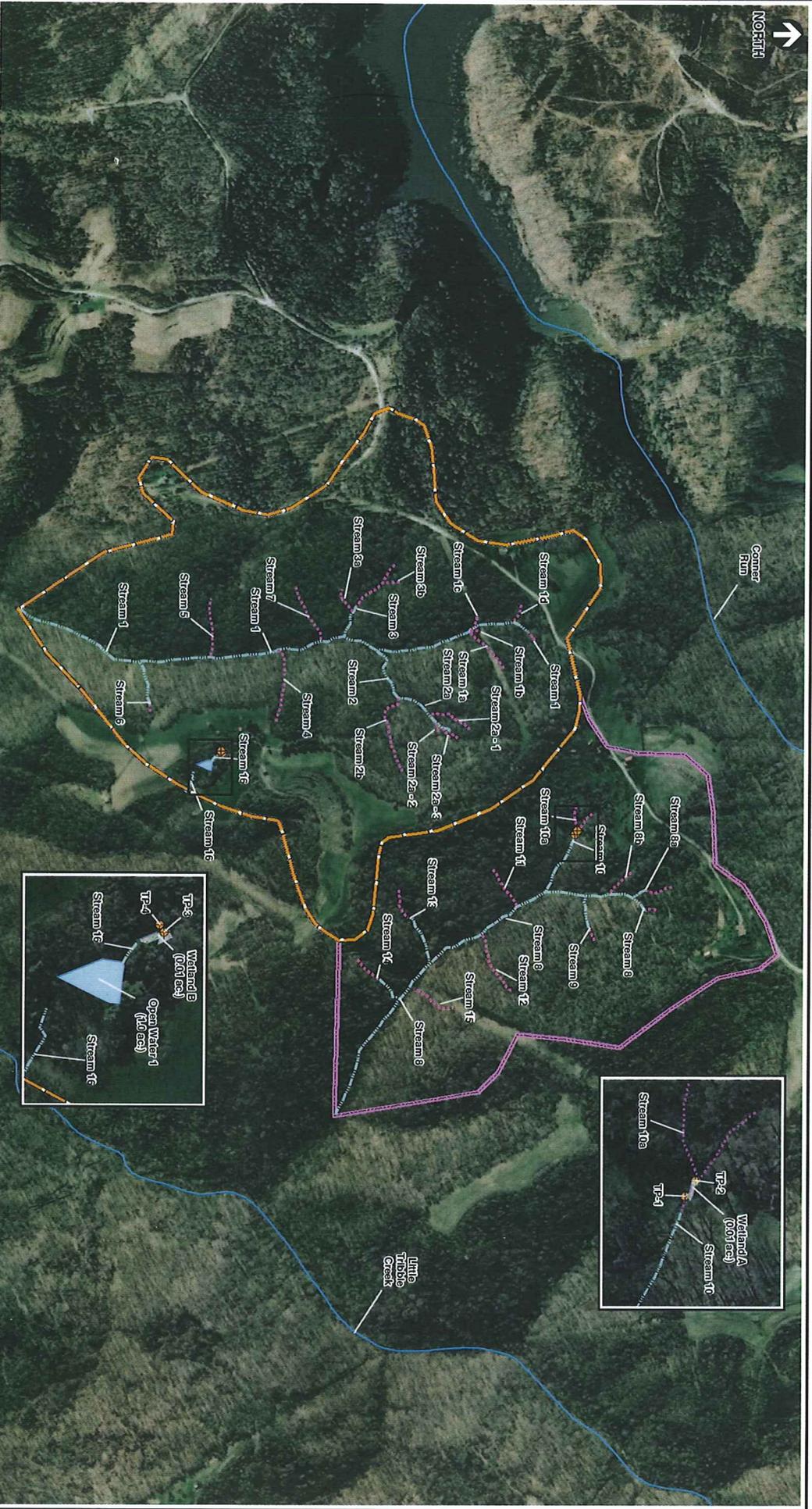
**TABLE 3  
STREAM CHARACTERISTICS**

| Stream Segment Identifier | Classification | Approximate Length Within Project Area | USEPA High Gradient Stream Score | USACE Functional Capacity Units (FCU) |                        |         |
|---------------------------|----------------|--|----------------------------------|---------------------------------------|------------------------|---------|
|                           |                |  |                                  | Hydrology                             | Biogeochemical Cycling | Habitat |
| Stream 12                 | Ephemeral      | 439                                    | 111                              | --                                    | --                     | --      |
| Stream 13                 | Ephemeral      | 202                                    | 129                              | --                                    | --                     | --      |
| Stream 13                 | Intermittent   | 333                                    | 125                              | 94                                    | 82                     | 79      |
| Stream 14                 | Ephemeral      | 194                                    | 109                              | --                                    | --                     | --      |
| Stream 14                 | Intermittent   | 179                                    | 140                              | 78                                    | 76                     | 62      |
| Stream 15                 | Ephemeral      | 290                                    | 112                              | --                                    | --                     | --      |
| Stream 16                 | Intermittent   | 39                                     | 91                               | 59                                    | 72                     | 55      |
| Stream 16                 | Intermittent   | 152                                    |                                  |                                       |                        |         |
| <b>Total</b>              | --             | <b>15,001</b>                          | --                               | --                                    | --                     | --      |

**TABLE 2  
WETLAND CHARACTERISTICS**

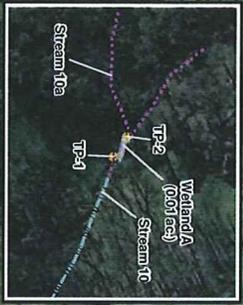
| Wetland Identifier | Acreage     | USFWS Classification        | Hydrological Status <sup>1</sup> |
|--------------------|-------------|-----------------------------|----------------------------------|
| A                  | 0.01        | Palustrine Emergent Wetland | Connected/Adjacent               |
| B                  | 0.01        | Palustrine Emergent Wetland | Connected/Adjacent               |
| <b>Total</b>       | <b>0.02</b> | --                          | --                               |

<sup>1</sup> The determinations of hydrologically connected/adjacent and isolated wetlands outlined in this report are preliminary, based on the boundary delineations and have not been formally approved by the USACE.



- Wetland Determination Test Pit
- Intermittent Stream
- Epithermal Stream
- Open Water
- Wetland Feature
- Option 1 Limits of Disturbance (131 acre)
- Option 2 Limits of Disturbance (216 acre - Includes Footprint of Option 1)

**NOTES:**  
 - All stream locations are approximate and based off of topographic interpretation from the AutoCAD file titled "ML\_ConstructionPlant\_11-10-10\_8388SF.dwg", June 26, 2011, and GPS data collected during CEC's August 11-15, 2011, wetland and waterbody delineation site visits.



SOURCE: PORTION OF THE ESRI ARC/INFO ONLINE MAPPING SERVICE - "WORLD\_IMAGE" - "AERIALS EXPRESS" - "NORTHERNV2010" - COLOR AERIAL MDSAC, 2010.

**Civil & Environmental Consultants, Inc.**  
 4274 Glendale-Milford Road - Cincinnati, OH 45242  
 513.935-0226 - 800.739-5614  
[www.cecinc.com](http://www.cecinc.com)

**AMERICAN ELECTRIC POWER CO., INC.**  
 MITCHELL LANDFILL PROJECT  
 GATTS RIDGE ROAD  
 CRESAP, MARSHALL CO., WEST VIRGINIA

|                                       |                   |             |           |
|---------------------------------------|-------------------|-------------|-----------|
| DRAWN BY:                             | MJB               | CHECKED BY: | DJG       |
| DATE:                                 | SEPTEMBER 2, 2011 | DWG SCALE:  | 1" = 600' |
| APPROVED BY:                          | JEZ               | FIGURE NO.: | 4         |
| JURISDICTIONAL WATERS DELINEATION MAP |                   |             |           |

Signature on File