



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): 23-OCT-2020

ORM Number: LRP-2020-00163

Associated JDs: N/A

Review Area Location¹:

State/Territory: OH City: Richland and Colerain Townships

County/Parish/Borough: Belmont County

Center Coordinates of Review Area: Latitude 40.094955 Longitude -80.848532

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
Stream 3 (UNT McMonies Run)	69 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to McMonies Run, which flows to Wheeling Creek, and then to the Ohio River, an (a)(1) water.
Stream 5 (UNT McMonies Run)	98 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to McMonies Run, which flows to Wheeling Creek, and then to the Ohio River, an (a)(1) water.
Stream 6 (UNT McMonies Run)	109 feet	(a)(2) Intermittent tributary contributes surface water flow	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to McMonies Run, which flows to

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.

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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		directly or indirectly to an (a)(1) water in a typical year	Wheeling Creek, and then to the Ohio River, an (a)(1) water.
Stream 7 (UNT McMonies Run)	115 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to McMonies Run, which flows to Wheeling Creek, and then to the Ohio River, an (a)(1) water.
Stream 8 (UNT Wheeling Creek)	128 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Wheeling Creek which then flows to the Ohio River, an (a)(1) water.
Wheeling Creek	103 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes flow to an (a)(1) water in a typical year. Tributary flows to the Ohio River, an (a)(1) water.

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
Wetland 19 (PEM)	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts a perennial (a)(2) water

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 1 (UNT McMonies Run)	106 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Non jurisdictional by rule
Wetland 2 (PSS)	0.12 acres	(b)(1) Non-adjacent wetland	
Wetland 5 (PFO)	0.02 acres	(b)(1) Non-adjacent wetland	
Wetland 6 (PFO)	0.02 acres	(b)(1) Non-adjacent wetland	
Wetland 9 (PFO)	0.01 acres	(b)(1) Non-adjacent wetland	
Wetland 12 (PFO)	0.03 acres	(b)(1) Non-adjacent wetland	
Wetland 13 (PEM)	0.01 acres	(b)(1) Non-adjacent wetland	
Wetland 14 (PEM)	0.01 acres	(b)(1) Non-adjacent wetland	
Wetland 16 (PEM)	0.09 acres	(b)(1) Non-adjacent wetland	
Wetland 17 (PEM)	0.06 acres	(b)(1) Non-adjacent wetland	
Wetland 18 (PEM)	0.12 acres	(b)(1) Non-adjacent wetland	

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.

X Information submitted by, or on behalf of, the applicant/consultant: *EMHT's Investigation of Waters of the United States Report, September 2020*

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This information (is) sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *N/A*

☒ Photographs: *(NA, aerial, other, aerial and other) EMHT's Investigation of Waters of the United States Report, September 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: *EMHT's Investigation of Waters of the United States Report, September 2020*

☒ USFWS NWI maps: *EMHT's Investigation of Waters of the United States Report, September 2020*

☒ USGS topographic maps: *EMHT's Investigation of Waters of the United States Report, September 2020*

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: *N/A*

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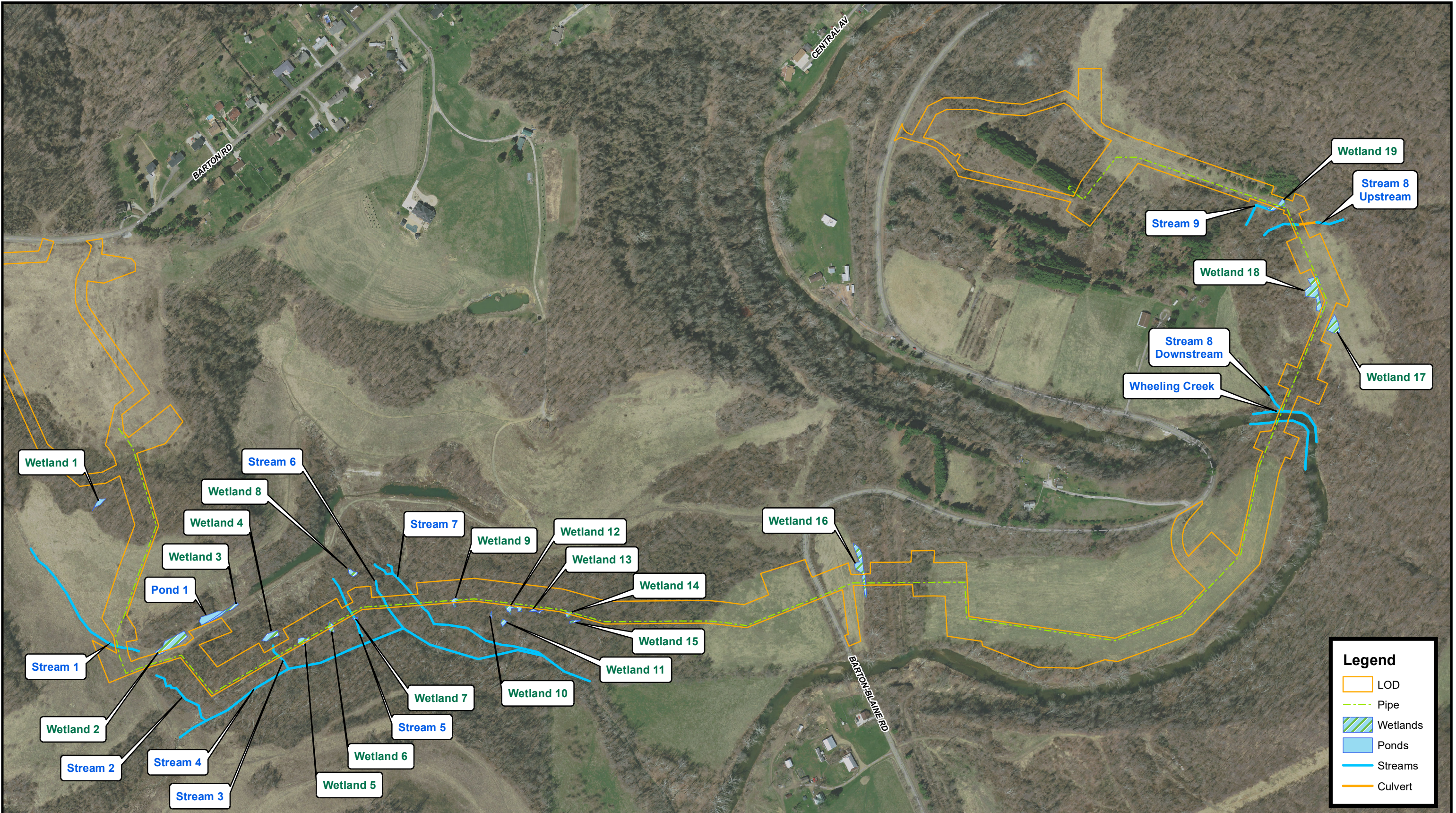
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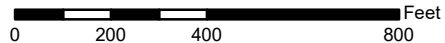
Path: \\cmhdata01\project01\2019\1240\GIS\Sept2020_ReRoute\Exhibit 6 - Delineation.mxd



EMH&T

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Scale: 1" = 400'



RICHLAND TOWNSHIP, BELMONT COUNTY, OHIO
**Three Dads RCH BL 10" HP Lateral
Delineation Map
Exhibit 6**



Source: Aerial - OSIP Imagery, 2014