



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): July 22, 2021

ORM Number: LRP-2021-00243

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: OH City: Leetonia County/Parish/Borough: Columbiana County

Center Coordinates of Review Area: Latitude 40.827856 Longitude -80.744217

**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
LRP-2021-00243 SBRI-003	307 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	SBRI-003 is an intermittent feature that drains into Middle Run, which then drains into Middle Fork Little Beaver Creek, which drains into Little Beaver Creek, which drains into the Ohio River, an (a)(1) water. Water was present within a defined bed, bank, and OHWM during the site visit.
LRP-2021-00243 SJF003	102 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	SJF003 is an intermittent feature that drains into SBRI-003, which drains into Middle Run, which then drains into Middle Fork Little Beaver Creek, which drains into Little Beaver Creek, which drains into the Ohio River, an (a)(1) water. Water was present within a defined bed, bank, and OHWM during the site visit.

<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 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.

<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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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
LRP-2021-00243 WBRI-004	0.301 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WBRI-004 directly abuts SBRI-003, an (a)(2) water as described above.
LRP-2021-00243 WJF002-2020	0.013 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WJF002-2020 directly abuts SJF003, an (a)(2) water as described above.
LRP-2021-00243 WJF004-2020	0.007 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WJF004-2020 directly abuts SJF003, an (a)(2) water as described above.

**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
LRP-2021-00243 WJF003-2020	0.007 acres	(b)(1) Non-adjacent wetland	WJF003-2020 does not abut any (a)(1)-(a)(3) waters, is not inundated by flooding from these waters in a typical year, is not separated from the nearest jurisdictional water by a natural feature, and does not display a direct hydrologic surface connection to the nearest jurisdictional waters. WJF003-2020 is separated from the nearest jurisdictional waterway by approximately 80 feet of upland inclusion, which incorporates an oil and gas access road. There is no surface connection between WJF003-2020 and any other waterway, and the significant channel incision present in SJF003, the nearest jurisdictional waterway, precludes the possibility of flooding this far from the OHWM.

**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: *Brinker Well Abandonment JD Request, May 20, 2021*  
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) Google Earth 1985-2016, Site photographs by Corps PM*
- Corps Site visit(s) conducted on: *June 30, 2021*.
- 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: *Web Soil Survey, accessed July 14, 2021*.

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- USFWS NWI maps: *NWI Mapper, accessed July 14, 2021*  
 USGS topographic maps: *Elkton quadrangle, 2016.*

**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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