



**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): 6/25/2020  
 ORM Number: LRP 2020-158  
 Associated JDs: NA  
 Review Area Location<sup>1</sup>: State/Territory: OH City: Madison Township County/Parish/Borough: Columbiana  
 Center Coordinates of Review Area: Latitude 40.701598 Longitude -80.693976°

**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
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.

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

**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
Wetland 1	828	N/A.	(b)(1) Non-adjacent wetland.	Feature does not abut or have a surface connection to an a(1) to a(4) water
Wetland 2	479	Square Feet	(b)(1) Non-adjacent wetland.	Feature does not abut or have a surface connection to an a(1) to a(4) water
Wetland 3	958	Square Feet	(b)(1) Non-adjacent wetland.	Feature does not abut or have a surface connection to an a(1) to a(4) water
Wetland 4	2875	Square Feet	(b)(1) Non-adjacent wetland.	Feature does not abut or have a surface connection to an a(1) to a(4) water
Wetland 5	4182	Square Feet	(b)(1) Non-adjacent wetland.	Feature does not abut or have a surface connection to an a(1) to a(4) water
Wetland 7	436	Square Feet	(b)(1) Non-adjacent wetland.	Feature does not abut or have a surface connection to an a(1) to a(4) water
Remnant Mining Pond	42874	Square Feet	(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.	Feature does not abut or have a surface connection to an a(1) to a(4) water
Stream 1	1347	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.	Feature does not abut or have a surface connection to an a(1) to a(4) water
Ephemeral 1	779	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Non-jurisdictional by rule
Ephemeral 2	403	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Non-jurisdictional by rule

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ephemeral 3	633	Linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Non-jurisdictional by rule

**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: **SENECA ENGINEERING, LLC WEST POINT RENEWABLES FACILITY PROJECT MADISON TOWNSHIP, COLUMBIANA COUNTY, OHIO WETLAND DELINEATION REPORT** JUNE 2020 Prepared For: Seneca Engineering, LLC 585 White Pond Dr. Ste E. Akron, Ohio 44320 Prepared by WHM Consulting LLC

This information is sufficient for purposes of this AJD.

Rationale: **NA**

- Data sheets prepared by the Corps: **Title(s) and/or date(s)**.
- Photographs: **Other: Project Wetland Delineation Photographs, taken 2/19/19**
- 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: **6/15/20**
- USFWS NWI maps: **6/15/20**
- USGS topographic maps: **West Point 7.5 minute USGS quadrangle**

**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 or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.**

**C. Additional comments to support AJD:** **Features are non-jurisdictional by rule. The site is disturbed and within/around an existing coal refuse facility. Stream 1 goes underground and seeps into an existing mining pond with no outfall. The wetland 4 boundary is ~100' from the nearest channel feature and sheet flow is the only connection.**