

Large Filing Separator Sheet

Case Number: 09-479-EL-BGN

File Date: 12/11/2009

Section: 2 of 4

Number of Pages: 200

Description of Document: Response

WATERBODY CROSSING DATA FORM

PROJECT: Harris W. Farm

DATE: 10/26/09

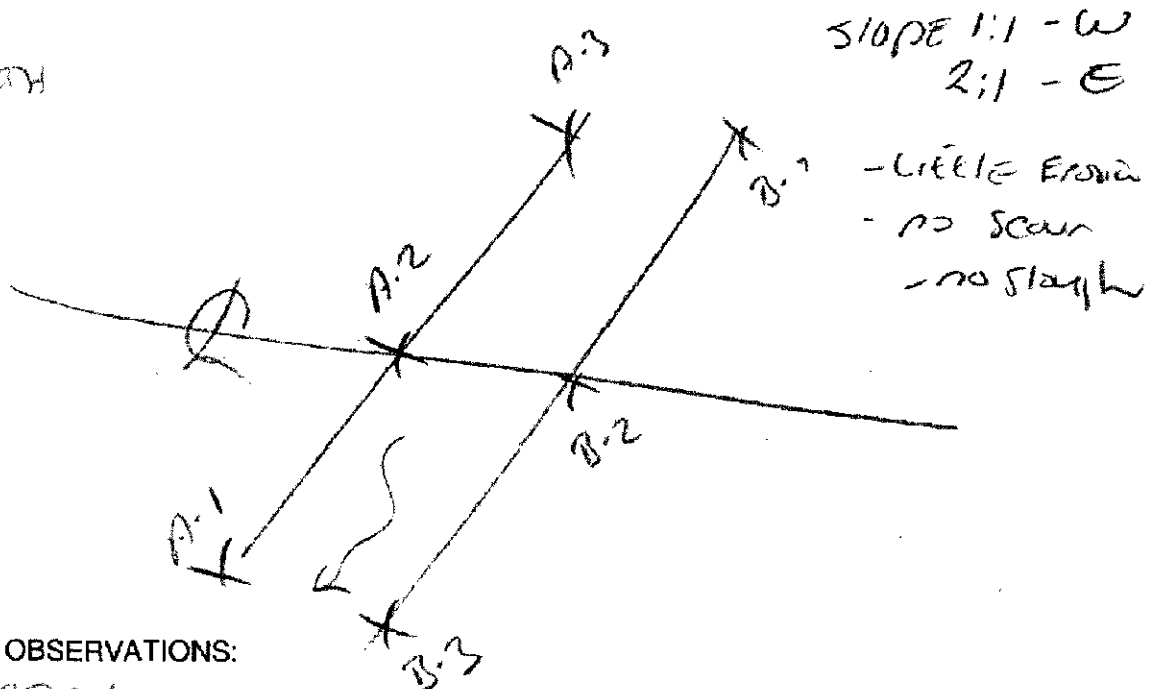
LOCATION: Do not #150-152

FIELD CREW: CRS SMS

WATERBODY ID	SB0052 ATT	
GPS FEATURE TYPE (open/closed)/(line/polygon)	Line (1-3)	
PHOTO ID and DIRECTION	14 \Rightarrow North	
NAME (or tributary to)	UNNAMED TR to South Fork Great Miami River	
WATERBODY TYPE (stream/pond/ditch/culvert)	Stream	
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent	
WIDTH (observed/OHW)	2-5' / 8'	
DEPTH (observed/OHW)	4" / 2.5'	
FLOW RATE (dry/stagnant/low/moderate/high)	Low	
FLOW DIRECTION	South	
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt	
BANK VEGETATION (upland/wetland cover type)	Evenly Succumbent	

SKETCH:

\uparrow North



FISH AND WILDLIFE OBSERVATIONS:

DEER TRACKS

NOTES:

mapped down veg

mapped as Intermittent

5180052A113

10/26/09



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: 39

Stream & Location: Unnamed 2nd Trib to South Fork **RM:** --- **Date:** 10/26/09

62885 Miami River

Scorers Full Name & Affiliation: DeLamater, Sparks - TREC

River Code: --- **STORET #:** --- **Lat/Long:** 40.5855 183.7265 **Office verified location:** ☐

1) SUBSTRATE Check ONLY Two substrate **TYPE BOXES**, estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY	
	POOL RIFFLE		POOL RIFFLE				
<input type="checkbox"/> BLDR / SLABS [10]	<u>---</u>	<input type="checkbox"/> HARDPAN [4]	<u>---</u>	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/> HEAVY [-2]	<input type="checkbox"/> MODERATE [-1]	Substrate 3 Maximum 20
<input type="checkbox"/> BOULDER [9]	<u>---</u>	<input type="checkbox"/> DETRITUS [3]	<u>---</u>	<input type="checkbox"/> TILLS [1]	<input checked="" type="checkbox"/> SILT	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> COBBLE [8]	<u>---</u>	<input type="checkbox"/> MUCK [2]	<u>---</u>	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/> FREE [1]	<input type="checkbox"/> EXTENSIVE [-2]	
<input type="checkbox"/> GRAVEL [7]	<u>---</u>	<input checked="" type="checkbox"/> SILT [2]	<u>---</u>	<input checked="" type="checkbox"/> HARDPAN [0]	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/> MODERATE [-1]	
<input type="checkbox"/> SAND [6]	<u>---</u>	<input checked="" type="checkbox"/> ARTIFICIAL [0]	<u>---</u>	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/> RIP/RAP [0]	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> BEDROCK [5]	<u>---</u>			<input type="checkbox"/> LACUSTURINE [0]	<input type="checkbox"/> SHALE [-1]	<input type="checkbox"/> NONE [1]	

NUMBER OF BEST TYPES: ☒ 4 or more [2] ☐ 3 or less [0] (Score natural substrates; ignore sludge from point-sources)

Comments: ---

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

		AMOUNT	
		Check ONE (Or 2 & average)	
<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	<input checked="" type="checkbox"/> EXTENSIVE > 75% [11]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input checked="" type="checkbox"/> AQUATIC MACROPHYTES [1]	<input type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input type="checkbox"/> SPARSE 5-25% [3]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> NEARLY ABSENT < 5% [1]

Comments: ---

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [6]	<input type="checkbox"/> HIGH [3]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input checked="" type="checkbox"/> RECOVERED [4]	<input checked="" type="checkbox"/> MODERATE [2]
<input checked="" type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input checked="" type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> NONE [1]	<input checked="" type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO-RECOVERY [1]	

Comments: ---

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY	CONSERVATION TILLAGE
<input checked="" type="checkbox"/> NONE / LITTLE [3]	<input type="checkbox"/> WIDE > 50m [4]	<input checked="" type="checkbox"/> FOREST, SWAMP [3]	<input type="checkbox"/> URBAN OR INDUSTRIAL [0]
<input type="checkbox"/> MODERATE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2]	<input type="checkbox"/> MINING / CONSTRUCTION [0]
<input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]	
	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]	
	<input checked="" type="checkbox"/> NONE [0]	<input type="checkbox"/> OPEN PASTURE, ROWCROP [0]	

Comments: ---

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH	CHANNEL WIDTH	CURRENT VELOCITY
Check ONE (ONLY):	Check ONE (Or 2 & average)	Check ALL that apply
<input type="checkbox"/> > 1m [6]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]
<input type="checkbox"/> 0.7-1m [4]	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> SLOW [1]
<input type="checkbox"/> 0.4-0.7m [2]	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> VERY FAST [1]
<input checked="" type="checkbox"/> 0.2-0.4m [1]		<input type="checkbox"/> FAST [1]
<input checked="" type="checkbox"/> < 0.2m [0]		<input type="checkbox"/> MODERATE [1]
		<input type="checkbox"/> INTERSTITIAL [-1]
		<input type="checkbox"/> INTERMITTENT [-2]
		<input type="checkbox"/> EDDIES [1]

Comments: ---

Recreation Potential
Primary Contact
Secondary Contact
(circle one and comment on bank)

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-1]

Comments: ---

6) GRADIENT (ft/mi) 9.3

DRAINAGE AREA (mi²) 10

% POOL: 0 % GLIDE: 100
% RUN: 0 % RIFFLE: 0

Gradient Maximum 10 10

1065 -> 1060 = 2827.70'

5' / 36 mi = 9.33 ft/mi gradient

AJ SAMPLED REACH

Check ALL that apply

METHOD STAGE

- ☐ BOAT
☐ WADE
☐ L. LINE
☒ OTHER
 DISTANCE
☐ 0.5 Km
☐ 0.2 Km
☐ 0.15 Km
☐ 0.12 Km
☒ OTHER
 CLARITY
☐ 1st sample pass
☐ 2nd sample pass
☒ < 20 cm
☐ 20-40 cm
☐ 40-70 cm
☐ > 70 cm / GTB
☐ SECCHI DEPTH
 meters
☒ CANOPY
☐ > 85% - OPEN
☐ 55%-85%
☐ 30%-55%
☐ 10%-30%
☐ < 10% - CLOSED

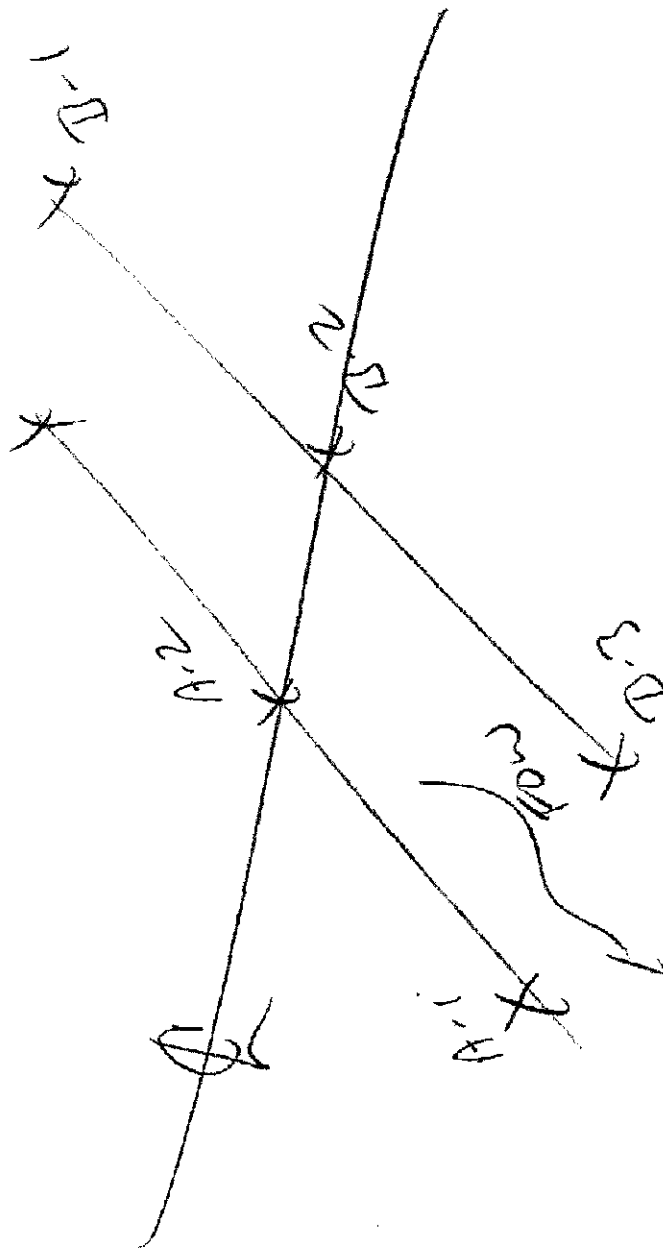
Comment RE: Reach consistency is reach typical of stream? Recreation/ Observed - Inferred, Other/ Sampling observations, Concerns, Access directions, etc.

BJ AESTHETICS	DJ MAINTENANCE	EJ ISSUES	FJ MEASUREMENTS
<input type="checkbox"/> NUISANCE ALGAE <input type="checkbox"/> INVASIVE MACROPHYTES <input type="checkbox"/> EXCESS TURBIDITY <input type="checkbox"/> DISCOLORATION <input type="checkbox"/> FOAM / SCUM <input type="checkbox"/> OIL SHEEN <input type="checkbox"/> TRASH / LITTER <input type="checkbox"/> NUISANCE ODOR <input type="checkbox"/> SLUDGE DEPOSITS <input type="checkbox"/> CSO/SSO/OUTFALLS <input type="checkbox"/> CSO/SSO/OUTFALLS <input type="checkbox"/> AREA DEPTH <input type="checkbox"/> POOL: <input type="checkbox"/> > 100ft ² <input type="checkbox"/> > 3ft	<input checked="" type="checkbox"/> PRIVATE / BOTH / NA <input type="checkbox"/> ACTIVE / HISTORIC / BOTH / NA <input type="checkbox"/> YOUNG-SUCCESSION-OLD <input type="checkbox"/> SPRAY / SNAG / REMOVED <input type="checkbox"/> MODIFIED / DIPPED OUT / NA <input type="checkbox"/> LEVEED / ONE SIDED <input type="checkbox"/> RELOCATED / CUTOFFS <input type="checkbox"/> MOVING-BEDLOAD-STABLE <input type="checkbox"/> ARMORED / SLUMPS <input type="checkbox"/> ISLANDS / SCoured <input type="checkbox"/> IMPOUNDED / DESICCATED <input type="checkbox"/> FLOOD CONTROL / DRAINAGE	WWTP / CSO / NPDES / INDUSTRY HARDENED / URBAN / DIRT / GRIME CONTAMINATED / LANDFILL BMPs-CONSTRUCTION-SEDIMENT LOGGING / IRRIGATION / COOLING BANK / EROSION / SURFACE FALSE BANK / MANURE / LAGOON WASH H ₂ O / TILE / H ₂ O TABLE ACID / MINE / QUARRY / FLOW NATURAL / WETLAND / STAGNANT PARK / GOLF / LAWN / HOME ATMOSPHERE / DATA PAUCITY	\bar{x} width 2.5 \bar{x} depth 4.5 max. depth 8.5 bankfull width 2.5 bankfull \bar{x} depth 2.5 W/D ratio bankfull max. depth floodprone \bar{x} width entrench. ratio Legacy Tree:

Stream Drawing:

Box 1 Bank Survey

ANALYSIS



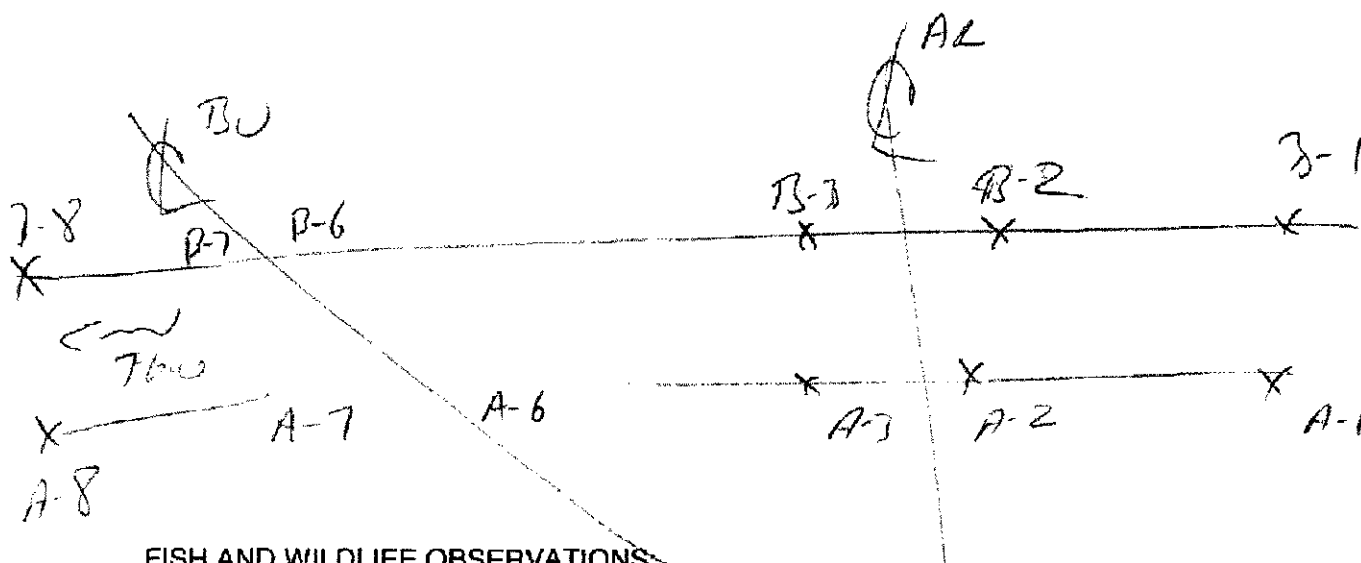
SB0053A1D

10/27/09

WATERBODY CROSSING DATA FORM

PROJECT: Hardin Windfarm DATE: 10/27/09LOCATION: BU NW of WTG-211 FIELD CREW: Sparks & Cowell

WATERBODY ID	SB0053A4/B		
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-8)		
PHOTO ID and DIRECTION	#1 FE		
NAME (or tributary to)	unnamed McCoy Run tributary		
WATERBODY TYPE (stream/pond/ditch/culvert)	Stream		
FLOW REGIME (perennial/intermittent/ephemeral)	Int		
WIDTH (observed/OHW)	- / 10'		
DEPTH (observed/OHW)	- / 3'		
FLOW RATE (dry/stagnant/low/moderate/high)	Dry		
FLOW DIRECTION	E		
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silty clay		
BANK VEGETATION (upland/wetland cover type)	Emergent		

SKETCH: ↑ NORTH

FISH AND WILDLIFE OBSERVATIONS:

NOTES:

NO FROG; NO SPOON; NO SCORP
2:1 (45%)

MAPS AN INTERMEDIATE

SIBWOS' HHS

10/27/09



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: **32**Stream & Location: UNNAMED MCCOY RUN TRIB RM: --- Date: 10/27/09W1,350' NORTH END of TRISY/TERS Scorers Full Name & Affiliation: SPARKS, L. COOPER TRECRiver Code: --- STORET #: --- Lat./Long.: 40.6161 183.7341 Office verified location ☐

1) SUBSTRATE Check ONLY Two substrate TYPE BOXES; estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY	
<input type="checkbox"/> BLDR / SLABS [10]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> HARDPAN [4]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/> SILT	<input type="checkbox"/> HEAVY [-2]	Substrate 3 Maximum 20
<input type="checkbox"/> BOULDER [9]	<input type="checkbox"/> DETRITUS [3]	<input type="checkbox"/> MUCK [2]	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/> TILLS [1]	<input type="checkbox"/> MODERATE [-1]	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> COBBLE [8]	<input type="checkbox"/> SILT [2]	<input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/> RIPRAP [0]	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/> FREE [1]	<input type="checkbox"/> EXTENSIVE [-2]	
<input type="checkbox"/> GRAVEL [7]	<input type="checkbox"/> (Score natural substrates; ignore sludge from point-sources)	<input type="checkbox"/> LACUSTURINE [0]	<input type="checkbox"/> SHALE [-1]	<input type="checkbox"/> HARDPAN [0]	<input type="checkbox"/> MODERATE [-1]	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> SAND [6]		<input type="checkbox"/> COAL FINES [-2]		<input type="checkbox"/> NONE [1]			
<input type="checkbox"/> BEDROCK [5]							

NUMBER OF BEST TYPES: ☒ 4 or more [2] ☐ 3 or less [0]

Comments: HERNACEOUS

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	<input type="checkbox"/> EXTENSIVE > 75% [11]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input type="checkbox"/> AQUATIC MACROPHYTES [1]	<input type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input type="checkbox"/> SPARSE 5-25% [3]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> NEARLY ABSENT < 5% [1]

Comments: HERNACEOUS

Cover Maximum **8**

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [5]	<input type="checkbox"/> HIGH [3]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input type="checkbox"/> RECOVERED [4]	<input type="checkbox"/> MODERATE [2]
<input type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input checked="" type="checkbox"/> NONE [1]	<input type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments: HERNACEOUS

Channel Maximum **7**

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY	CONSERVATION TILLAGE [1]
<input checked="" type="checkbox"/> NONE / LITTLE [3]	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [3]	<input type="checkbox"/> URBAN OR INDUSTRIAL [0]
<input type="checkbox"/> MODERATE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2]	<input type="checkbox"/> MINING / CONSTRUCTION [0]
<input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL PASTURE, NEW FIELD [1]	
	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]	
	<input type="checkbox"/> NONE [0]	<input checked="" type="checkbox"/> OPEN PASTURE, ROWCROP [0]	

Comments: HERNACEOUS

Indicate predominant land use(s) past 100m riparian.

Riparian Maximum **8**

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH

CHANNEL WIDTH

CURRENT VELOCITY

Check ONE (ONLY):

Check ONE (Or 2 & average):

Check ALL that apply:

- ☐ > 1m [6]
- ☐ 0.7-1m [4]
- ☐ 0.4-0.7m [2]
- ☐ 0.2-0.4m [1]
- ☐ < 0.2m [0]

- ☐ POOL WIDTH > RIFFLE WIDTH [2]
- ☐ POOL WIDTH = RIFFLE WIDTH [1]
- ☐ POOL WIDTH < RIFFLE WIDTH [0]

- ☐ TORRENTIAL [-1]
- ☐ VERY FAST [1]
- ☐ FAST [1]
- ☐ MODERATE [1]
- ☐ SLOW [1]
- ☐ INTERSTITIAL [-1]
- ☐ INTERMITTENT [-2]
- ☐ EDDIES [1]

Indicate for reach - pools and riffles.

Recreation Potential

Primary Contact

Secondary Contact

(circle one and comment on back)

Comments: DRY

Pool / Current

Maximum **12**

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average):

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-4]

Comments: NO RIFFLE

Riffle / Run Maximum **8**

6) GRADIENT (2.1 ft/mi) DRAINAGE AREA

- ☐ VERY LOW - LOW [2-4]
- ☐ MODERATE [6-10]
- ☒ HIGH - VERY HIGH [10-6]

% POOL: 0% GLIDE: 0% RUN: 0% RIFFLE: 0

Gradient

Maximum **10**

EPA 4520

08/16/06

STREAM width 10' 1

2,500' 1040 > 1030

10/1473 => 21.146 ft/mi Gradient

A) SAMPLED REACH

Check ALL that apply

METHOD STAGE

- 1st sample pass 2nd
- ☐ BOAT ☐ HIGH ☐
- ☐ WADE ☐ UP ☐
- ☐ LINE ☐ NORMAL ☐
- ☒ OTHER ☐ LOW ☐
- ☐ DISTANCE ☐ RY ☐

CLARITY

- 1st -- sample pass -- 2nd
- ☐ < 20 cm ☐
- ☐ 20-40 cm ☐
- ☐ 40-70 cm ☐
- ☐ > 70 cm/CTB ☐
- ☐ SECCHI DEPTH ☐

CANOPY

- ☐ > 85% - OPEN ☐
- ☐ 55%-85% ☐
- ☐ 30%-55% ☐
- ☐ 10%-30% ☐
- ☐ <10% - CLOSED ☐

CJ RECREATION

- POOL: ☐ >100yr ☐ >3R

BJ AESTHETICS

- ☐ NUISANCE ALGAE
- ☐ INVASIVE MACROPHYTES
- ☐ EXCESS TURBIDITY
- ☐ DISCOLORATION
- ☐ FOAM / SCUM
- ☐ OIL SHEEN
- ☐ TRASH / LITTER
- ☐ NUISANCE ODOR
- ☐ SLUDGE DEPOSITS
- ☐ CSO/SURF/OUTFALLS

DJ MAINTENANCE

- ☐ PUBLIC / PRIVATE / BOTH / NA
- ☐ ACTIVE / HISTORIC / BOTH / NA
- ☐ YOUNG-SUCCESSION-OLD
- ☐ SPRAY / SNAG / REMOVED
- ☐ MODIFIED / DIPPED OUT / NA
- ☐ LEVEED / ONE SIDED
- ☐ RELOCATED / CUTOFFS
- ☐ MOVING-BEDLOAD-STABLE
- ☐ ARMoured / SLUMPS
- ☐ ISLANDS / SCoured
- ☐ IMPOUND / DESIGNATED
- ☐ FLOOD CONTROL / DRAINAGE

EJ ISSUES

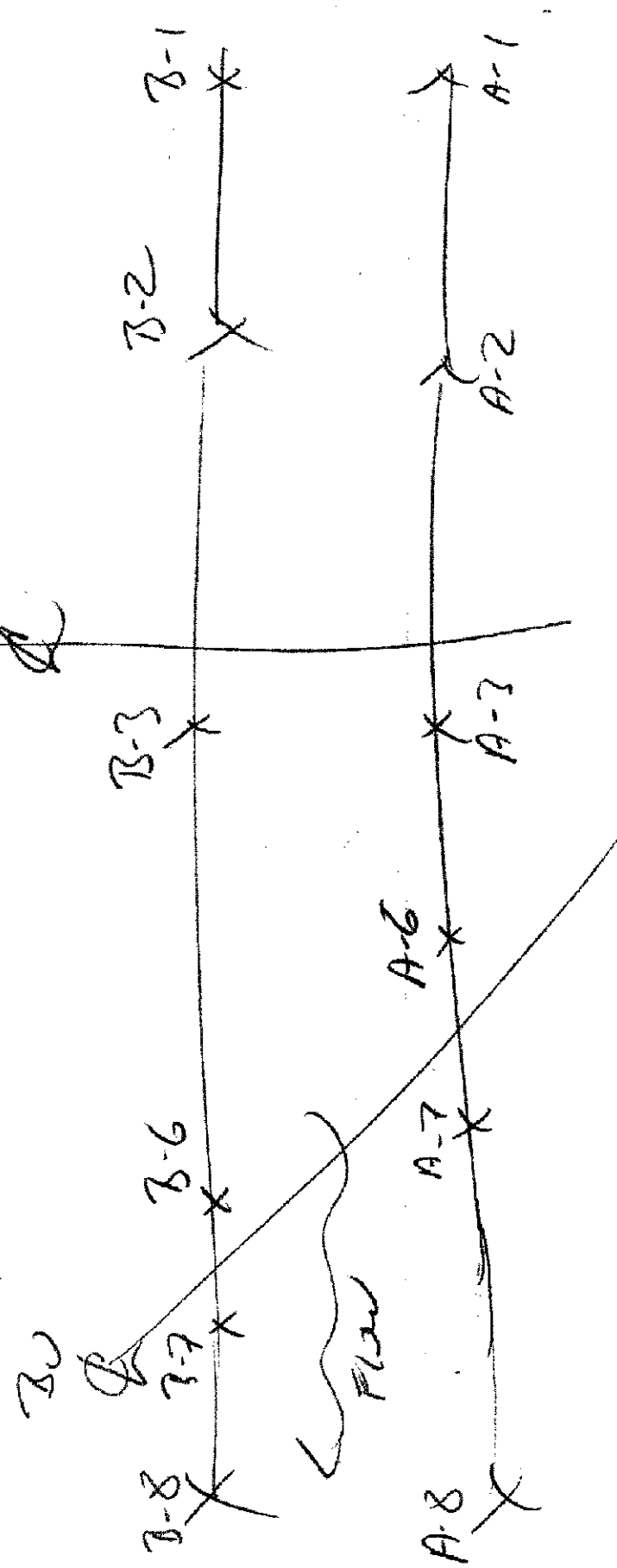
- WWTP / CSO / NPDES / INDUSTRY
- HARDENED / URBAN / DIRT&GRIME
- CONTAMINATED / LANDFILL
- BMPE-CONSTRUCTION-SEDIMENT
- LOGGING / IRRIGATION / COOLING
- BANK / EROSION / SURFACE
- FALSE BANK / MANURE / LAGOON
- WASH H₂O / TILE / H₂O TABLE
- ACID / MINE / QUARRY / FLOW
- NATURAL / WETLAND / STAGNANT
- PARK / GOLF / LAWN / HOME
- ATMOSPHERE / DATA PAUCITY

FJ MEASUREMENTS

- \bar{x} width
- \bar{x} depth
- max. depth
- \bar{x} bankfull width
- bankfull \bar{x} depth
- W/D ratio
- bankfull max. depth
- floodprone \bar{x} width
- entrench. ratio
- Legacy Tree:

Stream Drawing:

Bed & Bank Survey



WATERBODY CROSSING DATA FORM

PROJECT: Hardin Wind Farm

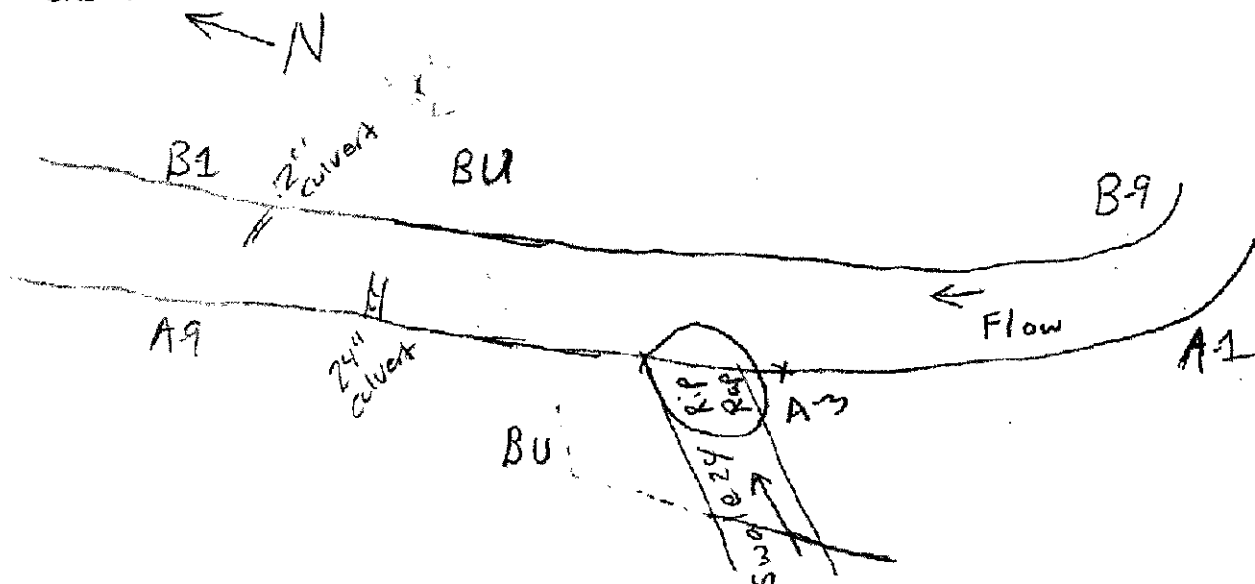
DATE: 10/27/09

LOCATION: 6 of WTB175

FIELD CREW: SMS & DJC

WATERBODY ID	STB175054A/B		
GPS FEATURE TYPE (open/closed)(line/polygon)	Line/1-9		
PHOTO ID and DIRECTION	#13 facing N	14 → Culvert; 15 → N	
NAME (or tributary to)	McCoy Run		
WATERBODY TYPE (stream/pond/ditch/culvert)	Stream		
FLOW REGIME (perennial/intermittent/ephemeral)	Perennial		
WIDTH (observed/OHW)	4' / 10'		
DEPTH (observed/OHW)	4" / 2'		
FLOW RATE (dry/stagnant/low/moderate/high)	Stagnant		
FLOW DIRECTION	North		
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	silt		
BANK VEGETATION (upland/wetland cover type)	PEM		

SKETCH:



FISH AND WILDLIFE OBSERVATIONS:

Minnows, Aquatic insects

NOTES:

Algae growth at surface, clear (turbid N side), minor sloughing of E bank, no erosion, undercut banks, 1:1 50% banks, silt w/ ~10% cobble

WATER AS INTERMITTENT

STB175054A/B

10/27/09

OhioEPA

Qualitative Habitat Evaluation Index
and Use Assessment Field Sheet

QHEI Score:

41

Stream & Location: McGoy Run, Hardin County

RM:

Date: 10/27/09u1,240' Southwest of CR150/1295 Int. Scorers Full Name & Affiliation: DJC, JMS

River Code:

STORET #:

Lat/Long:

40.6198 183.7238Office verified location ☐

1) SUBSTRATE Check ONLY Two substrate TYPE BOXES; estimate % or note every type present

Check ONE (Or 2 & average)

- | BEST TYPES | POOL RIFFLE | OTHER TYPES | POOL RIFFLE |
|--|-------------|--|-------------|
| <input type="checkbox"/> BLDG SLABS [10] | | <input type="checkbox"/> HARDPAN [4] | |
| <input type="checkbox"/> BOULDER [9] | | <input type="checkbox"/> DETRITUS [3] | |
| <input checked="" type="checkbox"/> COBBLE [6] | | <input type="checkbox"/> MUCK [2] | |
| <input type="checkbox"/> GRAVEL [7] | | <input checked="" type="checkbox"/> SILT [2] | |
| <input type="checkbox"/> SAND [6] | | <input type="checkbox"/> ARTIFICIAL [0] | |
| <input type="checkbox"/> BEDROCK [5] | | | |

- ORIGIN
- ☐ LIMESTONE [1]
- ☐ TILLS [1]
- ☐ WETLANDS [0]
- ☒ HARDPAN [0]
- ☐ SANDSTONE [0]
- ☐ RIPRAP [0]
- ☐ LACUSTURINE [0]
- ☐ SHALE [-1]
- ☐ COAL FINES [-2]

Check ONE (Or 2 & average)

QUALITY

☐ HEAVY [-2]☒ MODERATE [-1]☐ NORMAL [0]☐ FREE [1]☐ EXTENSIVE [-2]☒ MODERATE [-1]☐ NORMAL [0]☐ NONE [1]

Substrate

9

Maximum

20

NUMBER OF BEST TYPES: ☐ 4 or more [2] ☒ 3 or less [0]

Comments

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

- | | | |
|---|---|---|
| <u>1</u> UNDERCUT BANKS [1] | <input type="checkbox"/> POOLS > 70cm [2] | <input type="checkbox"/> OXBOWS, BACKWATERS [1] |
| <u>2</u> OVERHANGING VEGETATION [1] | <input type="checkbox"/> ROOTWADS [1] | <input type="checkbox"/> AQUATIC MACROPHYTES [1] |
| <input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1] | <input type="checkbox"/> BOULDERS [1] | <input type="checkbox"/> LOGS OR WOODY DEBRIS [1] |
| <input type="checkbox"/> ROOTMATS [1] | | |

☐ EXTENSIVE >75% [11]☒ MODERATE 25-75% [7]☐ SPARSE 5-25% [3]☐ NEARLY ABSENT <5% [1]

Cover

Maximum

20

Comments

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

- | SINUOSITY | DEVELOPMENT | CHANNELIZATION | STABILITY |
|--|--|--|--|
| <input type="checkbox"/> HIGH [4] | <input type="checkbox"/> EXCELLENT [7] | <input type="checkbox"/> NONE [0] | <input type="checkbox"/> HIGH [3] |
| <input checked="" type="checkbox"/> MODERATE [3] | <input type="checkbox"/> GOOD [6] | <input type="checkbox"/> RECOVERED [4] | <input checked="" type="checkbox"/> MODERATE [2] |
| <input type="checkbox"/> LOW [2] | <input type="checkbox"/> FAIR [3] | <input checked="" type="checkbox"/> RECOVERING [3] | <input type="checkbox"/> LOW [1] |
| <input type="checkbox"/> NONE [1] | <input checked="" type="checkbox"/> POOR [1] | <input type="checkbox"/> RECENT OR NO RECOVERY [1] | |

Channel

Maximum

20

Comments

Glide

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

- | EROSION | RIPARIAN WIDTH | FLOOD PLAIN QUALITY | CONSERVATION TILLAGE |
|---|---|--|--|
| <input checked="" type="checkbox"/> NONE / LITTLE [3] | <input type="checkbox"/> WIDE > 50m [4] | <input type="checkbox"/> FOREST, SWAMP [3] | <input type="checkbox"/> URBAN OR INDUSTRIAL [0] |
| <input type="checkbox"/> MODERATE [2] | <input type="checkbox"/> MODERATE 10-50m [3] | <input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2] | <input type="checkbox"/> MINING / CONSTRUCTION [0] |
| <input type="checkbox"/> HEAVY / SEVERE [1] | <input type="checkbox"/> NARROW 5-10m [2] | <input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1] | |
| | <input type="checkbox"/> VERY NARROW < 5m [1] | <input type="checkbox"/> FENCED PASTURE [1] | |
| | <input checked="" type="checkbox"/> NONE [0] | <input type="checkbox"/> OPEN PASTURE, ROWCROP [0] | |

Indicate predominant land use(s) past 100m riparian.

Riparian

Maximum

10

Comments

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH

CHANNEL WIDTH

CURRENT VELOCITY

Check ONE (ONLY)

Check ONE (Or 2 & average)

Check ALL that apply

☐ > 1m [6]☐ 0.7-1m [4]☐ 0.4-0.7m [2]☐ 0.2-0.4m [1]☒ < 0.2m [0]☐ POOL WIDTH > RIFFLE WIDTH [2]☐ POOL WIDTH = RIFFLE WIDTH [1]☐ POOL WIDTH < RIFFLE WIDTH [0]☐ TORRENTIAL [-1]☐ SLOW [1]☐ VERY FAST [1]☐ INTERSTITIAL [-1]☐ FAST [1]☒ INTERMITTENT [-2]☐ MODERATE [1]☐ EDDIES [1]

Indicate for reach - pools and riffles.

Recreation Potential

Primary Contact

Secondary Contact

(circle one and comment on bank)

Pool /

Current

Maximum

12

Comments

4' DEEP GLIDE (1016 METERS)

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

☒ NO RIFFLE (metric=0)

RIFFLE DEPTH

RUN DEPTH

RIFFLE / RUN SUBSTRATE

RIFFLE / RUN EMBEDDEDNESS

☐ BEST AREAS > 10cm [2]☐ BEST AREAS 5-10cm [1]☐ BEST AREAS < 5cm [metric=0]☐ MAXIMUM > 50cm [2]☐ MAXIMUM < 50cm [1]☐ STABLE (e.g., Cobble, Boulder) [2]☐ MOD. STABLE (e.g., Large Gravel) [1]☐ UNSTABLE (e.g., Fine Gravel, Sand) [0]☐ NONE [2]☐ LOW [1]☐ MODERATE [0]☐ EXTENSIVE [-1]

Riffle /

Run

Maximum

8

Comments

6) GRADIENT (34.8 f/mi)

DRAINAGE AREA

☐ VERY LOW - LOW [2-4]☐ MODERATE [6-10]☒ HIGH - VERY HIGH [10-6]

%POOL:

%GLIDE:

Gradient

Maximum

10

%RUN:

%RIFFLE:

4

EPA 4520

08/16/06

1010 → 1025 → 2,277.696

15' / 431 mi → 34.806 f/mi GRADIENT

A) SAMPLED REACH

Check ALL that apply

METHOD STAGE

- 1st sample past 2nd
- ☐ BOAT ☐ HIGH ☐
- ☐ WADE ☐ UP ☐
- ☐ LINE ☐ NORMAL ☐
- ☒ OTHER ☐ FLOW ☐
- ☐ DRY ☐

DISTANCE

- ☐ 0.5 Km
- ☐ 0.2 Km
- ☐ 0.15 Km
- ☐ 0.12 Km
- ☒ OTHER

150

meters

CANOPY

- ☒ > 85% - OPEN
- ☐ 56% - 85%
- ☐ 30% - 55%
- ☐ 10% - 30%
- ☐ < 10% - CLOSED

CLARITY

- 1st sample past 2nd
- ☐ < 20 cm
- ☐ 20 - 40 cm
- ☐ 40 - 70 cm
- ☐ > 70 cm / CTB
- ☐ SECCHI DEPTH

CJ RECREATION

- AREA DEPTH
- POOL: ☐ > 100R2 ☐ > 3R

BJAESTHETICS

- ☒ NUISANCE ALGAE
- ☐ INVASIVE MACROPHYTES
- ☐ EXCESS TURBIDITY
- ☐ DISCOLORATION
- ☐ FOAM / SCUM
- ☐ OIL SHEEN
- ☐ TRASH / LITTER
- ☐ NUISANCE ODOR
- ☐ SLUDGE DEPOSITS
- ☐ CSO / SSO / OUTFALLS

DJ MAINTENANCE

- PUBLIC (PRIVATE) / BOTH / NA
- ACTIVE / HISTORIC / BOTH / NA
- YOUNG SUCCESSION - OLD
- SPRAY / SNAG / REMOVED
- MODIFIED / DIPPED OUT / NA
- LEVEED / ONE SIDED
- RELOCATED / CUTOFFS
- MOVING-BEDLOAD-STABLE
- ARMORED / SLUMPS
- ISLANDS / SCoured
- IMPOUNDED / DESICCATED
- FLOOD CONTROL / DRAINAGE

EJ ISSUES

- WWTP / CSO / NPDES / (INDUSTRY)
- HARDENED / URBAN / DIRT & GRIME
- CONTAMINATED / LANDFILL
- BMPs - CONSTRUCTION - SEDIMENT
- LOGGING / IRRIGATION / COOLING
- BANK / EROSION / SURFACE
- FALSE BANK / MANURE / LAGOON
- WASH H₂O / TILE / H₂O TABLE
- ACID / MINE / QUARRY / FLOW
- NATURAL / WETLAND / (STAGNANT)
- PARK / GOLF / LAWN / HOME
- ATMOSPHERE / DATA PAUCITY

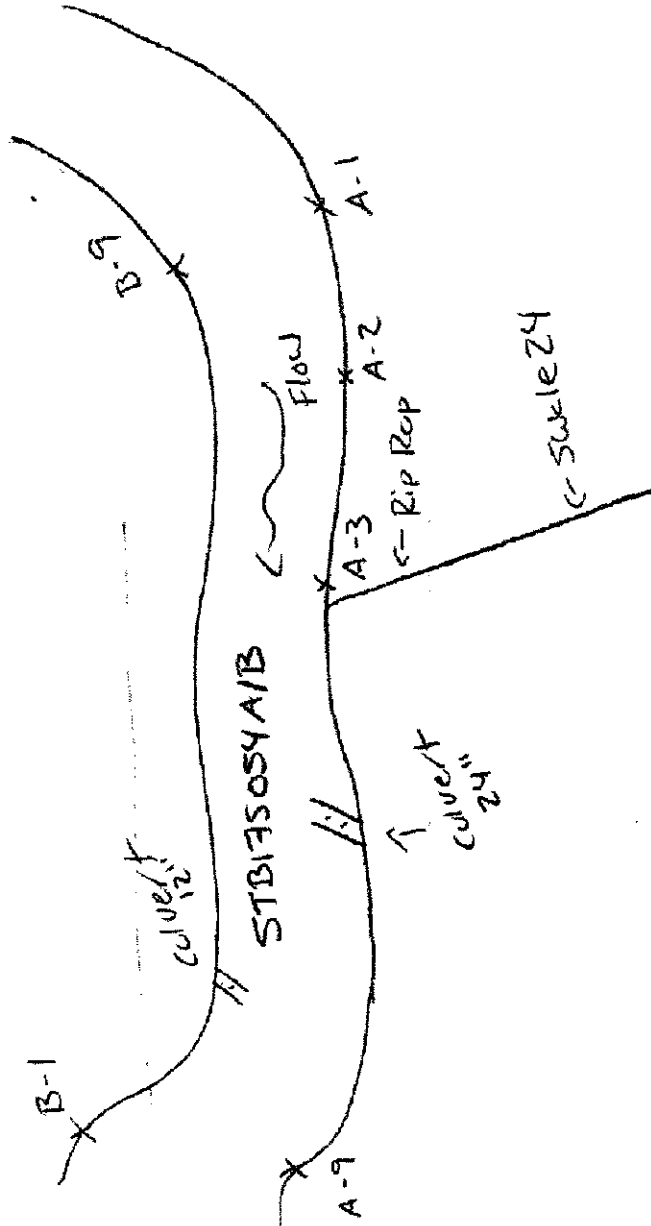
FJ MEASUREMENTS

- \bar{x} width
- \bar{x} depth
- max. depth
- \bar{x} bankfull width
- bankfull \bar{x} depth
- W/D ratio
- bankfull max. depth
- floodprone \bar{x} width
- entranch. ratio
- Legacy Tree:

Stream Drawing:

- Bank observations

- minor slaughtering on east bank and shelving



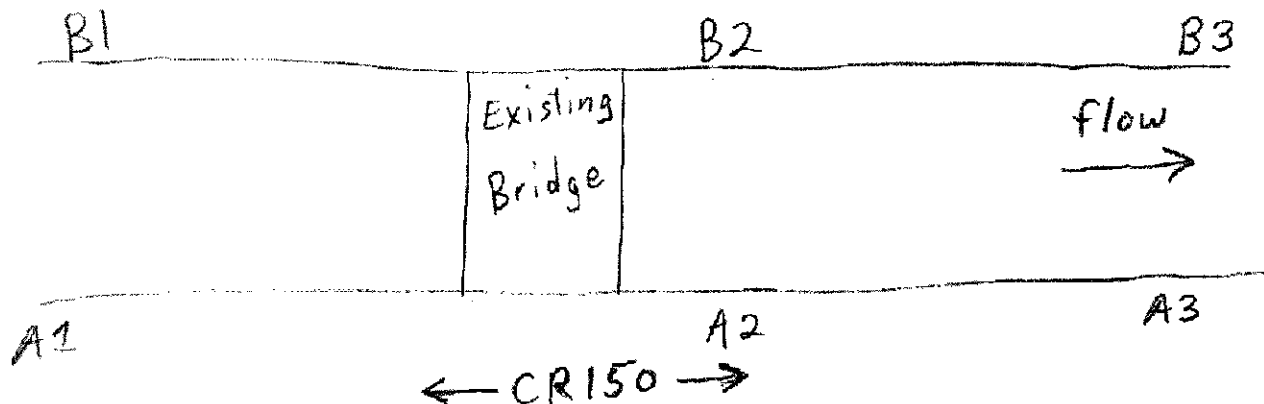
North

WATERBODY CROSSING DATA FORM

PROJECT: Hardin Windfarm DATE: 10/28/09
 LOCATION: AR to WTG-107 @ CR150 FIELD CREW: SMS : DJC

WATERBODY ID	SAR055A/B		
GPS FEATURE TYPE (open/closed)/(line/polygon)	Line		
PHOTO ID and DIRECTION	Photo 1 W/		
NAME (or tributary to)	Trib to South River		
WATERBODY TYPE (stream/pond/ditch/culvert)	Stream		
FLOW REGIME (perennial/intermittent/ephemeral)	Perennial		
WIDTH (observed/OHW)	15' / 20'		
DEPTH (observed/OHW)	12" + / 3' +		
FLOW RATE (dry/stagnant/low/moderate/high)	Low		
FLOW DIRECTION	West		
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt		
BANK VEGETATION (upland/wetland cover type)	PEM		

SKETCH: N ↓ Ag Field



FISH AND WILDLIFE OBSERVATIONS:

Minnows, Aquatic Insects

NOTES:

Minor erosion S bank, some shelving N bank, low turbidity, minor oil sheen observed

mapped AS PERENNIAL

SAROSSA/B

10/28/09

OhioEPA

Qualitative Habitat Evaluation Index
and Use Assessment Field Sheet

QHEI Score:

34

Stream & Location: Scioto River Trib

RM: Date: 10/28/09

South of CR 150

Scorers Full Name & Affiliation: SPARKS / Cowell - TTEC

River Code: STORET #:

Lat/Long: 40.6158 183.8125

Office verified location ☐1) SUBSTRATE Check ONLY Two substrate TYPE BOXES.
estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES

☐ BLDR / SLABS [10] ☐ POOL RIFFLE

☐ BOULDER [9] ☐ OTHER TYPES

☐ COBBLE [8] ☐ HARDPAN [4] ☐ POOL RIFFLE

☐ GRAVEL [7] ☐ DETRITUS [3] ☐ MUCK [2]

☐ SAND [6] ☐ SILT [2]

☐ BEDROCK [5] ☐ ARTIFICIAL [0]

ORIGIN

☐ LIMESTONE [1]

☐ TILLS [1]

☐ WETLANDS [0]

☐ HARDPAN [0]

☐ SANDSTONE [0]

☐ RIP/RAP [0]

☐ LACUSTURINE [0]

☐ SHALE [-1]

☐ COAL FINES [-2]

QUALITY

☐ HEAVY [-2]

☒ MODERATE [-1]

☐ NORMAL [0]

☐ FREE [1]

☐ EXTENSIVE [-2]

☐ MODERATE [-1]

☐ NORMAL [0]

☐ NONE [1]

Substrate

Maximum 20

3

NUMBER OF BEST TYPES: ☐ 4 or more [2] ☒ 3 or less [0]

Comments

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

☒ UNDERCUT BANKS [1] ☐ POOLS > 70cm [2] ☐ OXBOWS, BACKWATERS [1]

☒ OVERHANGING VEGETATION [1] ☐ ROOTWADS [1] ☐ AQUATIC MACROPHYTES [1]

☐ SHALLOWS (IN SLOW WATER) [1] ☐ BOULDERS [1] ☐ LOGS OR WOODY DEBRIS [1]

☐ ROOTMATS [1]

☐ EXTENSIVE > 75% [11]

☒ MODERATE 25-75% [7]

☐ SPARSE 5-25% [3]

☐ NEARLY ABSENT < 5% [1]

Cover

Maximum 20

8

Comments

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY ☐ HIGH [4] ☐ MODERATE [3] ☐ LOW [2] ☒ NONE [1]

DEVELOPMENT ☐ EXCELLENT [7] ☐ GOOD [5] ☐ FAIR [3] ☒ POOR [1]

CHANNELIZATION ☐ NONE [6] ☐ RECOVERED [4] ☒ RECOVERING [3] ☐ RECENT OR NO RECOVERY [1]

STABILITY ☐ HIGH [3] ☒ MODERATE [2] ☒ LOW [1]

North

South

Channel

Maximum 20

6.5

Comments

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

EROSION ☒ NONE / LITTLE [3] ☐ MODERATE [2] ☒ HEAVY / SEVERE [1]

RIPIARIAN WIDTH ☐ WIDE > 50m [4] ☐ MODERATE 10-50m [3] ☐ NARROW 5-10m [2] ☐ VERY NARROW < 5m [1] ☒ NONE [0]

FLOOD PLAIN QUALITY ☐ FOREST, SWAMP [3] ☒ SHRUB OR OLD FIELD [2] ☐ RESIDENTIAL, PARK, NEW FIELD [1] ☐ FENCED PASTURE [1] ☒ OPEN PASTURE, ROWCROP [0]

CONSERVATION TILLAGE [1] ☐ URBAN OR INDUSTRIAL [0] ☐ MINING / CONSTRUCTION [0]

Indicate predominant land use(s) past 100m riparian.

Riparian

Maximum 10

6

Comments

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH

Check ONE (ONLY!)

☐ > 1m [6]

☐ 0.7-1m [4]

☐ 0.4-0.7m [2]

☒ 0.2-0.4m [1]

☐ < 0.2m [0]

CHANNEL WIDTH

Check ONE (Or 2 & average)

☐ POOL WIDTH > RIFFLE WIDTH [2]

☐ POOL WIDTH = RIFFLE WIDTH [1]

☐ POOL WIDTH < RIFFLE WIDTH [0]

CURRENT VELOCITY

Check ALL that apply

☐ TORRENTIAL [-1] ☒ SLOW [1]

☐ VERY FAST [1] ☐ INTERSTITIAL [-1]

☐ FAST [1] ☐ INTERMITTENT [-2]

☐ MODERATE [1] ☐ EDDIES [1]

Indicate for reach - pools and riffles.

Recreation Potential

Primary Contact

Secondary Contact

(circle one and comment on bank)

Pool / Current

Maximum 12

2

Comments

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average)

RIFFLE DEPTH ☐ BEST AREAS > 10cm [2] ☐ BEST AREAS 5-10cm [1] ☐ BEST AREAS < 5cm [metric=0]

RUN DEPTH ☐ MAXIMUM > 50cm [2] ☐ MAXIMUM < 50cm [1]

RIFFLE / RUN SUBSTRATE ☐ STABLE (e.g., Cobble, Boulder) [2] ☐ MOD. STABLE (e.g., Large Gravel) [1] ☐ UNSTABLE (e.g., Fine Gravel, Sand) [0]

RIFFLE / RUN EMBEDDEDNESS ☐ NONE [2] ☐ LOW [1] ☐ MODERATE [0] ☒ EXTENSIVE [-1]

Riffle / Run

Maximum 8

2

Comments

6) GRADIENT (2.7) DRAINAGE AREA

(ft/mi)

(m²)

☐ VERY LOW - LOW [2-4]

☒ MODERATE [6-10]

☐ HIGH - VERY HIGH [10-6]

% POOL: 0

% RUN: 0

% GLIDE: 100%

% RIFFLE: 0

Gradient

Maximum 10

8

EPA 4520

06/16/06

11566" → 11592" → 3,930'

964' → 966' → 2'

.744mi → 2.696ft/mi gradient

LIDAR VERTICES

stream width 20'

A) SAMPLED REACH

Check ALL that apply

METHOD

- BOAT ☐ WADE ☐ L. LINE ☐ OTHER ☒ DISTANCE ☐ 0.5 Km ☐ 0.2 Km ☐ 0.15 Km ☐ 0.12 Km ☐ OTHER ☒ meters ☐ 50 ☐ 100 ☐ 200 ☐ 500 ☐ 1000

STAGE

- HIGH ☐ UP ☐ NORMAL ☐ FLOW ☒ DRY ☐ CLARITY ☐ 1st sample pass-- 2nd ☐ < 20 cm ☐ 20-40 cm ☒ 40-70 cm ☐ > 70 cm/CTB ☐ SECCHI DEPTH ☐ meters ☐ 1st ☐ 2nd ☐ 3rd

CANOPY

- > 85% - OPEN ☒ 55%-85% ☐ 30%-55% ☐ 10%-30% ☐ < 10% - CLOSED ☐ POOL: ☐ > 100ft ☐ > 3ft

CJ RECREATION

- AREA DEPTH ☐ > 100ft ☐ > 3ft

BJ AESTHETICS

- NUISANCE ALGAE ☐ INVASIVE MACROPHYTES ☐ EXCESS TURBIDITY ☐ DISCOLORATION ☐ FOAM/SCUM ☐ OIL SHEEN ☐ TRASH/LITTER ☐ NUISANCE ODOR ☐ SLUDGE DEPOSITS ☐ CSOs/SSOs/OUTFALLS ☐ RELOCATED/CUTOFFS ☐ MOVING-BED/LOAD-STABLE ☐ ARMOURING/SLUMPS ☐ ISLANDS/SCOURED ☐ IMPOUNDED/DESICCATED ☐ FLOOD CONTROL/DRAINAGE

DJ MAINTENANCE

- PUBLIC/PRIVATE/BOTH ☐ ACTIVE/HISTORIC/BOTH/NA ☐ YOUNG-SUCCESSION-OLD ☐ SPRAY/ SNAG/ REMOVED ☐ MODIFIED/ DIPPED OUT/ NA ☐ LEVEED/ ONE SIDED ☐ RELOCATED/ CUTOFFS ☐ MOVING-BED/LOAD-STABLE ☐ ARMOURING/SLUMPS ☐ ISLANDS/SCOURED ☐ IMPOUNDED/DESICCATED ☐ FLOOD CONTROL/DRAINAGE

EJ ISSUES

- WWTP/CSO/NPDES/INDUSTRY ☐ HARDENED/URBAN/DIRT&GRIME ☐ CONTAMINATED/LANDFILL ☐ BMPs-CONSTRUCTION-SEDIMENT ☐ LOGGING/IRRIGATION/COOLING ☐ BANK EROSION/SURFACE ☐ FALSE BANK/MANURE/LAGOON ☐ WASH H₂O/TILE/H₂O TABLE ☐ ACID/MINE/QUARRY/FLOW ☐ NATURAL/WETLAND/STAGNANT ☐ PARK/GOLF/LAWN/HOME ☐ ATMOSPHERE/DATA PAUCITY

FJ MEASUREMENTS

- \bar{x} width 12' \bar{x} depth 12' max. depth 20' bankfull width 20' bankfull \bar{x} depth 3' W/D ratio bankfull max. depth floodprone \bar{x} width entrench. ratio Legacy Tree:

Stream Drawing:

Bank observation

- Relatively clear, some minor turbidity

North



Comment RE: Reach consistency/ is reach typical or stream?; Recreation Observed - Interred, Other/ Sampling observations, Concerns, Access directions, etc.

SAR103A1B

10/28/09

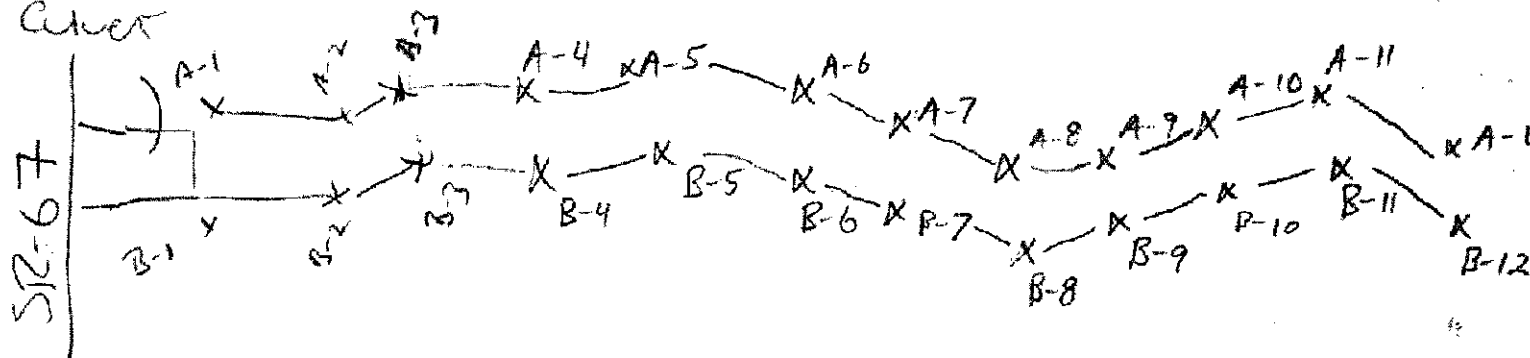
WATERBODY CROSSING DATA FORM

PROJECT: Hood's Landing Town DATE: 10/28/09
 LOCATION: ALSO LWB 192 FIELD CREW: DM, GTC

WATERBODY ID	SAR103A1B	
GPS FEATURE TYPE (open/closed)/(line/polygon)	Line	
PHOTO ID and DIRECTION	S ⇒ NORTH	
NAME (or tributary to)	Payden Run	
WATERBODY TYPE (stream/pond/ditch/culvert)	Stream	
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent	
WIDTH (observed/OHW)	12' / 12'	
DEPTH (observed/OHW)	1.5' / 2'	
FLOW RATE (dry/stagnant/low/moderate/high)	Low	
FLOW DIRECTION	NORTH	
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt / Cobble / Rock	
BANK VEGETATION (upland/wetland cover type)	Shrub	

SKETCH:

N →

36"
Concrete
Culvert

FISH AND WILDLIFE OBSERVATIONS:

NOTES:

Recent Rain / Turbid / Undercut banks, minor scour
at bends on west bank, riparian forested 15' on east bank,
30' on west bank

MAILED AS INTERMITTENT



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score:

42

Stream & Location: PAYDEN RUNRM: _____ Date: 10/28/09North of SR 67Scorers Full Name & Affiliation: SPARKS / Cowpe - TPC

River Code: _____ STORET #: _____

Lat./Long.: 40.6032 183.7036Office verified location ☐

1) SUBSTRATE

Check ONLY Two substrate TYPE BOXES; estimate % or note every type present

Check ONE (Or 2 & average)

- | BEST TYPES | POOL RIFFLE | OTHER TYPES | POOL RIFFLE |
|--|-------------|--|-------------|
| <input type="checkbox"/> BLDG SLABS [10] | _____ | <input type="checkbox"/> HARDPAN [4] | _____ |
| <input type="checkbox"/> BOULDER [9] | _____ | <input type="checkbox"/> DETRITUS [3] | _____ |
| <input checked="" type="checkbox"/> COBBLE [8] | _____ | <input type="checkbox"/> MUCK [2] | _____ |
| <input checked="" type="checkbox"/> GRAVEL [7] | _____ | <input checked="" type="checkbox"/> SILT [2] | _____ |
| <input type="checkbox"/> SAND [6] | _____ | <input type="checkbox"/> ARTIFICIAL [0] | _____ |
| <input type="checkbox"/> BEDROCK [5] | _____ | | |

ORIGIN

- ☐ LIMESTONE [1]
☐ TILLS [1]
☐ WETLANDS [0]
☒ HARDPAN [0]
☐ SANDSTONE [0]
☐ RIPRAP [0]
☐ LAGUSTURINE [0]
☐ SHALE [-1]
☐ COAL FINES [-2]

QUALITY

- ☐ HEAVY [-2]
☒ MODERATE [-1]
☐ NORMAL [0]
☐ FREE [0]
☐ EXTENSIVE [-2]
☐ MODERATE [-1]
☐ NORMAL [0]
☐ NONE [1]

SILT

EMBEDDEDNESS

Substrate
Maximum
20NUMBER OF BEST TYPES: ☐ 4 or more [2] sludge from point-sources

Comments

☒ 3 or less [0]

2) INSTREAM COVER

Indicate presence 0 to 3. 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> UNDERCUT BANKS [1] | <input type="checkbox"/> POOLS > 70cm [2] | <input type="checkbox"/> OXBOWS, BACKWATERS [1] |
| <input type="checkbox"/> OVERHANGING VEGETATION [1] | <input type="checkbox"/> ROOTWADS [1] | <input type="checkbox"/> AQUATIC MACROPHYTES [1] |
| <input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1] | <input type="checkbox"/> BOULDERS [1] | <input type="checkbox"/> LOGS OR WOODY DEBRIS [1] |
| <input type="checkbox"/> ROOTMATS [1] | | |

- ☐ EXTENSIVE >75% [11]
☐ MODERATE 25-75% [7]
☒ SPARSE 5-25% [3]
☐ NEARLY ABSENT <5% [1]

Comments

Cover
Maximum
20

3) CHANNEL MORPHOLOGY

Check ONE in each category (Or 2 & average)

- | SINUOSITY | DEVELOPMENT | CHANNELIZATION | STABILITY |
|--|--|--|--|
| <input checked="" type="checkbox"/> HIGH [4] | <input type="checkbox"/> EXCELLENT [7] | <input type="checkbox"/> NONE [0] | <input type="checkbox"/> HIGH [3] |
| <input type="checkbox"/> MODERATE [3] | <input type="checkbox"/> GOOD [5] | <input checked="" type="checkbox"/> RECOVERED [4] | <input checked="" type="checkbox"/> MODERATE [2] |
| <input type="checkbox"/> LOW [2] | <input type="checkbox"/> FAIR [3] | <input type="checkbox"/> RECOVERING [3] | <input type="checkbox"/> LOW [1] |
| <input type="checkbox"/> NONE [1] | <input checked="" type="checkbox"/> POOR [1] | <input type="checkbox"/> RECENT OR NO RECOVERY [1] | |

Comments

Glide

Channel
Maximum
20

4) BANK EROSION AND RIPARIAN ZONE

River right looking downstream

RIPARIAN WIDTH

FLOOD PLAIN QUALITY

- | | | | |
|---|---|---|--|
| <input type="checkbox"/> EROSION | <input type="checkbox"/> WIDE > 50m [4] | <input checked="" type="checkbox"/> FOREST, SWAMP [3] | <input type="checkbox"/> CONSERVATION TILLAGE [1] |
| <input checked="" type="checkbox"/> NONE / LITTLE [3] | <input checked="" type="checkbox"/> MODERATE 10-50m [3] | <input type="checkbox"/> SHRUB OR OLD FIELD [2] | <input type="checkbox"/> URBAN OR INDUSTRIAL [0] |
| <input type="checkbox"/> MODERATE [2] | <input type="checkbox"/> NARROW 5-10m [2] | <input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1] | <input type="checkbox"/> MINING / CONSTRUCTION [0] |
| <input type="checkbox"/> HEAVY / SEVERE [1] | <input type="checkbox"/> VERY NARROW < 5m [1] | <input type="checkbox"/> FENCED PASTURE [1] | |
| | <input type="checkbox"/> NONE [0] | <input type="checkbox"/> OPEN PASTURE, ROWCROP [0] | |

Indicate predominant land use(s) past 100m riparian.

Comments

16

Riparian
Maximum
10

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH

Check ONE (ONLY)

- ☐ > 1m [6]
☐ 0.7-1m [4]
☒ 0.4-0.7m [2]
☐ 0.2-0.4m [1]
☐ < 0.2m [0]

CHANNEL WIDTH

Check ONE (Or 2 & average)

- ☐ POOL WIDTH > RIFFLE WIDTH [2]
☐ POOL WIDTH = RIFFLE WIDTH [1]
☐ POOL WIDTH < RIFFLE WIDTH [0]

CURRENT VELOCITY

Check ALL that apply

- ☐ TORRENTIAL [-1]
☐ VERY FAST [1]
☐ FAST [1]
☐ MODERATE [1]
☐ SLOW [1]
☐ INTERSTITIAL [-1]
☐ INTERMITTENT [-2]
☐ EDDIES [1]

Indicate for reach - pools and riffles.

Recreation Potential
 Primary Contact
 Secondary Contact
 (circle one and comment on back)

Comments

18" DEEP

(1.4572 meter)

Pool /
Current
Maximum
12

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

☒ NO RIFFLE [metric=0]

RIFFLE DEPTH

RUN DEPTH

RIFFLE / RUN SUBSTRATE

RIFFLE / RUN EMBEDDEDNESS

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> BEST AREAS > 10cm [2] | <input type="checkbox"/> MAXIMUM > 50cm [2] | <input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2] | <input type="checkbox"/> NONE [2] |
| <input type="checkbox"/> BEST AREAS 5-10cm [1] | <input type="checkbox"/> MAXIMUM < 50cm [1] | <input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1] | <input type="checkbox"/> LOW [1] |
| <input type="checkbox"/> BEST AREAS < 5cm [metric=0] | | <input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0] | <input type="checkbox"/> MODERATE [0] |
| | | | <input type="checkbox"/> EXTENSIVE [-1] |

Comments

Glide

Riffle /
Run
Maximum
10

6) GRADIENT

DRAINAGE AREA

- f/(mi) ☐ VERY LOW - LOW [2-4]
☐ MODERATE [5-10]
☒ HIGH - VERY HIGH [10-4]

% POOL:

% GLIDE:

Gradient
Maximum
10

% RUN:

% RIFFLE:

AJ SAMPLED REACH

Check ALL that apply

METHOD

- ☐ BOAT
☒ WADE
☐ L. LINE
☐ OTHER
 DISTANCE
☐ 0.5 Km
☐ 0.2 Km
☐ 0.15 Km
☐ 0.12 Km
☒ OTHER
 CLARITY
 1st sample pass... 2nd
☐ <20 cm
☒ 20-40 cm
☐ 40-70 cm
☐ > 70 cm/CTB
☐ SECCHI DEPTH
 100 meters
 CANOPY
☐ > 85% - OPEN
☐ 55% - 85%
☐ 30% - 55%
☐ 10% - 30%
☒ <10% - CLOSED

STAGE

- 1st sample pass... 2nd
☐ HIGH
☐ UP
☐ NORMAL
☒ LOW
☐ DRY

Comments re: Reach consistency/ is reach typical of stream? Recreation/ Observed - Interred. Other/ Sampling observations, Concerns, Access directions, etc.

Wade
not a fish

BJ AESTHETICS

- ☐ NUISANCE ALGAE
☐ INVASIVE MACROPHYTES
☒ EXCESS TURBIDITY
☐ DISCOLORATION
☐ FOAM/SCUM
☐ OIL SHEEN
☐ TRASH/LITTER
☐ NUISANCE ODOR
☐ SLUDGE DEPOSITS
☐ CSO/SUSPENDED SOLIDS

DJ MAINTENANCE

- ☐ PUBLIC / PRIVATE / BOTH / NA
☐ ACTIVE / HISTORIC / BOTH / NA
☐ YOUNG-SUCCESSION-OLD
☐ SPRAY / SNAG / REMOVED
☐ MODIFIED / DIPPED OUT / NA
☐ LEVEED / ONE SIDED
☐ RELOCATED / CUTOFFS
☐ MOVING-BEDLOAD-STABLE
☐ ARMOURD / SLUMPS
☒ ISLANDS / SCOURED
☐ IMPOUNDED / DESICCATED
☐ FLOOD CONTROL / DRAINAGE

EJ ISSUES

- WWTP / CSO / NPDES / INDUSTRY
 HARDENED / URBAN / DIRT & GRIME
 CONTAMINATED / LANDFILL
 BMPs-CONSTRUCTION / SEDIMENT
 LOGGING / IRRIGATION / COOLING
 BANK EROSION / SURFACE
 FALSE BANK / MANURE / LAGOON
 WASH H₂O / TILE / H₂O TABLE
 ACID / MINE / QUARRY / FLOW
 NATURAL / WETLAND / STAGNANT
 PARK / GOLF / LAWN / HOME
 ATMOSPHERE / DATA PAUCITY

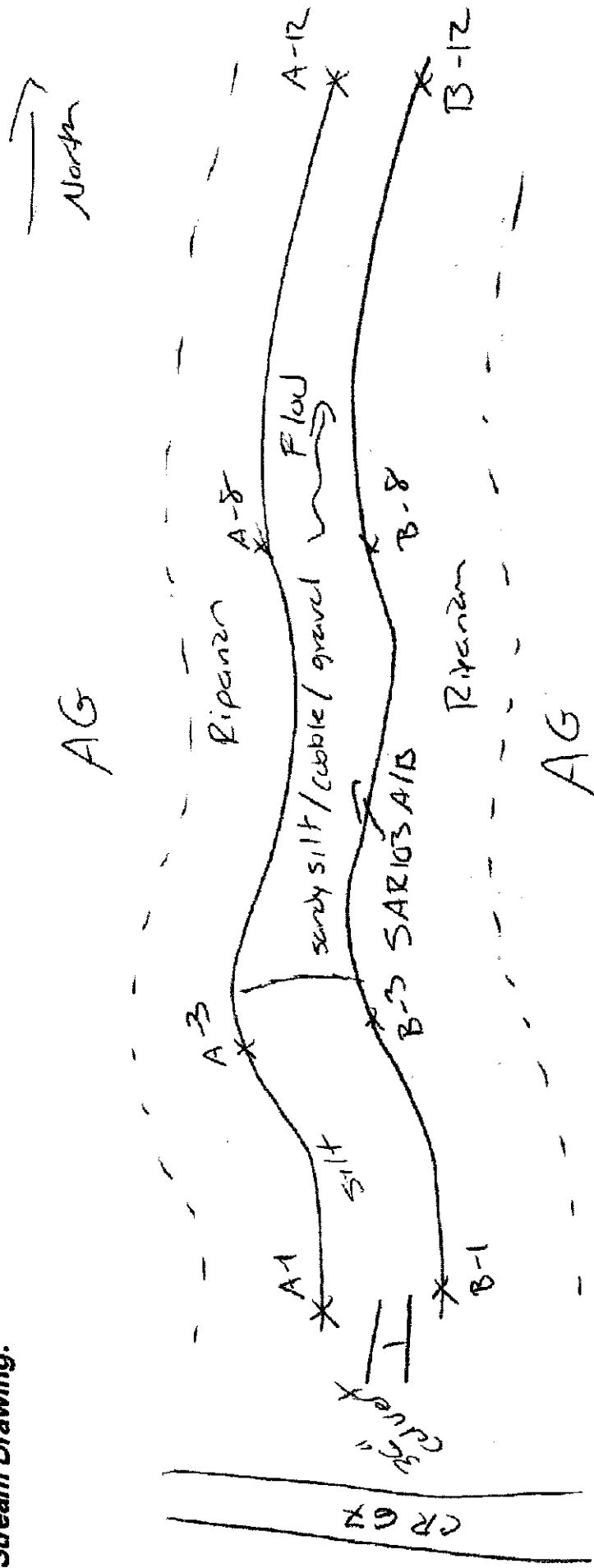
FJ MEASUREMENTS

- x width 12'
 x depth 1.5'
 max. depth
 x bankfull width 12'
 bankfull x depth 2'
 W/D ratio
 bankfull max. depth
 floodprone x² width
 entrench. ratio
 Legacy Tree:

CJ RECREATION

AREA DEPTH
POOL: ☐ >100ft² ☐ >3ft

Stream Drawing:



SARLOSAB

10/28/09

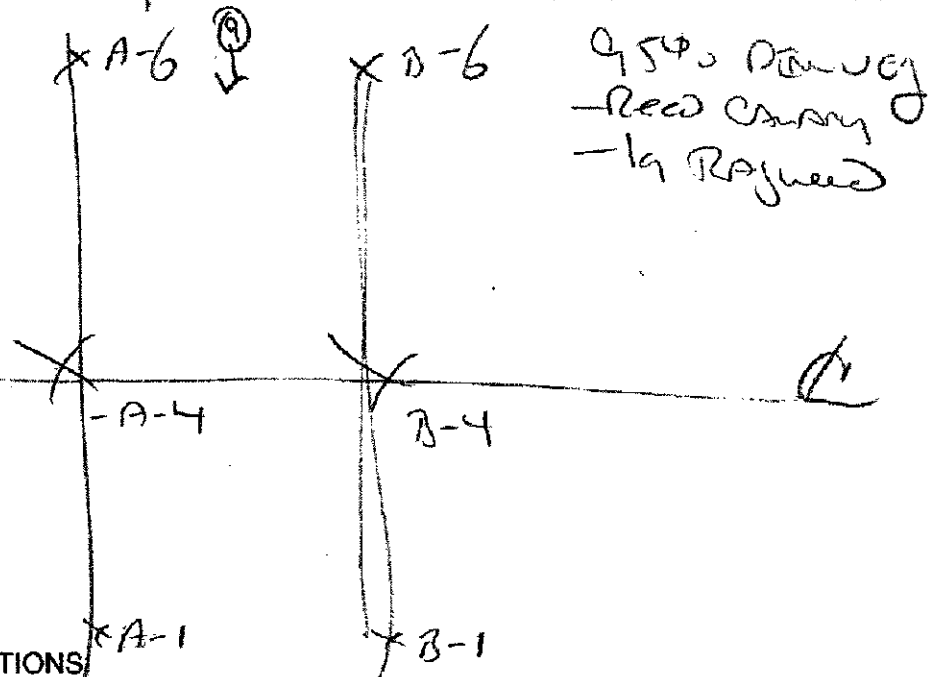
WATERBODY CROSSING DATA FORM

PROJECT: Howa W. 20 Farm DATE: 10/28/09LOCATION: Albion WTB-102 FIELD CREW: BDJ, GJC

WATERBODY ID	SARLOSAB
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-6)
PHOTO ID and DIRECTION	Photo 8 \Rightarrow N, Photo 9 \Rightarrow S
NAME (or tributary to)	UNNAMED trib to SCOTTS River
WATERBODY TYPE (stream/pond/ditch/culvert)	AG Ditch
FLOW REGIME (perennial/intermittent/ephemeral)	Ephemeral
WIDTH (observed/OHW)	- 18-10'
DEPTH (observed/OHW)	- 1'
FLOW RATE (dry/stagnant/low/moderate/high)	DRY
FLOW DIRECTION	NORTH based on Bent Veg
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt, clay
BANK VEGETATION (upland/wetland cover type)	Early Successional

SKETCH:

↑ NORTH



FISH AND WILDLIFE OBSERVATIONS

8

NOTES:

No scum, no emuls, no sludge, Bats 30%

NOE mapped

SAR 105 A115

10/28/09

OhioEPA

Qualitative Habitat Evaluation Index
and Use Assessment Field Sheet

QHEI Score:

36

Stream & Location: Unnamb's Trib to Scioto River RM: Date: 10/28/09River Code: 3400 NORTH OF CRISO Scorer's Full Name & Affiliation: DELAHUNE, J. COLLINS - TTECSTORET #: Lat./Long.: 40.6854 183.8017 Office verified location ☐1) SUBSTRATE Check ONLY Two substrate TYPE BOXES:
estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY	
	POOL RIFFLE		POOL RIFFLE				
<input type="checkbox"/> BLDR / SLABS [10]	<u> </u>	<input type="checkbox"/> HARDPAN [4]	<u> </u>	<input type="checkbox"/> LIMESTONE [1]	<u> </u>	<input type="checkbox"/> HEAVY [-2]	<u> </u>
<input type="checkbox"/> BOULDER [9]	<u> </u>	<input type="checkbox"/> DETRITUS [3]	<u> </u>	<input type="checkbox"/> TILLS [1]	<u> </u>	<input type="checkbox"/> MODERATE [-1]	<u> </u>
<input type="checkbox"/> COBBLE [8]	<u> </u>	<input type="checkbox"/> MUCK [2]	<u> </u>	<input type="checkbox"/> WETLANDS [0]	<u> </u>	<input type="checkbox"/> NORMAL [0]	<u> </u>
<input type="checkbox"/> GRAVEL [7]	<u> </u>	<input type="checkbox"/> SILT [2]	<u> </u>	<input type="checkbox"/> HARDPAN [0]	<u> </u>	<input type="checkbox"/> FREE [1]	<u> </u>
<input type="checkbox"/> SAND [6]	<u> </u>	<input type="checkbox"/> ARTIFICIAL [0]	<u> </u>	<input type="checkbox"/> SANDSTONE [0]	<u> </u>	<input type="checkbox"/> EXTENSIVE [-2]	<u> </u>
<input type="checkbox"/> BEDROCK [5]	<u> </u>			<input type="checkbox"/> RIP/RAP [0]	<u> </u>	<input type="checkbox"/> MODERATE [-1]	<u> </u>
NUMBER OF BEST TYPES: <input type="checkbox"/> 4 or more [2] <input checked="" type="checkbox"/> 3 or less [0]				<input type="checkbox"/> LACUSTURINE [0]	<u> </u>	<input type="checkbox"/> NORMAL [0]	<u> </u>
Comments: <u>HERIVALEOUS</u>				<input type="checkbox"/> SHALE [-1]	<u> </u>	<input type="checkbox"/> NONE [1]	<u> </u>
				<input type="checkbox"/> COAL FINES [-2]	<u> </u>		

Substrate
Maximum
20
3

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	<input type="checkbox"/> EXTENSIVE > 75% [11]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input type="checkbox"/> AQUATIC MACROPHYTES [1]	<input type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input type="checkbox"/> SPARSE 5-25% [3]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> NEARLY ABSENT < 5% [1]

Cover
Maximum
20
8

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [0]	<input type="checkbox"/> HIGH [3]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input type="checkbox"/> RECOVERED [4]	<input type="checkbox"/> MODERATE [2]
<input type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input checked="" type="checkbox"/> NONE [1]	<input type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Channel
Maximum
20
7

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY
<input checked="" type="checkbox"/> NONE / LITTLE [3]	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [0]
<input type="checkbox"/> MODERATE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [0]
<input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]
	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]
	<input type="checkbox"/> NONE [0]	<input type="checkbox"/> OPEN PASTURE, ROWCROP [0]

Indicate predominant land use(s)
past 100m riparian.Riparian
Maximum
10
8

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH

CHANNEL WIDTH

CURRENT VELOCITY

Check ONE (ONLY!)

Check ONE (Or 2 & average)

Check ALL that apply

- ☐ > 1m [8]
☐ 0.7-1m [4]
☐ 0.4-0.7m [2]
☐ 0.2-0.4m [1]
☐ < 0.2m [0]

- ☐ POOL WIDTH > RIFFLE WIDTH [2]
☐ POOL WIDTH = RIFFLE WIDTH [1]
☐ POOL WIDTH < RIFFLE WIDTH [0]

- ☐ TORRENTIAL [-1]
☐ VERY FAST [1]
☐ FAST [1]
☐ MODERATE [1]
☐ SLOW [1]
☐ INTERSTITIAL [-1]
☐ INTERMITTENT [-2]
☐ EDDIES [1]

Indicate for reach - pools and riffles.

Recreation Potential
Primary Contact
Secondary Contact
(circle one and comment on bank)Pool /
Current
Maximum
10
0Comments: None - Dry

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

☒ NO RIFFLE (metric=0)

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-1]

Riffle /
Run
Maximum
8
0Comments: Dry6) GRADIENT (ft/mi)
DRAINAGE AREA (mi²)

- ☐ VERY LOW - LOW [2-4]
☒ MODERATE [6-10]
☐ HIGH - VERY HIGH [10-6]

% POOL: 0
% RUN: 0% GLIDE: 0
% RIFFLE: 0Gradient
Maximum
10
10

EPA 4520

06/16/06

970 → 965 → 2760'

5 / 523 mi = 9.6 ft/mi gradient

WATERBODY CROSSING DATA FORM

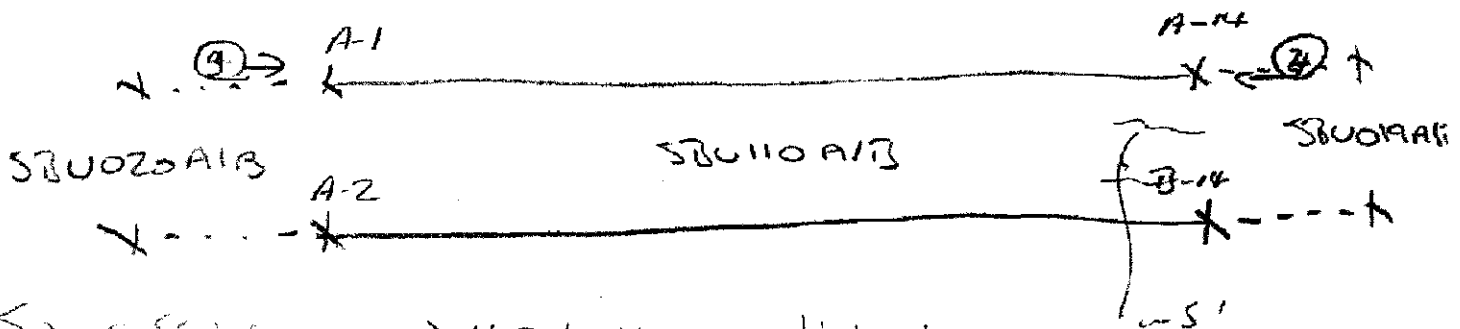
PROJECT: Huron Wind Farm DATE: 10/29/09
 LOCATION: Blue WB 67 & 68 FIELD CREW: RTS GJC

WATERBODY ID	SBULLO A13	
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-14)	
PHOTO ID and DIRECTION	Photo 4 (15) => NORTH from -1 / Photo 3 => S from -14	
NAME (or tributary to)	Trib to Scioto River	
WATERBODY TYPE (stream/pond/ditch/culvert)	AG Ditch	
FLOW REGIME (perennial/intermittent/ephemeral)	EPHEMERAL	
WIDTH (observed/OHW)	- / 6'-12'	
DEPTH (observed/OHW)	- / 3'	
FLOW RATE (dry/stagnant/low/moderate/high)	dry w/ some runoff areas	
FLOW DIRECTION	NORTH	
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt, Clay / Clay	
BANK VEGETATION (upland/wetland cover type)	EARLY SUCCESSIONAL	

SKETCH:

→ NORTH

- CRACKED Substrate
- Some exposed chm.



- Some seeping
- main sloping
- 45 to 60 ft long in 1:1 in poly
- Silt Slope ~ 2:1

FISH AND WILDLIFE OBSERVATIONS:

DEER tracks, some minor tracks - no deer

NOTES:

Connected to SBULLO A13 to south & SBULLO A13 to North

Crack in silt - Seams & VEG free

5150110 AIB

10/24/09



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: **38**

Stream & Location: UNNAMED Scioto River Tm RM: --- Date: 10/29/09

700' North of CR10

Scorers Full Name & Affiliation: DELAHUNT, J. Collins - TEE

River Code: --- STORET #: --- Lat./ Long.: 40.6388 183.7626 Office verified location ☐

1) SUBSTRATE

Check **ONLY** Two substrate TYPE BOXES; estimate % or note every type present

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY	
<input type="checkbox"/> BLDR /SLABS [10]	<input type="checkbox"/> POOL RIFFLE	<input checked="" type="checkbox"/> HARDPAN [4]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/> SILT	<input type="checkbox"/> HEAVY [-2]	Substrate 5 Maximum 20
<input type="checkbox"/> BOULDER [9]	<input type="checkbox"/> COBBLE [8]	<input type="checkbox"/> DETRITUS [3]	<input type="checkbox"/> MUCK [2]	<input type="checkbox"/> TILLS [1]	<input checked="" type="checkbox"/> HARDPAN [0]	<input checked="" type="checkbox"/> MODERATE [-1]	
<input type="checkbox"/> GRAVEL [7]	<input type="checkbox"/> SAND [6]	<input checked="" type="checkbox"/> SILT [2]	<input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> BEDROCK [5]			(Score natural substrates; ignore sludge from point-sources)	<input checked="" type="checkbox"/> RIP/RAP [0]	<input type="checkbox"/> LACUSTURINE [0]	<input type="checkbox"/> FREE [1]	
				<input type="checkbox"/> SHALE [-1]	<input type="checkbox"/> COAL FINES [-2]	<input type="checkbox"/> EXTENSIVE [-2]	
						<input type="checkbox"/> MODERATE [-1]	

NUMBER OF BEST TYPES: ☐ 4 or more [2] ☒ 3 or less [0]

Comments: ---

2) INSTREAM COVER

Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.)

AMOUNT	
<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]
<input type="checkbox"/> ROOTMATS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]

Check ONE (Or 2 & average)

☐ EXTENSIVE >75% [11]

☒ MODERATE 25-75% [7]

☐ SPARSE 5-25% [3]

☐ NEARLY ABSENT <5% [1]

Comments: HERNANDON

Cover Maximum **8**

3) CHANNEL MORPHOLOGY

Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [6]	<input type="checkbox"/> HIGH [3]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input checked="" type="checkbox"/> RECOVERED [4]	<input checked="" type="checkbox"/> MODERATE [2]
<input type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input checked="" type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input checked="" type="checkbox"/> NONE [1]	<input type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments: ---

Channel Maximum **7**

4) BANK EROSION AND RIPARIAN ZONE

Check ONE in each category for EACH BANK (Or 2 per bank & average)

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY
<input checked="" type="checkbox"/> NONE / LITTLE [3]	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [3]
<input checked="" type="checkbox"/> MODERATE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2]
<input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]
	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [0]
	<input checked="" type="checkbox"/> NONE [0]	<input type="checkbox"/> OPEN PASTURE, ROWCROP [0]

Indicate predominant land use(s) past 100m riparian.

☐ CONSERVATION TILLAGE [1]

☐ URBAN OR INDUSTRIAL [0]

☐ MINING / CONSTRUCTION [0]

Comments: ---

Riparian Maximum **8**

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH	CHANNEL WIDTH	CURRENT VELOCITY	Recreation Potential
Check ONE (ONLY)	Check ONE (Or 2 & average)	Check ALL that apply	Primary Contact
<input type="checkbox"/> > 1m [6]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]	Secondary Contact
<input type="checkbox"/> 0.7-1m [4]	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> SLOW [1]	(circle one and comment on back)
<input type="checkbox"/> 0.4-0.7m [2]	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> VERY FAST [1]	
<input type="checkbox"/> 0.2-0.4m [1]		<input type="checkbox"/> FAST [1]	
<input checked="" type="checkbox"/> < 0.2m [0]		<input type="checkbox"/> MODERATE [1]	
		<input type="checkbox"/> INTERSTITIAL [-1]	
		<input type="checkbox"/> INTERMITTENT [-2]	
		<input type="checkbox"/> EDDIES [1]	

Indicate for reach - pools and riffles.

Comments: DRY

Pool / Current Maximum **2**

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average)

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-1]

Comments: DRY

Riffle / Run Maximum **8**

6) GRADIENT

Drainage Area: 11.5 (mi²)

Stream Width: 12'

☐ VERY LOW - LOW [2-4]

☒ MODERATE [8-10]

☐ HIGH - VERY HIGH [10-6]

% POOL: --- % GLIDE: ---

% RUN: --- % RIFFLE: ---

Gradient Maximum **10**

960-2955 = 12,509.8 = 5' / 1.25 mi = 10.53 ft/mi gradient

STB79026

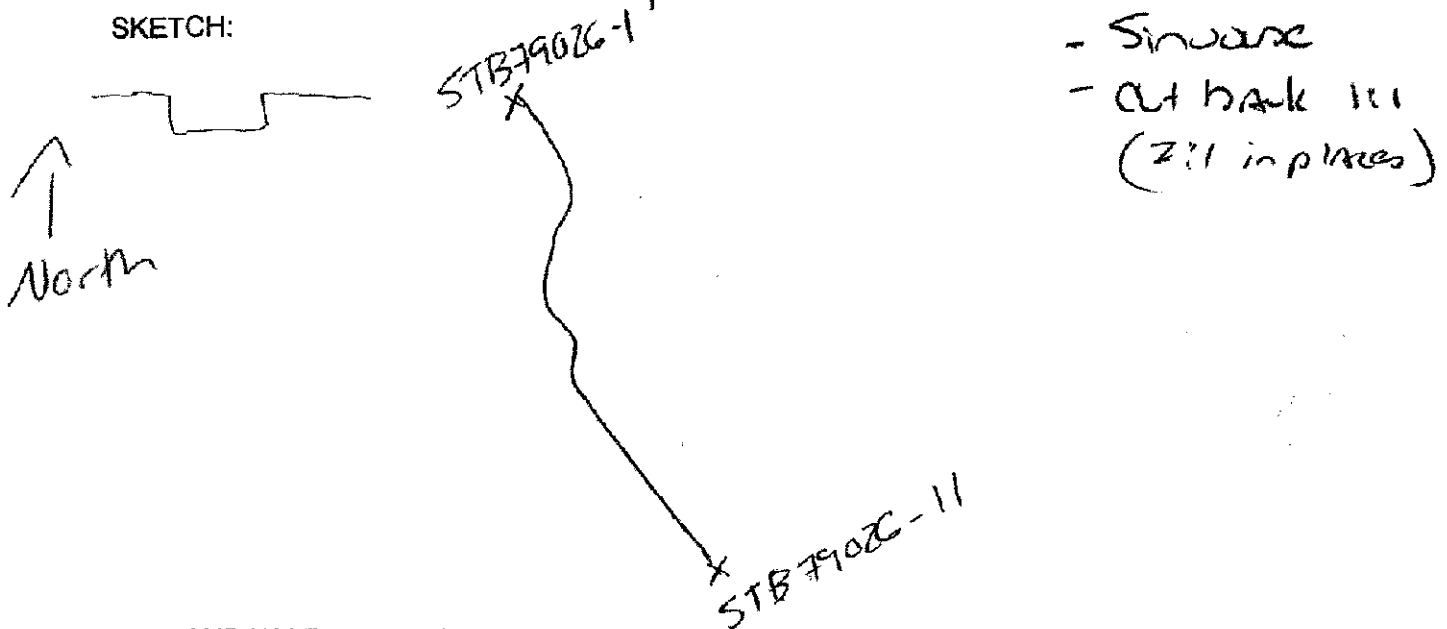
10/22/09

WATERBODY CROSSING DATA FORM

PROJECT: HOLDING WIND FARM DATE: 10/22/09
 LOCATION: W79-79 FIELD CREW: R/S, SMS

WATERBODY ID	STB79026		
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-11)		
PHOTO ID and DIRECTION	19 → SW 20 → SW		
NAME (or tributary to)	unnamed -	Flow towards	Scout River
WATERBODY TYPE (stream/pond/ditch/culvert)	Ag Ditch	(small)	
FLOW REGIME (perennial/intermittent/ephemeral)	EPHEMERAL		
WIDTH (observed/OHW)	- / 2'		
DEPTH (observed/OHW)	- / 1'		
FLOW RATE (dry/stagnant/low/moderate/high)	DRY		
FLOW DIRECTION	South		
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silty clay	W/ some gravel	(scattered)
BANK VEGETATION (upland/wetland cover type)	Early Successional		

SKETCH:



FISH AND WILDLIFE OBSERVATIONS:

- Flocks to drain fields
 large DEER TRACKS

NOTES:

SHRUBS / SWELL CRACKS - SUBSTRATE

NOT MAPPED.

ST1374026

10/22/09

OhioEPA

Qualitative Habitat Evaluation Index
and Use Assessment Field Sheet

QHEI Score:

25

Stream & Location: Unnamed Ats Ditch - Drain to Scioto River RM Date: 10/22/09

c1,200 Feet South of CR 90

Scorer's Full Name & Affiliation: DELAHUNTY, SPOLUS - TJERiver Code: -STORET #: -Lat./ Long.: 40.6999 183.7506Office verified location ☐

1) SUBSTRATE Check ONLY Two substrate TYPE BOXES; estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES

- ☐ BLDR/SLABS [10]
☐ BOULDER [9]
☐ COBBLE [8]
☐ GRAVEL [7]
☐ SAND [6]
☐ BEDROCK [5]

POOL RIFFLE

OTHER TYPES

- ☒ HARDPAN [4]
☐ DETRITUS [3]
☐ MUCK [2]
☒ SILT [2]
☐ ARTIFICIAL [0]

POOL RIFFLE

ORIGIN

- ☐ LIMESTONE [1]
☐ TILLS [1]
☐ WETLANDS [0]
☒ HARDPAN [0]
☐ SANDSTONE [0]
☐ RIP/RAP [0]
☐ LACUSTURINE [0]
☐ SHALE [-1]
☐ COAL FINES [-2]

QUALITY

- ☐ HEAVY [-2]
☐ MODERATE [-1]
☒ NORMAL [0]
☐ FREE [1]
☐ EXTENSIVE [-2]
☐ MODERATE [-1]
☐ NORMAL [0]
☐ NONE [1]

Substrate

Maximum 20

NUMBER OF BEST TYPES: ☒ 4 or more [2]☒ 3 or less [0]

Comments

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

UNDERCUT BANKS [1]

POOLS > 70cm [2]

OXBOWS, BACKWATERS [1]

☐ EXTENSIVE >75% [1]☒ OVERHANGING VEGETATION [1]

ROOTWADS [1]

AQUATIC MACROPHYTES [1]

☐ MODERATE 25-75% [7]

SHALLOWS (IN SLOW WATER) [1]

BOULDERS [1]

LOGS OR WOODY DEBRIS [1]

☒ SPARSE 5-25% [3]

ROOTMATS [1]

☐ NEARLY ABSENT <5% [1]

Comments

Cover

Maximum 20

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY

- ☐ HIGH [4]
☐ MODERATE [3]
☒ LOW [2]
☐ NONE [1]

DEVELOPMENT

- ☐ EXCELLENT [7]
☐ GOOD [5]
☐ FAIR [3]
☒ POOR [1]

CHANNELIZATION

- ☐ NONE [6]
☐ RECOVERED [4]
☐ RECOVERING [3]
☒ RECENT OR NO RECOVERY [1]

STABILITY

- ☐ HIGH [3]
☐ MODERATE [2]
☒ LOW [1]

Comments

Channel

Maximum 20

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

RIPARIAN WIDTH

EROSION

- ☒ NONE / LITTLE [3]
☐ MODERATE [2]
☐ HEAVY / SEVERE [1]

☐ WIDE > 50m [4]☐ MODERATE 10-50m [3]☐ NARROW 5-10m [2]☐ VERY NARROW < 5m [1]☒ NONE [0]

FLOOD PLAIN QUALITY

☐ FOREST, SWAMP [3]☐ SHRUB OR OLD FIELD [2]☐ RESIDENTIAL, PARK, NEW FIELD [1]☐ FENCED PASTURE [1]☒ OPEN PASTURE, ROWCROP [0]☐ CONSERVATION TILLAGE [1]☐ URBAN OR INDUSTRIAL [0]☐ MINING / CONSTRUCTION [0]

Comments

Indicate predominant land use(s) past 100m riparian.

Riparian

Maximum 10

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH

Check ONE (ONLY)

- ☐ > 1m [8]
☐ 0.7-1m [4]
☐ 0.4-0.7m [2]
☐ 0.2-0.4m [1]
☒ < 0.2m [0]

CHANNEL WIDTH

Check ONE (Or 2 & average)

☐ POOL WIDTH > RIFFLE WIDTH [2]☐ POOL WIDTH = RIFFLE WIDTH [1]☐ POOL WIDTH < RIFFLE WIDTH [0]

CURRENT VELOCITY

Check ALL that apply

- ☐ TORRENTIAL [-1]
☐ VERY FAST [1]
☐ FAST [1]
☐ MODERATE [1]
☐ SLOW [1]
☐ INTERSTITIAL [-1]
☐ INTERMITTENT [-2]
☐ EDDIES [1]

Indicate for reach - pools and riffles.

Comments

Recreation Potential

Primary Contact

Secondary Contact

(circle one and comment on back)

Pool /

Current

Maximum 12

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

RIFFLE DEPTH

- ☐ BEST AREAS > 10cm [2]
☐ BEST AREAS 5-10cm [1]
☐ BEST AREAS < 5cm [metric=0]

RUN DEPTH

☐ MAXIMUM > 50cm [2]☐ MAXIMUM < 50cm [1]

RIFFLE / RUN SUBSTRATE

- ☐ STABLE (e.g., Cobble, Boulder) [2]
☐ MOD. STABLE (e.g., Large Gravel) [1]
☐ UNSTABLE (e.g., Fine Gravel, Sand) [0]

RIFFLE / RUN EMBEDDEDNESS

- ☐ NONE [2]
☐ LOW [1]
☐ MODERATE [0]
☒ EXTENSIVE [-1]

Riffle /

Run

Maximum 8

Comments

6) GRADIENT

(ft/mi)

☐ VERY LOW - LOW [2-4]☐ MODERATE [6-10]☒ HIGH - VERY HIGH [10-8]

%POOL:

%

%GLIDE:

%

%RUN:

%

%RIFFLE:

%

Gradient

Maximum 10

EPA 4520

06/16/06

980-970 => 673' = 10' / 127' => 78.746 ft/mi. Grade

excavated AS shown

Comment RE: Reach consistency/Is reach typical of stream?; Recreation/Observed - Inferred, Other/ Sampling observations, Concerns, Access directions, etc.

AJ SAMPLED REACH

Check ALL that apply

METHOD

STAGE

- ☐ BOAT
- ☐ WADE
- ☐ L. LINE
- ☒ OTHER
- ☐ DISTANCE
- ☐ 0.5 Km
- ☐ 0.2 Km
- ☐ 0.15 Km
- ☐ 0.12 Km
- ☒ OTHER

CLARITY

- ☐ 1st sample pass
- ☐ 2nd sample pass
- ☐ < 20 cm
- ☐ 20-40 cm
- ☐ 40-70 cm
- ☐ > 70 cm/CTB
- ☐ SECCHI DEPTH

CANOPY

- ☒ > 85% - OPEN
- ☐ 55%-65%
- ☐ 30%-55%
- ☐ 10%-30%
- ☐ < 10% - CLOSED

CJ RECREATION

- ☐ AREA
- ☐ DEPTH
- ☐ POOL: ☐ > 100ft ☐ > 3ft

BJAESTHETICS

- ☐ NUISANCE ALGAE
- ☐ INVASIVE MACROPHYTES
- ☐ EXCESS TURBIDITY
- ☐ DISCOLORATION
- ☐ FOAM / SCUM
- ☐ OIL SHEEN
- ☐ TRASH / LITTER
- ☐ NUISANCE ODOR
- ☐ SLUDGE DEPOSITS
- ☐ CSOs/SSOs/OUTFALLS

DJ MAINTENANCE

- ☐ PUBLIC / PRIVATE / BOTH / NA
- ☒ ACTIVE / HISTORIC / BOTH / NA
- ☐ YOUNG-SUCCESSION-OLD
- ☐ SPRAY / SNAG / REMOVED
- ☐ MODIFIED / DIPPED OUT / NA
- ☐ LEVEED / ONE SIDED
- ☐ RELOCATED / CUTOFFS
- ☐ MOVING-BEDLOAD-STABLE
- ☐ ARMoured / SLUMPS
- ☐ ISLANDS / SCOURED
- ☐ IMPOUNDED / DESICCATED
- ☐ FLOOD CONTROL / DRAINAGE

EJ ISSUES

- WWTP / CSO / NPDES / INDUSTRY
- HARDENED / URBAN / DIRT/CRIME
- CONTAMINATED / LANDFILL
- BMPs-CONSTRUCTION-SEDIMENT
- LOGGING / IRRIGATION / COOLING
- BANK / EROSION / SURFACE
- FALSE BANK / MANURE / LAGOON
- WASH H₂O / TILE / H₂O TABLE
- ACID / MINE / QUARRY / FLOW
- NATURAL / WETLAND / STAGNANT
- PARK / GOLF / LAWN / HOME
- ATMOSPHERE / DATA PAUCITY

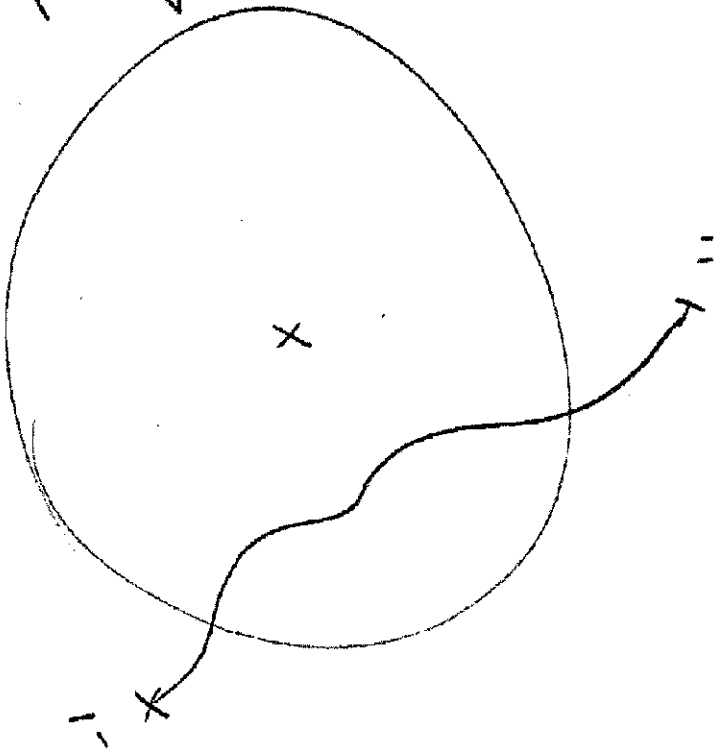
FJ MEASUREMENTS

- \bar{x} width
- \bar{x} depth
- max. depth
- \bar{x} bankfull width
- bankfull \bar{x} depth
- W/D ratio
- bankfull max. depth
- floodprone \bar{x}^2 width
- entranch. ratio
- Legacy Tree:

Stream Drawing:

Bas' Bank Survey

Drains to Sabemos



↑ water

WATERBODY CROSSING DATA FORM

PROJECT: HAZARD

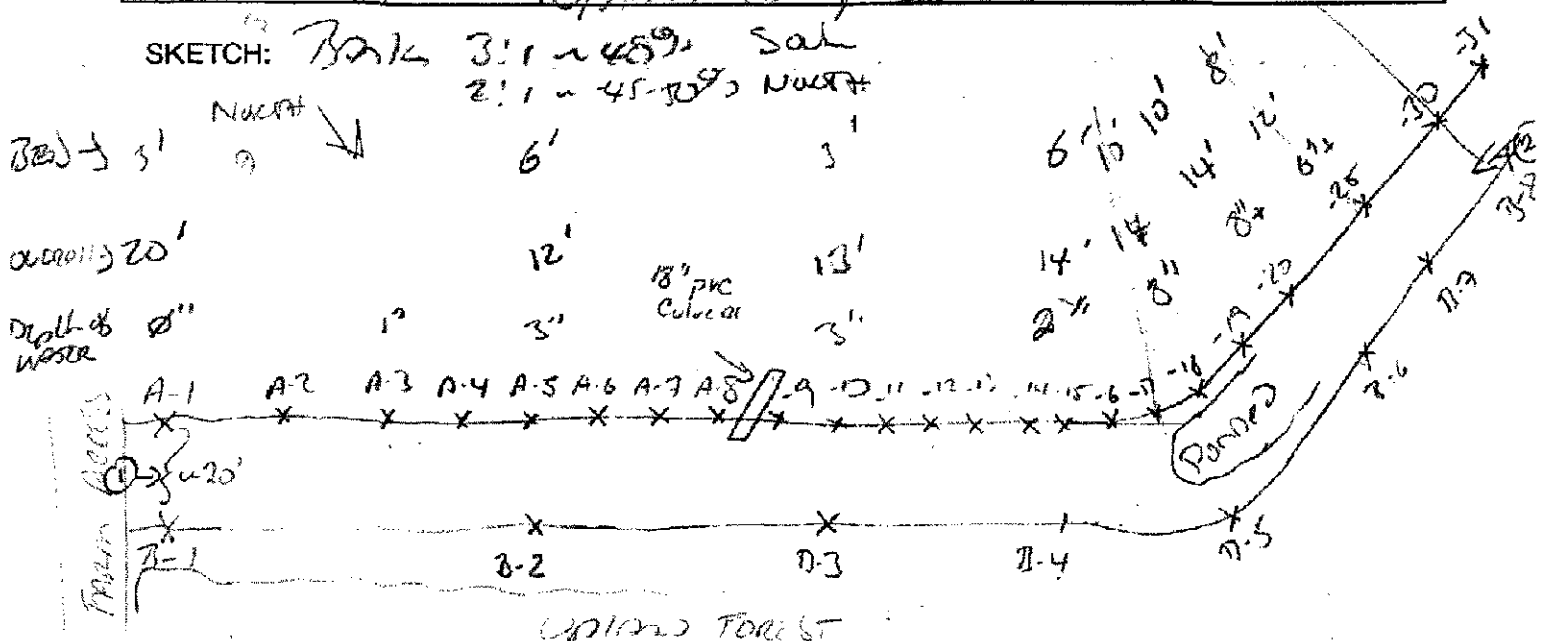
DATE: 10/23/09

LOCATION: _____

FIELD CREW: DELANTERRA / SPARKS

WATERBODY ID	SB003DA13
GPS FEATURE TYPE (open/closed)/(line/polygon)	Line (1-31)
PHOTO ID and DIRECTION	1=) NORTHWEST 2=) EAST
NAME (or tributary to)	Scotch River Trib
WATERBODY TYPE (stream/pond/ditch/culvert)	AG Ditch
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent
WIDTH (observed/OHW)	10'/20'
DEPTH (observed/OHW)	8"/3'
FLOW RATE (dry/stagnant/low/moderate/high)	DRY/LOW
FLOW DIRECTION	Southeast
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt/Clay/Gravel
BANK VEGETATION (upland/wetland cover type)	Upland Forest, Scattered

SKETCH: Bank 3:1 ~ 45% Sal
2:1 ~ 45% North



FISH AND WILDLIFE OBSERVATIONS:

Traps

NOTES:

Monterey Crows / Sparrows / North Bank

MARSH'S SCOTCH RIVER TRIB

SB0030A13

10/23/09



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: 35

Stream & Location: UNNAMED SCOTTS RIVER TRIBUTARY **RM:** --- **Date:** 10/23/09

2,600' South of 0990

Scorers Full Name & Affiliation: DELAHUNTY / SPACKS - TREC

River Code: --- **STORET #:** --- **Lat/Long:** 40.6964 183.7491 **Office verified location:** ☐

1) SUBSTRATE

Check ONLY Two substrate TYPE BOXES; estimate % or note every type present

BEST TYPES	POOL RIFFLE	OTHER TYPES	POOL RIFFLE	ORIGIN	QUALITY
<input type="checkbox"/> BLDR/SLABS [10]	<input type="checkbox"/> <u>---</u>	<input checked="" type="checkbox"/> HARDPAN [4]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/> HEAVY [-2]
<input type="checkbox"/> BOULDER [8]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> DETRITUS [3]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> TILLS [1]	<input checked="" type="checkbox"/> MODERATE [-1]
<input type="checkbox"/> COBBLE [8]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> MUCK [2]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/> NORMAL [0]
<input type="checkbox"/> GRAVEL [7]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> SILT [2]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/> FREE [1]
<input type="checkbox"/> SAND [6]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> RIP/RAP [0]	<input type="checkbox"/> EXTENSIVE [-2]
<input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/> <u>---</u>		<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> LACUSTURINE [0]	<input type="checkbox"/> MODERATE [-1]

NUMBER OF BEST TYPES: ☐ 4 or more [2] ☒ 3 or less [0]

Comments: ---

Check ONE (Or 2 & average)

SILT ☒ ---

EMBEDDEDNESS ☒ ---

Substrate 5 Maximum 20

2) INSTREAM COVER

Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

UNDERCUT BANKS [1]	POOLS > 70cm [2]	OXBOWS, BACKWATERS [1]	AMOUNT
<input checked="" type="checkbox"/> <u>---</u>	<input type="checkbox"/> <u>---</u>	<input type="checkbox"/> <u>---</u>	Check ONE (Or 2 & average)
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input type="checkbox"/> AQUATIC MACROPHYTES [1]	<input checked="" type="checkbox"/> EXTENSIVE >75% [1]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> SPARSE 5-<25% [3]
			<input type="checkbox"/> NEARLY ABSENT <5% [1]

Comments: HERNANDON

Cover 8 Maximum 20

3) CHANNEL MORPHOLOGY

Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [5]	<input type="checkbox"/> HIGH [3]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input type="checkbox"/> RECOVERED [4]	<input checked="" type="checkbox"/> MODERATE [2]
<input type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input checked="" type="checkbox"/> NONE [1]	<input type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments: BLIND

Channel 7 Maximum 20

4) BANK EROSION AND RIPARIAN ZONE

Check ONE in each category for EACH BANK (Or 2 per bank & average)

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY
<input type="checkbox"/> NONE/LITTLE [3]	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [3]
<input checked="" type="checkbox"/> MODERATE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2]
<input type="checkbox"/> HEAVY/SEVERE [1]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]
	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]
	<input type="checkbox"/> NONE [0]	<input checked="" type="checkbox"/> OPEN PASTURE, ROWCROP [0]

Comments: N/A

Indicate predominant land use(s) past 100m riparian. 8 Maximum 10

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH	CHANNEL WIDTH	CURRENT VELOCITY	Recreation Potential
Check ONE (ONLY)	Check ONE (Or 2 & average)	Check ALL that apply	Primary Contact
<input type="checkbox"/> > 1m [6]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]	Secondary Contact
<input type="checkbox"/> 0.7-<1m [4]	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> VERY FAST [1]	(circle one and comment on back)
<input type="checkbox"/> 0.4-<0.7m [2]	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> INTERSTITIAL [-1]	
<input checked="" type="checkbox"/> 0.2-<0.4m [1]		<input type="checkbox"/> FAST [1]	
<input type="checkbox"/> < 0.2m [0]		<input type="checkbox"/> MODERATE [1]	
		<input type="checkbox"/> EDDIES [1]	

Comments: u8" Deep bline - 2032 meter

Indicate for reach - pools and riffles.

Pool / Current -1 Maximum 12

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species: ☒ NO RIFFLE [metric=0]

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-1]

Comments: No Riffles

Riffle / Run 6 Maximum 8

6) GRADIENT	DRAINAGE AREA	% POOL	% GLIDE	Gradient
<u>3.42 ft/mi</u>	<input type="checkbox"/> VERY LOW - LOW [2-4]	<u>0</u>	<u>100</u>	8
<u>mi²</u>	<input checked="" type="checkbox"/> MODERATE [6-10]	<u>6</u>	<u>0</u>	Maximum 10
	<input type="checkbox"/> HIGH - VERY HIGH [10-6]			

EPA 4520 06/16/06

965-955 = 15,437' 10' / 7.924 mi = 3.4204/mi Gradient

AJ SAMPLED REACH

Check ALL that apply

METHOD

BOAT ☐ WADE ☐ LINE ☐ OTHER ☒

STAGE

1st - sample pass - 2nd

HIGH ☐ UP ☐ NORMAL ☐ LOW ☒ DRY ☐

DISTANCE

0.5 Km ☐ 0.2 Km ☐ 0.15 Km ☐ 0.12 Km ☐ OTHER ☒

CLARITY

1st - sample pass - 2nd

< 20 cm ☐ 20-40 cm ☐ 40-70 cm ☐ > 70 cm / CTB ☐ SECCHI DEPTH ☐

100 meters

CANOPY

> 85% - OPEN ☒ 55%-85% ☐ 30%-55% ☐ 10%-30% ☐ <10% - CLOSED ☐

CJ RECREATION

POOL: ☐ >100m2 ☐ >3R

AREA DEPTH

AREA DEPTH

AREA DEPTH

AREA DEPTH

AREA DEPTH

AREA DEPTH

AREA DEPTH

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AREA DEPTH

AREA DEPTH

AREA DEPTH

AREA DEPTH

AREA DEPTH

AREA DEPTH

AREA DEPTH

Comment RE: Reach consistency/Is reach typical of stream?, Recreation/ Observed - Inferred, Other/ Sampling observations, Concerns, Access directions, etc.

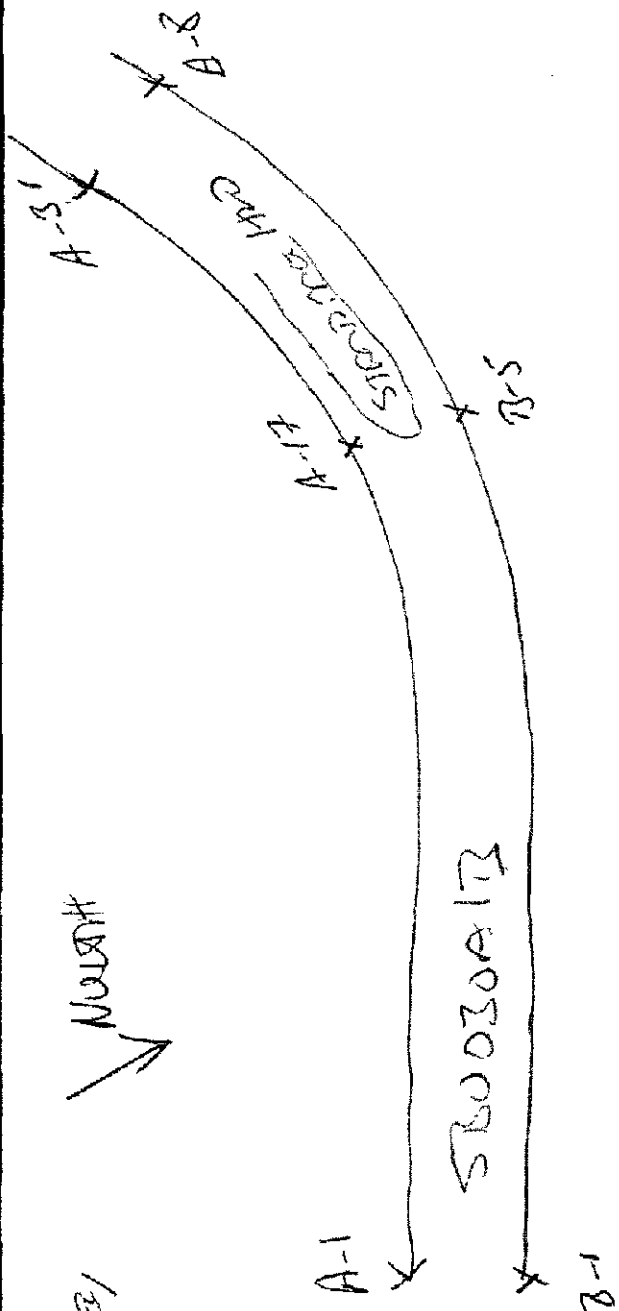
DJ MAINTENANCE	EJ ISSUES	FJ MEASUREMENTS
PUBLIC (PRIVATE) BOTH / NA	WWTP / CSO / NPDES / INDUSTRY	\bar{x} width 10'
ACTIVE / HISTORIC / BOTH / NA	HARDENED / URBAN / DIRT & GRIME	\bar{x} depth 8"
YOUNG SUCCESSION-OLD	CONTAMINATED / LANDFILL	max. depth
SPRAY / SNAG / REMOVED	BMPs-CONSTRUCTION-SEDIMENT	\bar{x} bankfull width 20'
MODIFIED / DIPPED OUT / NA	LOGGING / IRRIGATION / COOLING	bankfull \bar{x} depth 3'
LEVEED / ONE SIDED	BANK / EROSION / SURFACE	W/D ratio
RELOCATED / CUTOFFS	FALSE BANK / MANURE / LAGOON	bankfull max. depth
MOVING-BED LOAD-STABLE	WASH H ₂ O / TILE / H ₂ O TABLE	floodprone \bar{x} width
ARMOURED / SEWERS	ACID / MINE / QUARRY / BELOW	entrench. ratio
ISLANDS / SCOURED	NATURAL / WETLAND / STAGNANT	Legacy Tree:
IMPOUNDED / DESICCATED	PARK / GOLF / LAWN / HOME	
FLOOD CONTROL / DRAINAGE	ATMOSPHERE / DATA PAUCITY	

Stream Drawing:

Bark & Bob Survey

Turbid

Limona



10/23/09

WATERBODY CROSSING DATA FORM

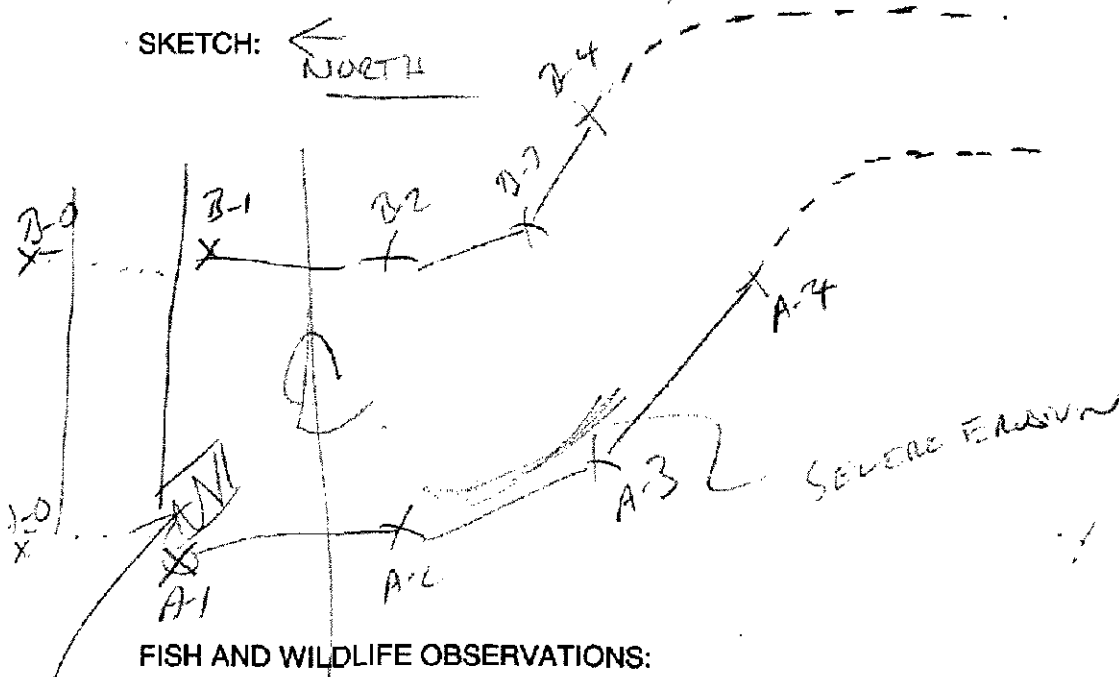
PROJECT: Hudson (Wad) Farm DATE: 10/23/09
 LOCATION: BU - TERO FIELD CREW: AD / SANS

WATERBODY ID	SB0032A1B	
GPS FEATURE TYPE (open/closed)(line/polygon)	Line	
PHOTO ID and DIRECTION	4 = South ; 5 =	
NAME (or tributary to)	Scoto River Trib	
WATERBODY TYPE (stream/pond/ditch/culvert)	STREAM (mod. flow)	
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent	
WIDTH (observed/OHW)	6' / 8'	
DEPTH (observed/OHW)	6" / 2.5'	
FLOW RATE (dry/stagnant/low/moderate/high)	Low -> STAGNANT	
FLOW DIRECTION	South	
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt / CIA	
BANK VEGETATION (upland/wetland cover type)	Early Successional	

SKETCH:

NORTH

EAST 1:1 5040
 WEST 3:1 4540



FISH AND WILDLIFE OBSERVATIONS:

12' CRAYFISH (LARGE)

P/R

3/4

NOTES:

ALFAE, west bank severe erosion

EAST bank - flood plain

- mapped as intermittent

ST0032AIB

10/23/09

OhioEPA

**Qualitative Habitat Evaluation Index
and Use Assessment Field Sheet**

QHEI Score: 28

Stream & Location: W. MAINS CREEK RIVER TRAIL

RM: --- Date: 10/23/09

TR290 ~ 1,500 EAST OF CR 95

Scorer's Full Name & Affiliation: DR. MARK SPARKS - TTR

River Code: --- STORET #: ---

Lat/Long: 40.7037 183.7247

Office verified location ☐

1) SUBSTRATE Check ONLY Two substrate TYPE BOXES, estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY	
	POOL RIFFLE		POOL RIFFLE				
<input type="checkbox"/> BLDR / SLABS [10]	<input type="checkbox"/>	<input checked="" type="checkbox"/> HARDPAN [4]	<input type="checkbox"/>	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/>	<input type="checkbox"/> HEAVY [-2]	<div style="border: 1px solid black; padding: 5px; text-align: center;"> 5 Substrate Maximum 20 </div>
<input type="checkbox"/> BOULDER [9]	<input type="checkbox"/>	<input type="checkbox"/> DETRITUS [3]	<input type="checkbox"/>	<input type="checkbox"/> TILLS [1]	<input type="checkbox"/>	<input checked="" type="checkbox"/> MODERATE [-1]	
<input type="checkbox"/> COBBLE [8]	<input type="checkbox"/>	<input type="checkbox"/> MUCK [2]	<input type="checkbox"/>	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/>	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> GRAVEL [7]	<input type="checkbox"/>	<input checked="" type="checkbox"/> SILT [2]	<input type="checkbox"/>	<input checked="" type="checkbox"/> HARDPAN [0]	<input type="checkbox"/>	<input type="checkbox"/> FREE [1]	
<input type="checkbox"/> SAND [6]	<input type="checkbox"/>	<input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/>	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/>	<input type="checkbox"/> EXTENSIVE [-2]	
<input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/>			<input type="checkbox"/> RIP/RAP [0]	<input type="checkbox"/>	<input type="checkbox"/> MODERATE [-1]	
NUMBER OF BEST TYPES: <input type="checkbox"/> 4 or more [2] <input checked="" type="checkbox"/> 3 or less [0]				(Score natural substrates; ignore sludge from point-sources)		SILT <input type="checkbox"/> MODERATE [-1] <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> NONE [1]	
Comments: <u>---</u>				COAL FINES [-2]			

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	<input type="checkbox"/> EXTENSIVE > 75% [1]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input type="checkbox"/> AQUATIC MACROPHYTES [1]	<input type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input checked="" type="checkbox"/> SPARSE 5-25% [3]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> NEARLY ABSENT < 5% [1]

Comments: ---

Cover
Maximum 20 4

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [6]	<input type="checkbox"/> HIGH [3]
<input checked="" type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input type="checkbox"/> RECOVERED [4]	<input checked="" type="checkbox"/> MODERATE [2]
<input type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input checked="" type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> NONE [1]	<input checked="" type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments: ---

Channel
Maximum 20 9

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

EROSION	THAT R	RIPARIAN WIDTH	THAT R	FLOOD PLAIN QUALITY	THAT R
<input checked="" type="checkbox"/> NONE / LITTLE [3]	<input type="checkbox"/>	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/>	<input type="checkbox"/> FOREST, SWAMP [3]	<input type="checkbox"/>
<input type="checkbox"/> MODERATE [2]	<input type="checkbox"/>	<input type="checkbox"/> MODERATE 10-50m [3]	<input type="checkbox"/>	<input checked="" type="checkbox"/> SHRUB / OLD FIELD [2]	<input type="checkbox"/>
<input checked="" type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/>	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/>	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/>	<input type="checkbox"/> FENCED PASTURE [1]	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/> NONE [0]	<input type="checkbox"/>	<input checked="" type="checkbox"/> OPEN PASTURE, ROWCROP [0]	<input type="checkbox"/>

Comments: ---

Indicate predominant land use(s) past 100m riparian.

Riparian
Maximum 10 6

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH	Check ONE (ONLY)	Check ONE (Or 2 & average)	CURRENT VELOCITY	Check ALL that apply
<input type="checkbox"/> > 1m [6]	<input type="checkbox"/>	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]	<input type="checkbox"/> SLOW [1]
<input type="checkbox"/> 0.7-1m [4]	<input type="checkbox"/>	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> VERY FAST [1]	<input type="checkbox"/> INTERSTITIAL [-1]
<input type="checkbox"/> 0.4-0.7m [2]	<input type="checkbox"/>	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> FAST [1]	<input type="checkbox"/> INTERMITTENT [-2]
<input type="checkbox"/> 0.2-0.4m [1]	<input type="checkbox"/>		<input type="checkbox"/> MODERATE [1]	<input type="checkbox"/> EDDIES [1]
<input checked="" type="checkbox"/> < 0.2m [0]	<input type="checkbox"/>		Indicate for reach - pools and riffles.	

Comments: ---

Recreation Potential
Primary Contact
Secondary Contact
(circle one and comment on back)

Pool /
Current
Maximum 12 7

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

☒ NO RIFFLE [metric=0]

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-1]

Comments: ---

Riffle /
Run
Maximum 8 0

6) GRADIENT (67.6 ft/mi)

DRAINAGE AREA

<input type="checkbox"/> VERY LOW - LOW [2-4]
<input type="checkbox"/> MODERATE [6-10]
<input checked="" type="checkbox"/> HIGH - VERY HIGH [10-6]

% POOL: 0

% GLIDE: 100

% RUN: 0

% RIFFLE: 0

Gradient
Maximum 10 4

995' -> 990' => 389 feet

5' / 1074 mi => 67.57 ft/mi 67.57

AJ SAMPLED REACH

Check ALL that apply

METHOD

- BOAT ☐ WADE ☐ L. LINE ☐ OTHER ☐ DISTANCE ☐ CLARITY ☐ 0.5 Km ☐ 0.2 Km ☐ 0.15 Km ☐ 0.12 Km ☐ OTHER ☐ 1st sample pass - 2nd ☐ ☐ < 20 cm ☐ 20-40 cm ☐ 40-70 cm ☐ > 70 cm/CTB ☐ SECCHI DEPTH ☐ meters

CANOPY

- > 85% - OPEN ☐ 55% - 85% ☐ 30% - 55% ☐ 10% - 30% ☐ < 10% - CLOSED ☐

CJ RECREATION

POOL: ☐ > 100R2 ☐ > 3R

CLARITY

- 1st sample pass - 2nd ☐ < 20 cm ☐ 20-40 cm ☐ 40-70 cm ☐ > 70 cm/CTB ☐ SECCHI DEPTH ☐ meters

BJ AESTHETICS

- ☒ NUISANCE ALGAE ☐ INVASIVE MACROPHYTES ☐ EXCESS TURBIDITY ☐ DISCOLORATION ☐ FOAM / SCUM ☐ OIL SHEEN ☐ TRASH / LITTER ☐ NUISANCE ODOR ☐ SLUDGE DEPOSITS ☐ CSOs/SSOs/OUTFALLS

DJ MAINTENANCE

- PUBLIC / PRIVATE ☐ BOTH NA ☐ ACTIVE / HISTORIC / BOTH / NA ☐ YOUNG-SUCCESSION-OLD ☐ SPRAY / SNAG / REMOVED ☐ MODIFIED / DIPPED OUT / NA ☐ LEVEED / ONE SIDED ☐ RELOCATED / CUTOFFS ☐ MOVING-BEDLOAD-STABLE ☐ ARMOURD / SLUMPS ☐ ISLANDS / SCOURED ☐ IMPOUNDED / DESICCATED ☐ FLOOD CONTROL / DRAINAGE

EJ ISSUES

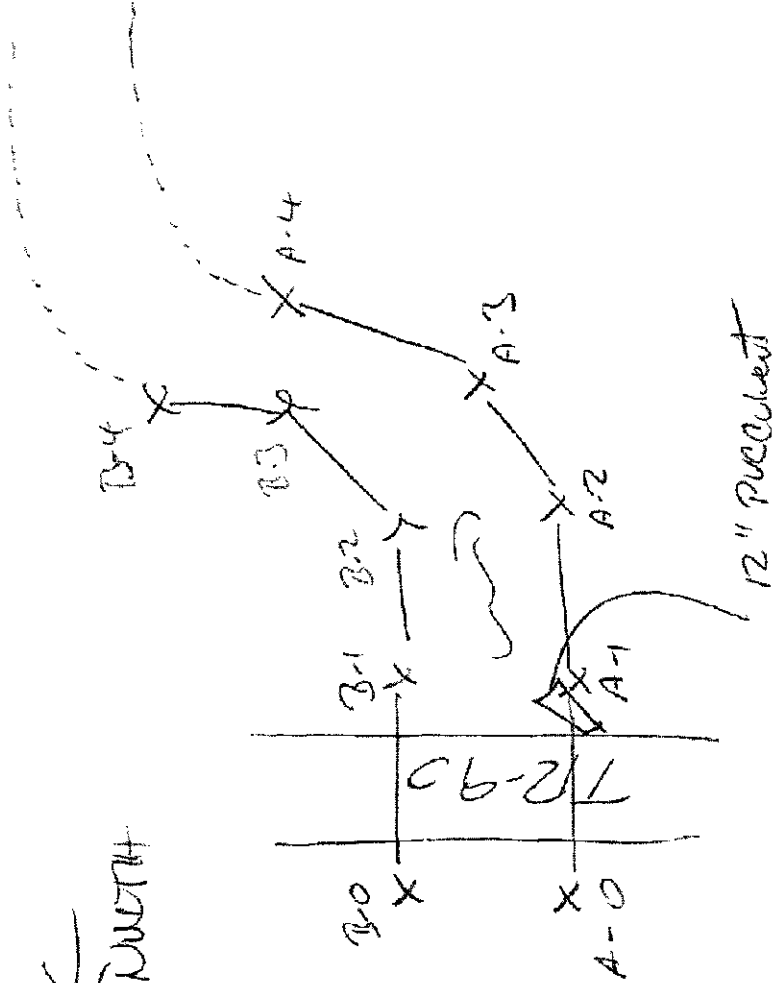
- WWTP / CSO / NPDES / INDUSTRY ☐ HARDENED / URBAN / DIRT & GRIME ☐ CONTAMINATED / LANDFILL ☐ BMPs - CONSTRUCTION - SEDIMENT ☐ LOGGING / IRRIGATION / COOLING ☐ BANK EROSION / SURFACE ☐ FALSE BANK / MANURE / LAGOON ☐ WASH H₂O / TILE / H₂O TABLE ☐ ACID / MINE / QUARRY / FLOW ☐ NATURAL / WETLAND / STAGNANT ☐ PARK / GOLF / LAWN / HOME ☐ ATMOSPHERE / DATA PAUCITY

FJ MEASUREMENTS

- \bar{x} width 6' \bar{x} depth 6" max. depth 8' \bar{x} bankfull width 8' bankfull \bar{x} depth 2.5' W/D ratio bankfull max. depth floodprone \bar{x}^2 width entrench. ratio Legacy Tree:

Stream Drawing:

Bed Bank Stage
open canopy
Algae



10124109

WATERBODY CROSSING DATA FORM

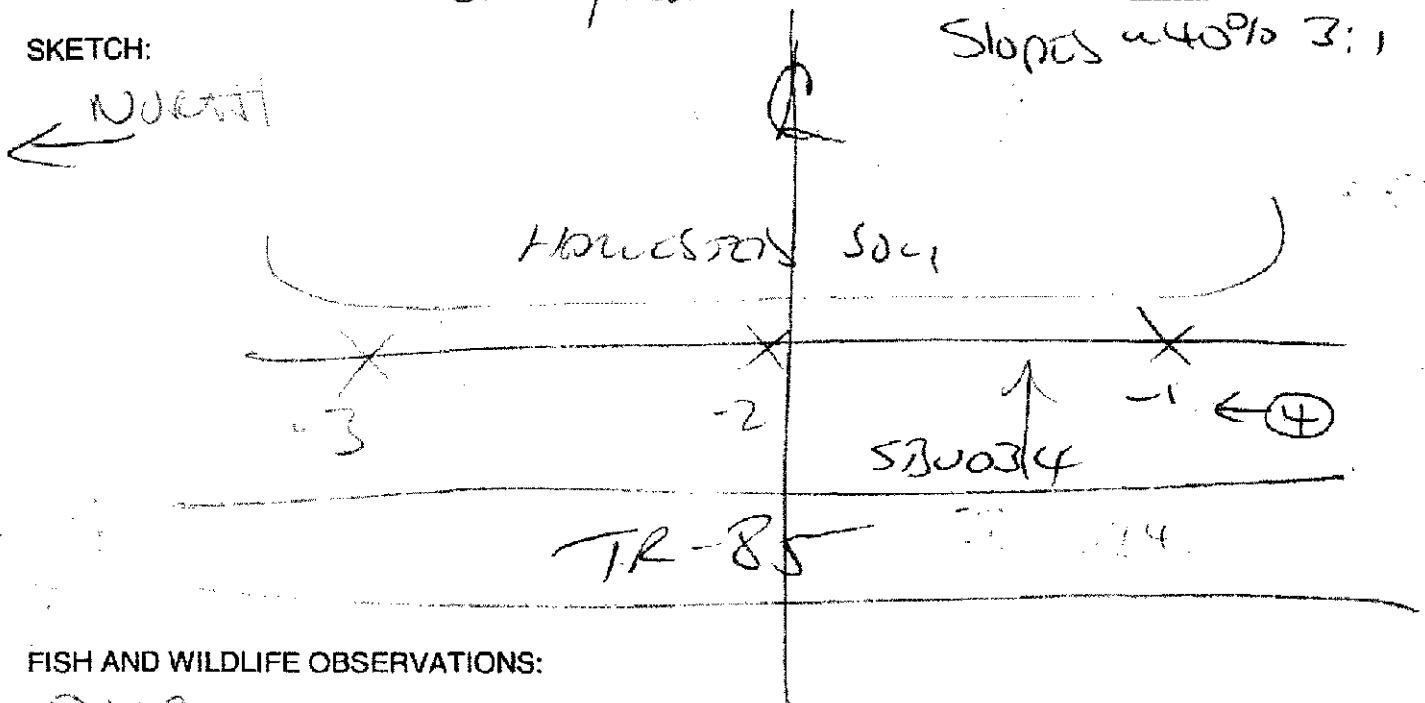
PROJECT: Houderman FarmDATE: 10/24/09

LOCATION: _____

FIELD CREW: RJ. Sims

WATERBODY ID	SB0034		
GPS FEATURE TYPE (open/closed)/(line/polygon)	Line (1-3)		
PHOTO ID and DIRECTION	4 → North		
NAME (or tributary to)	unnamed roadside ditch		
WATERBODY TYPE (stream/pond/ditch/culvert)	Roadside V		
FLOW REGIME (perennial/intermittent/ephemeral)	EPITHEMERAL		
WIDTH (observed/OHW)	- 12'		
DEPTH (observed/OHW)	- 1'		
FLOW RATE (dry/stagnant/low/moderate/high)	DRY		
FLOW DIRECTION	NORTH (road on slight bend)		
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt/Pea V		veg
BANK VEGETATION (upland/wetland cover type)	Early Successional		

SKETCH:



FISH AND WILDLIFE OBSERVATIONS:

None

NOTES:

Roadside ditch

NO SCOURING

NO EROSION

NOT MAPPED

A) SAMPLED REACH

Check ALL that apply

METHOD STAGE

- 1st sample pass-- 2nd
- ☐ BOAT
- ☐ WADE
- ☐ HIGH
- ☐ L. LINE
- ☐ UP
- ☐ OTHER
- ☐ NORMAL
- ☐ LOW
- ☐ DRY
- ☒ DISTANCE
- ☐ 0.5 Km
- ☐ 0.2 Km
- ☐ 0.15 Km
- ☐ 0.12 Km
- ☐ OTHER
- ☒ CLARITY
- 1st sample pass-- 2nd
- ☐ < 20 cm
- ☐ 20-40 cm
- ☐ 40-70 cm
- ☐ > 70 cm/CTB
- ☐ SECCHI DEPTH
- ☐ meters
- ☒ CANOPY
- ☐ > 85%-OPEN
- ☐ 55%-85%
- ☐ 30%-55%
- ☐ 10%-30%
- ☐ <10%-CLOSED

C) RECREATION

POOL: ☐ >100m² ☐ >3ft

B) AESTHETICS

- ☐ NUISANCE ALGAE
- ☐ INVASIVE MACROPHYTES
- ☐ EXCESS TURBIDITY
- ☐ DISCOLORATION
- ☐ FOAM / SCUM
- ☐ OIL SHEEN
- ☐ TRASH / LITTER
- ☐ NUISANCE ODOR
- ☐ SLUDGE DEPOSITS
- ☐ CSO/SO₂/OUTFALLS

D) MAINTENANCE

- ☒ PUBLIC / PRIVATE / BOTH / NA
- ☐ ACTIVE / HISTORIC / BOTH / NA
- ☐ YOUNG-SUCCESSION-OLD
- ☐ SPRAY / SNAG / REMOVED
- ☐ MODIFIED / DIPPED OUT / NA
- ☐ LEVEED / ONE SIDED
- ☐ RELOCATED / CUTOFFS
- ☐ MOVING-BED/LOAD-STABLE
- ☐ ARMOURD / SLUMPS
- ☐ ISLANDS / SCoured
- ☐ IMPOUNDED / DESICCATED
- ☐ FLOOD CONTROL / DRAINAGE

E) ISSUES

- WWTP / CSO / NPDES / INDUSTRY
- HARDENED / URBAN / DIRT & GRIME
- CONTAMINATED / LANDFILL
- BMPs-CONSTRUCTION-SEDIMENT
- LOGGING / IRRIGATION / COOLING
- BANK / EROSION / SURFACE
- FALSE BANK / MANURE / LAGOON
- WASH H₂O / TILE / H₂O TABLE
- ACID / MINE / QUARRY / FLOW
- NATURAL / WETLAND / STAGNANT
- PARK / GOLF / LAWN / HOME
- ATMOSPHERE / DATA PAUCITY

F) MEASUREMENTS

- ☐ width
- ☐ depth
- ☐ max. depth
- ☐ bankfull width
- ☐ bankfull x depth
- ☐ W/D ratio
- ☐ bankfull max. depth
- ☐ floodprone x² width
- ☐ entrench. ratio
- Legacy Tree:

Stream Drawing:

Back (Bed Survey)

← NORTH

Harvested Soil

X

-3

X

-2

X

-1

TR-80

SAR035

10124109

WATERBODY CROSSING DATA FORM

PROJECT:

Housa Wastewater

DATE:

10124109

LOCATION:

FIELD CREW:

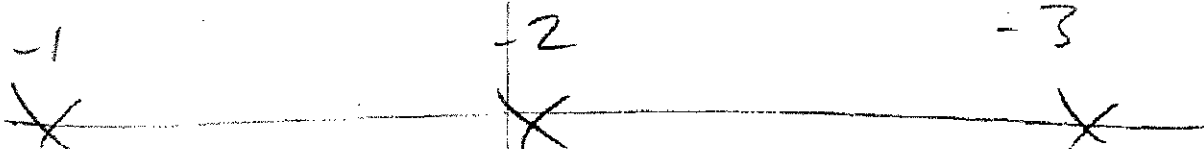
RWD, SWS

WATERBODY ID	SAR035	
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-3)	
PHOTO ID and DIRECTION	5 = EAST	
NAME (or tributary to)	UNNAMED Running Ditch	
WATERBODY TYPE (stream/pond/ditch/culvert)	ROAD-SIDE Ditch	
FLOW REGIME (perennial/intermittent/ephemeral)	EPHEMERAL	
WIDTH (observed/OHW)	- 1' 1"	
DEPTH (observed/OHW)	- 1' 0.5"	
FLOW RATE (dry/stagnant/low/moderate/high)	DRY	
FLOW DIRECTION	WEST	
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt / veg / DEBRIS	
BANK VEGETATION (upland/wetland cover type)	TOUGH SUCCESSIONAL	

SKETCH:

Invert

Banks 45 = 21



FISH AND WILDLIFE OBSERVATIONS:

- NO FISH

- minor Seaside bed

NOTES:

Minor FEATURE

NOT mapped

QHEI Score: 28

06/16/08

AJ SAMPLED REACH

Check ALL that apply

METHOD STAGE

- 1st sample pass-- 2nd
- ☐ BOAT ☐ HIGH ☐
- ☐ WADE ☐ UP ☐
- ☐ L-LINE ☐ NORMAL ☐
- ☐ OTHER ☐ LOW ☐
- ☒ DISTANCE ☐ DRY ☐

CLARITY

- 1st --sample pass-- 2nd
- ☐ < 20 cm ☐
- ☐ 20-40 cm ☐
- ☐ 40-70 cm ☐
- ☐ > 70 cm / CTB ☐
- ☐ SECCHI DEPTH ☐

CANOPY

- ☒ > 85% - OPEN
- ☐ 55%-85%
- ☐ 30%-55%
- ☐ 10%-30%
- ☐ < 10% - CLOSED

CJ RECREATION

AREA DEPTH

POOL: ☐ > 100ft² ☐ > 3ft

EJ AESTHETICS

- ☐ NUISANCE ALGAE
- ☐ INVASIVE MACROPHYTES
- ☐ EXCESS TURBIDITY
- ☐ DISCOLORATION
- ☐ FOAM / SCUM
- ☐ OIL SHEEN
- ☐ TRASH / LITTER
- ☐ NUISANCE ODOR
- ☐ SLUDGE DEPOSITS
- ☐ CSOs/SSOs/OUTFALLS

DJ MAINTENANCE

- ☒ PUBLIC PRIVATE / BOTH / NA
- ☐ ACTIVE / HISTORIC / BOTH / NA
- ☐ YOUNG-SUCCESSION-OLD
- ☐ SPRAY / SNAG / REMOVED
- ☐ MODIFIED / DIPPED OUT / NA
- ☐ LEVEED / ONE SIDED
- ☐ RELOCATED / CUTOFFS
- ☐ MOVING-BEDLOAD-STABLE
- ☐ ARMOURING / SLUMPS
- ☐ ISLANDS / SCOURED
- ☐ IMPOUNDED / DESICCATED
- ☐ FLOOD CONTROL / DRAINAGE

EJ ISSUES

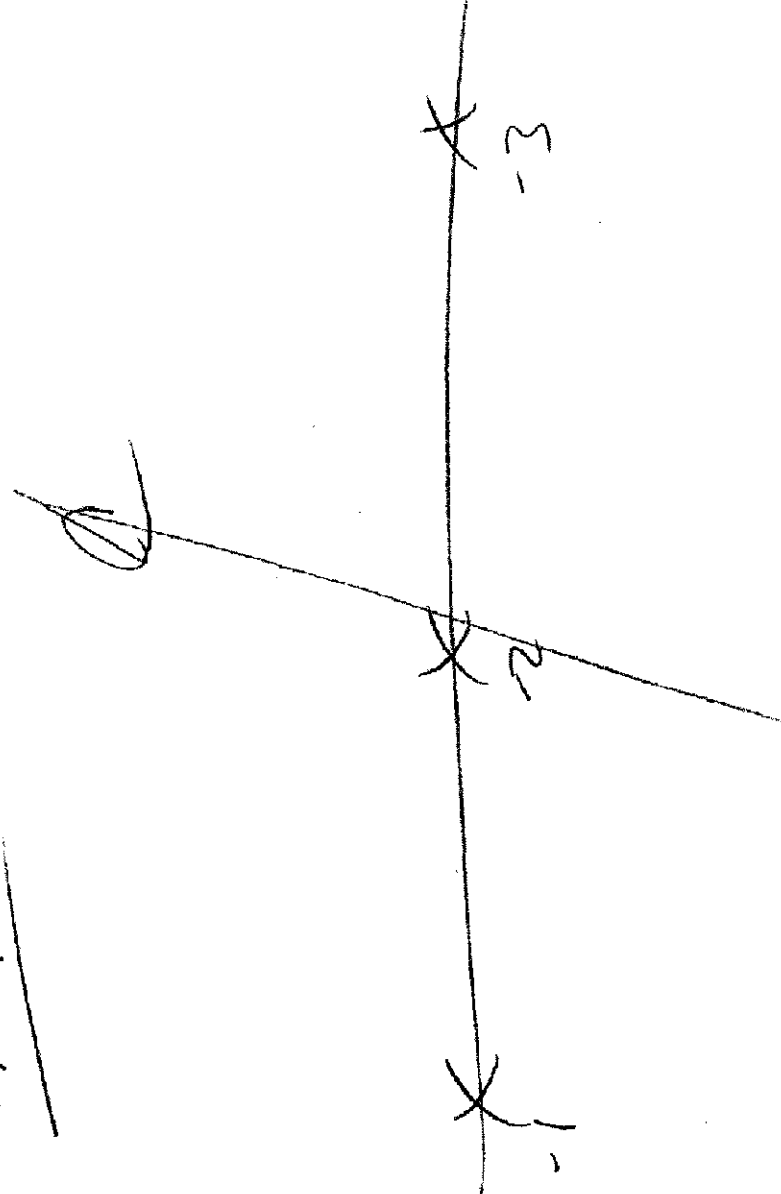
- WWTP / CSO / NPDES / INDUSTRY
- HARDENED / URBAN / DIRT & GRIME
- CONTAMINATED / LANDFILL
- BMPs-CONSTRUCTION-SEDIMENT
- LOGGING / IRRIGATION / COOLING
- BANK / EROSION / SURFACE
- FALSE BANK / MANURE / LAGOON
- WASH H₂O / TILE / H₂O TABLE
- ACID / MINE / QUARRY / FLOW
- NATURAL / WETLAND / STAGNANT
- PARK / GOLF / LAWN / HOME
- ATMOSPHERE / DATA PAUCITY

FJ MEASUREMENTS

- ☐ width
- ☐ depth
- ☐ max. depth
- ☐ bankfull width
- ☐ bankfull x depth
- ☐ W/D ratio
- ☐ bankfull max. depth
- ☐ floodprone x² width
- ☐ entrench. ratio
- Legacy Tree:

Stream Drawing:

Amelia



ST30036A113

10/24/09

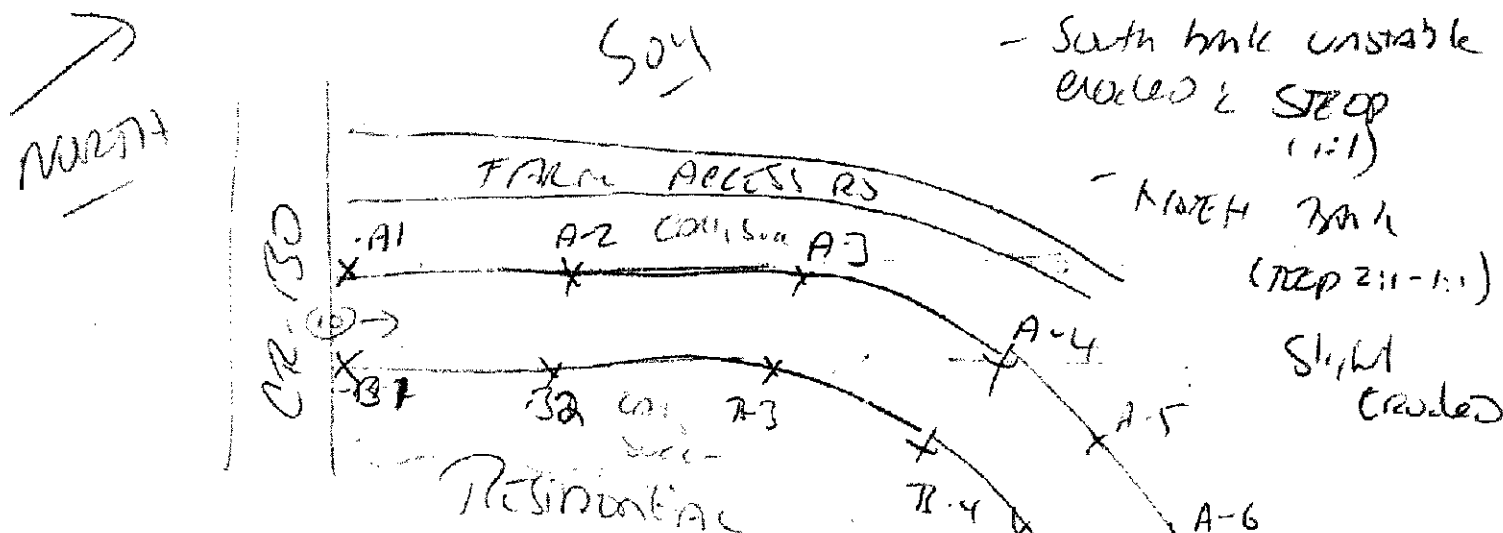
WATERBODY CROSSING DATA FORM

PROJECT: HARDY WIND FARM DATE: 10/24/09
 LOCATION: TRJ Sub of WTB-126 FIELD CREW: RTB, SMS
N of 012-130

WATERBODY ID	ST30036A113		
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-7)		
PHOTO ID and DIRECTION	10 → NE		
NAME (or tributary to)	FIAT TRANCH		
WATERBODY TYPE (stream/pond/ditch/culvert)	STREAM		
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent		
WIDTH (observed/OHW)	27' 5' 18'		
DEPTH (observed/OHW)	4' 12'		
FLOW RATE (dry/stagnant/low/moderate/high)	STAGNANT		
FLOW DIRECTION	NORTHEAST		
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt, Clay	SOME PFW	VEG
BANK VEGETATION (upland/wetland cover type)	Early Successional		

SKETCH:

Overall bank 2:1 to 4:5% — TRASH



FISH AND WILDLIFE OBSERVATIONS:

Raccoon tracks
CRA fish burrows (few)

NOTES:

concrete debris lined banks near bridge
banks not stable, sparsely vegetated in Area

- mapped as intermittent

580036A 13

10/24/09

OhioEPA**Qualitative Habitat Evaluation Index
and Use Assessment Field Sheet****QHEI Score:** **36****Stream & Location:** FIAT BRANCH**RM:** --- **Date:** 10/24/09**River Code:** CR-130**STORET #:** ---**Scorers Full Name & Affiliation:** DELAHUNTY, L. SPARKS - TEL**Lat./Long.:** 40.6402183.7535**Office verified location** ☐**1) SUBSTRATE** Check ONLY two substrate TYPE BOXES; estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY	
<input type="checkbox"/> BLDR / SLABS [10]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> HARDPAN [4]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/> HEAVY [-2]	<input type="checkbox"/> MODERATE [-1]	Substrate 3 Maximum 20
<input type="checkbox"/> BOULDER [9]	<input type="checkbox"/> MUCK [2]	<input type="checkbox"/> DETRITUS [3]	<input type="checkbox"/> TILLS [1]	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/> SILT	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> COBBLE [8]	<input type="checkbox"/> SILT [2]	<input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/> HARDPAN [0]	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/> FREE [1]	<input type="checkbox"/> EXTENSIVE [-2]	
<input type="checkbox"/> GRAVEL [7]	<input type="checkbox"/> SAND [0]	<input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/> RIPRAP [0]	<input type="checkbox"/> LACUSTURINE [0]	<input type="checkbox"/> MODERATE [-1]	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/> NUMBER OF BEST TYPES: <input type="checkbox"/> 4 or more [2] <input checked="" type="checkbox"/> 3 or less [0]	<input type="checkbox"/> SHALE [-1]	<input type="checkbox"/> COAL FINES [-2]	<input type="checkbox"/> NONE [1]	<input type="checkbox"/> NONE [1]		

Comments: 3 were bridge only

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.)**AMOUNT**

Check ONE (Or 2 & average)

<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	<input type="checkbox"/> EXTENSIVE > 75% [1]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input checked="" type="checkbox"/> AQUATIC MACROPHYTES [1]	<input type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input checked="" type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input type="checkbox"/> SPARSE 5-25% [3]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> NEARLY ABSENT < 5% [1]

Comments: HEAVY COVER

Cover
Maximum 20**3) CHANNEL MORPHOLOGY** Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [0]	<input type="checkbox"/> HIGH [3]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input type="checkbox"/> RECOVERED [4]	<input type="checkbox"/> MODERATE [2]
<input checked="" type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input checked="" type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> NONE [1]	<input checked="" type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments: HEAVY COVER

Channel
Maximum 20**4) BANK EROSION AND RIPARIAN ZONE** Check ONE in each category for EACH BANK (Or 2 per bank & average)

EROSION	RIAPARIAN WIDTH	FLOOD PLAIN QUALITY	CONSERVATION TILLAGE
<input type="checkbox"/> NONE / LITTLE [3]	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [3]	<input type="checkbox"/> URBAN OR INDUSTRIAL [0]
<input checked="" type="checkbox"/> MODERATE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [1]	<input type="checkbox"/> MINING / CONSTRUCTION [0]
<input checked="" type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL PARK, NEW FIELD [1]	
	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]	
	<input checked="" type="checkbox"/> NONE [0]	<input checked="" type="checkbox"/> OPEN PASTURE, ROWCROP [0]	

Comments: South North

Indicate predominant land use(s) past 100m riparian.
Riparian
Maximum 10**5) POOL / GLIDE AND RIFFLE / RUN QUALITY**

MAXIMUM DEPTH	CHANNEL WIDTH	CURRENT VELOCITY
Check ONE (ONLY):	Check ONE (Or 2 & average):	Check ALL that apply:
<input type="checkbox"/> > 1m [6]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]
<input type="checkbox"/> 0.7-1m [4]	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> SLOW [1]
<input type="checkbox"/> 0.4-0.7m [2]	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> VERY FAST [1]
<input type="checkbox"/> 0.2-0.4m [1]		<input type="checkbox"/> FAST [1]
<input checked="" type="checkbox"/> < 0.2m [0]		<input type="checkbox"/> MODERATE [1]
		<input type="checkbox"/> INTERSTITIAL [-1]
		<input type="checkbox"/> INTERMITTENT [-2]
		<input type="checkbox"/> EDDIES [1]

Indicate for reach - pools and riffles.

Recreation Potential
Primary Contact
Secondary Contact
(circle one and comment on bank)Pool /
Current
Maximum 12Comments: 4' DEEP BLIND = 1016 meter

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average):

☒ NO RIFFLE [metric=0]

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-1]

Comments: NO RIFFLES

Riffle /
Run
Maximum 8**6) GRADIENT** (15.3 ft/mi)
DRAINAGE AREA

<input type="checkbox"/> VERY LOW - LOW [2-4]
<input checked="" type="checkbox"/> MODERATE [8-10]
<input type="checkbox"/> HIGH - VERY HIGH [10-6]

% POOL: 40
% RUN: 20% GLIDE: 60
% RIFFLE: 20Gradient
Maximum 10

EPA 4520

06/16/06

975 -> 970 = 1,728.936

5/327 mi = 15.29 ft/mi GRADIENT

AJ SAMPLED REACH

Check ALL that apply

METHOD STAGE

- 1st sample pass - 2nd
- ☐ BOAT ☐ HIGH ☐
- ☐ WADE ☐ UP ☐
- ☐ L. LINE ☐ NORMAL ☐
- ☒ OTHER ☐ FLOW ☐
- ☒ DISTANCE ☐ FLOW ☐

CLARITY

- 1st sample pass - 2nd
- ☐ 0.5 Km ☐
- ☐ 0.2 Km ☐
- ☐ 0.15 Km ☒ < 20 cm
- ☐ 0.12 Km ☐ 20-40 cm
- ☒ OTHER ☐ 40-70 cm
- ☐ > 70 cm/ CTB
- ☐ SECCHI DEPTH ☐
- meters

CANOPY

- 1st 2nd
- ☒ > 85% - OPEN
- ☐ 55% - 85%
- ☐ 30% - 55%
- ☐ 10% - 30%
- ☐ < 10% - CLOSED

CJ RECREATION

AREA DEPTH

POOL: ☐ > 100ft² ☐ > 3ft

BJ AESTHETICS

- ☐ NUISANCE ALGAE
- ☐ INVASIVE MACROPHYTES
- ☐ EXCESS TURBIDITY
- ☐ DISCOLORATION
- ☐ FOAM / SCUM
- ☐ OIL SHEEN
- ☐ TRASH / LITTER
- ☐ NUISANCE ODOR
- ☐ SLUDGE DEPOSITS
- ☐ CSOs/SSOs/OUTFALLS

DJ MAINTENANCE

- PUBLIC / PRIVATE / BOTH / NA
- ACTIVE / HISTORIC / BOTH / NA
- YOUNG-SUCCESSION-OLD
- SPRAY / SNAG / REMOVED
- MODIFIED / DIPPED OUT / NA
- LEVEED / ONE SIDED
- RELOCATED / CUTOFFS
- MOVING-BEDLOAD-STABLE
- ARMOURD / SLUMPS
- ISLANDS / SCLOURED
- IMPOUNDED / DESICCATED
- FLOOD CONTROL / DRAINAGE

EJ ISSUES

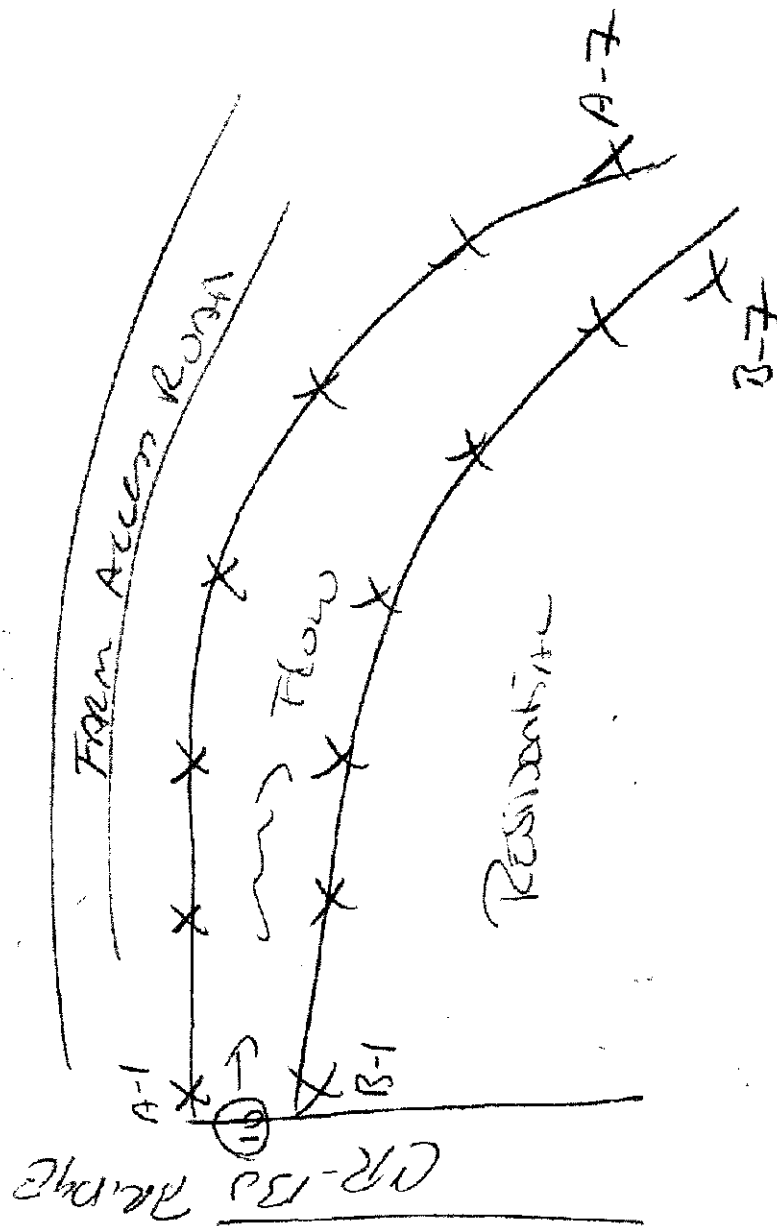
- WWTP / CSO / NPDES / INDUSTRY
- HARDENED / URBAN / DIRT & GRIME
- CONTAMINATED / LANDFILL
- BMPs-CONSTRUCTION-SEDIMENT
- LOGGING / IRRIGATION / COOLING
- BANK / EROSION / SURFACE
- FALSE BANK / MANURE / LAGOON
- WASH H₂O / TILE / H₂O TABLE
- ACID / MINE / QUARRY / FLOW
- NATURAL / WETLAND / STAGNANT
- PARK / GOLF / LAWN / HOME
- ATMOSPHERE / DATA PAUCITY

FJ MEASUREMENTS

- \bar{x} width
- \bar{x} depth
- max. depth
- \bar{x} bankfull width
- bankfull \bar{x} depth
- W/D ratio
- bankfull max. depth
- floodprone \bar{x}^2 width
- entrench. ratio
- Legacy Tree:

Stream Drawing:

Red Bank Slough



WATERBODY CROSSING DATA FORM

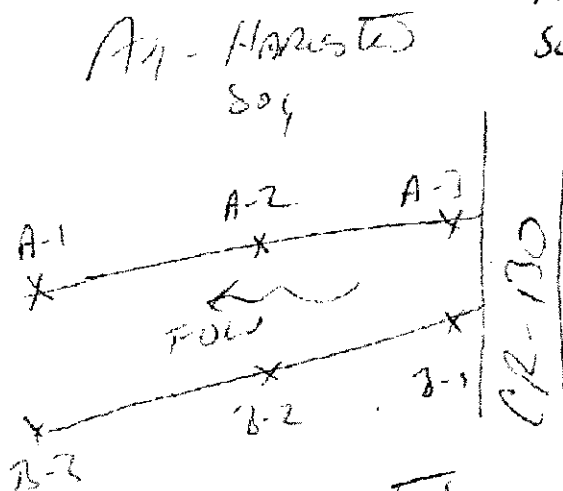
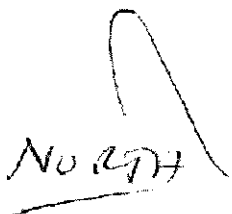
PROJECT: Housa Wing Town DATE: 10/24/09

LOCATION: SW S/E of WB 126 FIELD CREW: ROD, SAMS

N of CR-130

WATERBODY ID	SR0037A13
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-3)
PHOTO ID and DIRECTION	11 -> NW
NAME (or tributary to)	Tributary to Flat Branch
WATERBODY TYPE (stream/pond/ditch/culvert)	Stream
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent
WIDTH (observed/OHW)	2' - 8' 10' - 12'
DEPTH (observed/OHW)	10" 3'
FLOW RATE (dry/stagnant/low/moderate/high)	Stagnant
FLOW DIRECTION	Northwest
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt
BANK VEGETATION (upland/wetland cover type)	Emerald / Early Successional

SKETCH:



By 1/5
North 2' | 40
Side 1' | 50

FISH AND WILDLIFE OBSERVATIONS:

NOTES:

LEAD
Sulfur odor

marked as intermittent

SB0037 A13

10/24/09



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: 34

Stream & Location: Intermittent - 1.5 to 1.5 miles RM **Date:** 10/24/09

River Code: CR 130 **Scorers Full Name & Affiliation:** DeLany / J. J. J. - JEC

STORET #: _____ **Lat/Long:** 40.6406 183.7550 **Office verified location:** ☐

1) SUBSTRATE Check ONLY Two substrate TYPE BOXES. estimate % or note every type present

BEST TYPES	POOL RIFFLE	OTHER TYPES	POOL RIFFLE	ORIGIN	QUALITY
<input type="checkbox"/> BLDR / SLABS [10] <input type="checkbox"/> BOULDER [9] <input type="checkbox"/> COBBLE [8] <input type="checkbox"/> GRAVEL [7] <input type="checkbox"/> SAND [6] <input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/> POOL RIFFLE <input type="checkbox"/> POOL RIFFLE <input type="checkbox"/> POOL RIFFLE <input type="checkbox"/> POOL RIFFLE <input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> HARDPAN [4] <input type="checkbox"/> DETRITUS [3] <input checked="" type="checkbox"/> MUCK [2] <input checked="" type="checkbox"/> SILT [2] <input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/> POOL RIFFLE <input type="checkbox"/> POOL RIFFLE <input type="checkbox"/> POOL RIFFLE <input type="checkbox"/> POOL RIFFLE <input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> LIMESTONE [1] <input type="checkbox"/> TILLS [1] <input type="checkbox"/> WETLANDS [0] <input checked="" type="checkbox"/> HARDPAN [0] <input type="checkbox"/> SANDSTONE [0] <input type="checkbox"/> RIP/RAP [0] <input type="checkbox"/> LACUSTURINE [0] <input type="checkbox"/> SHALE [-1] <input type="checkbox"/> COAL FINES [-2]	<input type="checkbox"/> HEAVY [-2] <input checked="" type="checkbox"/> MODERATE [-1] Substrate <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> FREE [1] <input type="checkbox"/> EXTENSIVE [-2] <input type="checkbox"/> MODERATE [-1] <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> NONE [1]

NUMBER OF BEST TYPES: ☒ 4 or more [2] ☐ 3 or less [0] **Comments:** Sludge from point-sources

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

UNDERCUT BANKS [1]	OVERHANGING VEGETATION [1]	SHALLOWS (IN SLOW WATER) [1]	ROOTMATS [1]	POOLS > 70cm [2]	ROOTWADS [1]	BOULDERS [1]	OXBOWS, BACKWATERS [1]	AQUATIC MACROPHYTES [1]	LOGS OR WOODY DEBRIS [1]
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments: Herbaceous

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4] <input type="checkbox"/> MODERATE [3] <input type="checkbox"/> LOW [2] <input checked="" type="checkbox"/> NONE [1]	<input type="checkbox"/> EXCELLENT [7] <input type="checkbox"/> GOOD [5] <input type="checkbox"/> FAIR [3] <input checked="" type="checkbox"/> POOR [1]	<input type="checkbox"/> NONE [0] <input type="checkbox"/> RECOVERED [4] <input checked="" type="checkbox"/> RECOVERING [3] <input type="checkbox"/> RECENT OR NO RECOVERY [1]	<input type="checkbox"/> HIGH [3] <input checked="" type="checkbox"/> MODERATE [2] <input type="checkbox"/> LOW [1]

Comments: Channel

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY
<input checked="" type="checkbox"/> NONE / LITTLE [3] <input type="checkbox"/> MODERATE [2] <input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> WIDE > 50m [4] <input type="checkbox"/> MODERATE 10-50m [3] <input type="checkbox"/> NARROW 5-10m [2] <input type="checkbox"/> VERY NARROW < 5m [1] <input checked="" type="checkbox"/> NONE [0]	<input type="checkbox"/> FOREST, SWAMP [1] <input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2] <input type="checkbox"/> RESIDENTIAL / PARK, NEW FIELD [1] <input type="checkbox"/> FENCED PASTURE [1] <input checked="" type="checkbox"/> OPEN PASTURE / ROWCROP [0]

Comments: Vegetation 70m

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH	CHANNEL WIDTH	CURRENT VELOCITY
<input type="checkbox"/> > 1m [5] <input type="checkbox"/> 0.7-1m [4] <input type="checkbox"/> 0.4-0.7m [2] <input checked="" type="checkbox"/> 0.2-0.4m [1] <input type="checkbox"/> < 0.2m [0]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2] <input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1] <input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> TORRENTIAL [-1] <input type="checkbox"/> VERY FAST [1] <input type="checkbox"/> FAST [1] <input type="checkbox"/> MODERATE [1] <input checked="" type="checkbox"/> SLOW [1] <input type="checkbox"/> INTERSTITIAL [-1] <input type="checkbox"/> INTERMITTENT [-2] <input type="checkbox"/> EDDIES [1]

Comments: 10' STAGNANT => 1754 meter

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2] <input type="checkbox"/> BEST AREAS 5-10cm [1] <input type="checkbox"/> BEST AREAS < 5cm [metric=0]	<input type="checkbox"/> MAXIMUM > 50cm [2] <input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2] <input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1] <input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> NONE [2] <input type="checkbox"/> LOW [1] <input type="checkbox"/> MODERATE [0] <input type="checkbox"/> EXTENSIVE [-1]

Comments: No riffles

6) GRADIENT (17.8 ft/mi) ☐ VERY LOW - LOW [2-4] ☒ MODERATE [8-10] ☐ HIGH - VERY HIGH [10-8]

DRAINAGE AREA (mi²) 975 -> 970 => 1,484.66' => 5'

% POOL: 0 **% GLIDE:** 100 **% RUN:** 0 **% RIFFLE:** 0

A) SAMPLED REACH

Check ALL that apply

METHOD STAGE

- ☐ BOAT
☐ WADE
☐ LINE
☒ OTHER
☐ DISTANCE
☐ 0.5 Km
☐ 0.2 Km
☐ 0.15 Km
☐ 0.12 Km
☐ OTHER
☐ CLARITY
☒ 1st sample pass
☐ 2nd
☐ < 20 cm
☐ 20-40 cm
☐ 40-70 cm
☐ > 70 cm / CTB
☐ SECCHI DEPTH
☐ meters
☒ CANOPY
☐ 85%-OPEN
☐ 55%-85%
☐ 30%-55%
☐ 10%-30%
☐ <10%-CLOSED
☐ RECREATION
☐ AREA
☐ DEPTH
☐ POOL: ☐ >100ft² ☐ >3ft

B) AESTHETICS

- ☐ NUISANCE ALGAE
☐ INVASIVE MACROPHYTES
☒ EXCESS TURBIDITY
☐ DISCOLORATION
☐ FOAM / SCUM
☐ OIL SHEEN
☐ TRASH / LITTER
☐ NUISANCE ODOR
☐ SLUDGE DEPOSITS
☐ CSOs / SSOs / OUTFALLS
☐ RECREATION
☐ AREA
☐ DEPTH
☐ POOL: ☐ >100ft² ☐ >3ft

D) MAINTENANCE

- ☐ PUBLIC / PRIVATE (BOTH) NA
☐ ACTIVE / HISTORIC / BOTH / NA
☐ YOUNG-SUCCESSION-OLD
☐ SPRAY / SNAG / REMOVED
☐ MODIFIED / DIPPED OUT / NA
☐ LEVEED / ONE SIDED
☐ RELOCATED / CUTOFFS
☐ MOVING-BEDLOAD-STABLE
☐ ARMOURD / SLUMPS
☐ ISLANDS / SCoured
☐ IMPOUNDED / DESICCATED
☐ FLOOD CONTROL / DRAINAGE

E) ISSUES

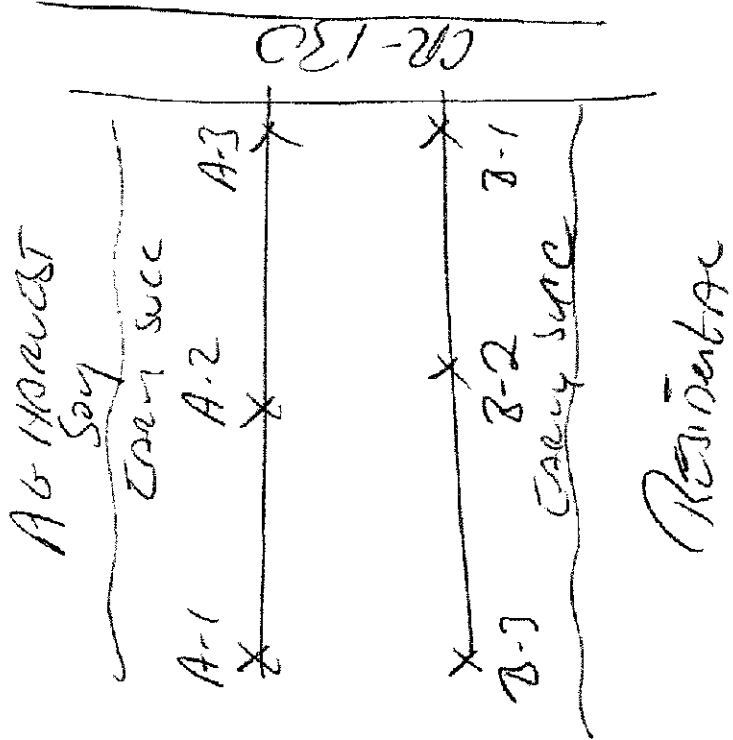
- ☐ WWTP / CSO / NPDES / INDUSTRY
☐ HARDENED / URBAN / DIRT & GRIME
☐ CONTAMINATED / LANDFILL
☐ BMPs-CONSTRUCTION-SEDIMENT
☐ LOGGING / IRRIGATION / COOLING
☐ BANK EROSION / SURFACE
☐ FALSE BANK / MANURE / LAGOON
☐ WASH H₂O / TILE / H₂O TABLE
☐ ACID / MINE / QUARRY / FLOW
☐ NATURAL / WETLAND / STAGNANT
☐ PARK / GOLF / LAWN / HOME
☐ ATMOSPHERE / DATA PAUCITY

F) MEASUREMENTS

- ☐ width 2-8'
☐ depth 10'
☐ max. depth
☐ bankfull width 10-12'
☐ bankfull x depth 3'
☐ W/D ratio
☐ bankfull max. depth
☐ floodprone x² width
☐ entrench. ratio
☐ Legacy Tree:

Stream Drawing:

Bank & Bed Survey
 1/10/2000
 Feb 21/20



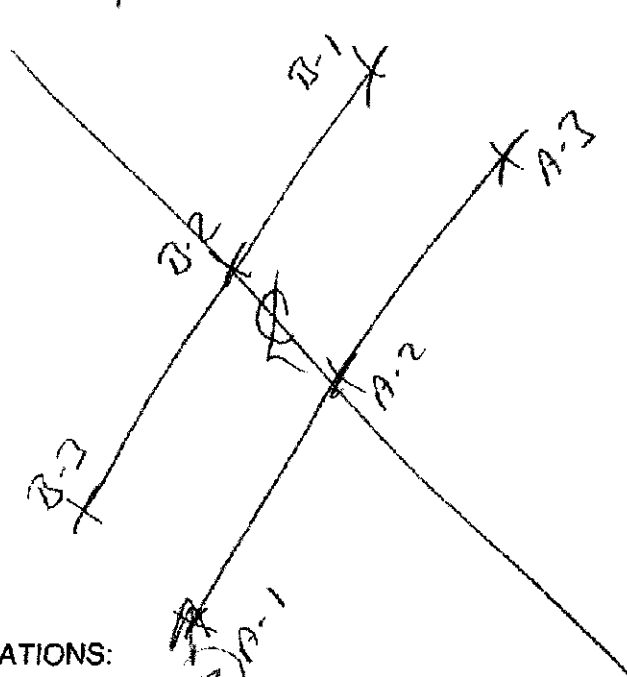
WATERBODY CROSSING DATA FORM

PROJECT: Haddon Wins Farm DATE: 10/24/09
 LOCATION: Road south of WTR 172 FIELD CREW: RAI, SMS

WATERBODY ID	SB0038 A1B.	
GPS FEATURE TYPE (open/closed)/(line/polygon)	Line (1-3)	
PHOTO ID and DIRECTION	Photo 12 → NORTH EAST	
NAME (or tributary to)	McCoy Run	
WATERBODY TYPE (stream/pond/ditch/culvert)	STREAM	
FLOW REGIME (perennial/intermittent/ephemeral)	intermittent	
WIDTH (observed/OHW)	4-6' / 15'	
DEPTH (observed/OHW)	6" / 4'	
FLOW RATE (dry/stagnant/low/moderate/high)	STAGNANT	
FLOW DIRECTION	NORTH EAST	
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt & Sand Mix	
BANK VEGETATION (upland/wetland cover type)	Early Successional	

SKETCH:

↑ NORTH



FISH AND WILDLIFE OBSERVATIONS:

SNAP, DEER TRACKS

NOTES:

Sloughing prominent both sides

Flow moderate east; light in west

mapped as intermittent

550058A13

10/24/09

OhioEPA**Qualitative Habitat Evaluation Index
and Use Assessment Field Sheet**

QHEI Score:

38

Stream & Location: McCoy Run

RM: Date: 10/24/09

River Code: 550 NORTH of CR 130

STORET #:

Scorers Full Name & Affiliation: DELAHUNTY / SMITH TREE

Lat./ Long.: 40.6442 183.7332

Office verified location ☐1) **SUBSTRATE** Check ONLY Two substrate TYPE BOXES:
estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY		
<input type="checkbox"/> BLDR / SLABS [10]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> HARDPAN [4]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/> SILT	<input type="checkbox"/> HEAVY [-2]	Substrate <div style="border: 1px solid black; padding: 5px; display: inline-block;">7</div> Maximum 20	
<input type="checkbox"/> BOULDER [9]	<input type="checkbox"/>	<input type="checkbox"/> DETRITUS [3]	<input type="checkbox"/>	<input type="checkbox"/> TILLS [1]	<input type="checkbox"/>	<input checked="" type="checkbox"/> MODERATE [-1]		
<input type="checkbox"/> COBBLE [8]	<input type="checkbox"/>	<input type="checkbox"/> MUCK [2]	<input type="checkbox"/>	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/>	<input type="checkbox"/> NORMAL [0]		
<input type="checkbox"/> GRAVEL [7]	<input type="checkbox"/>	<input checked="" type="checkbox"/> SILT [2]	<input type="checkbox"/>	<input checked="" type="checkbox"/> HARDPAN [0]	<input type="checkbox"/>	<input type="checkbox"/> FREE [1]		
<input checked="" type="checkbox"/> SAND [6]	<input type="checkbox"/>	<input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/>	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/>	<input type="checkbox"/> EXTENSIVE [-2]		
<input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/>			<input type="checkbox"/> RIP/RAP [0]	<input type="checkbox"/>	<input type="checkbox"/> MODERATE [-1]		
NUMBER OF BEST TYPES: <input type="checkbox"/> 4 or more [2] <input checked="" type="checkbox"/> 3 or less [0]				(Score natural substrates; ignore sludge from point-sources)		<input type="checkbox"/> LACUSTURINE [0]		
Comments				<input type="checkbox"/> SHALE [-1]		<input type="checkbox"/> NORMAL [0]		
				<input type="checkbox"/> COAL FINES [-2]		<input type="checkbox"/> NONE [1]		

2) **INSTREAM COVER** Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.)

AMOUNT

Check ONE (Or 2 & average)

<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	<input type="checkbox"/> EXTENSIVE > 75% [11]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input type="checkbox"/> AQUATIC MACROPHYTES [1]	<input checked="" type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input type="checkbox"/> SPARSE 5-25% [3]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> NEARLY ABSENT < 5% [1]

Comments

Cover
Maximum
20

8

3) **CHANNEL MORPHOLOGY** Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [8]	<input type="checkbox"/> HIGH [3]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input type="checkbox"/> RECOVERED [4]	<input type="checkbox"/> MODERATE [2]
<input checked="" type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input checked="" type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> NONE [1]	<input type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments

Channel
Maximum
20

8

4) **BANK EROSION AND RIPARIAN ZONE** Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

RIPARIAN WIDTH

FLOOD PLAIN QUALITY

<input checked="" type="checkbox"/> EROSION	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [3]	<input type="checkbox"/> CONSERVATION TILLAGE [1]
<input checked="" type="checkbox"/> NONE / LITTLE [3]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2]	<input type="checkbox"/> URBAN OR INDUSTRIAL [0]
<input type="checkbox"/> MODERATE [2]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]	<input type="checkbox"/> MINING / CONSTRUCTION [0]
<input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]	
	<input checked="" type="checkbox"/> NONE [0]	<input checked="" type="checkbox"/> OPEN PASTURE, ROWCROP [0]	

Comments

Indicate predominant land use(s) past 100m riparian.

Riparian
Maximum
10

7

5) **POOL / GLIDE AND RIFFLE / RUN QUALITY**

MAXIMUM DEPTH

CHANNEL WIDTH

CURRENT VELOCITY

Check ONE (ONLY!)

Check ONE (Or 2 & average)

Check ALL that apply

<input type="checkbox"/> > 1m [6]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]	<input type="checkbox"/> SLOW [1]
<input type="checkbox"/> 0.7-1m [4]	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> VERY FAST [1]	<input type="checkbox"/> INTERSTITIAL [-1]
<input type="checkbox"/> 0.4-0.7m [2]	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> FAST [1]	<input type="checkbox"/> INTERMITTENT [-2]
<input type="checkbox"/> 0.2-0.4m [1]		<input type="checkbox"/> MODERATE [1]	<input type="checkbox"/> EDDIES [1]
<input type="checkbox"/> < 0.2m [0]		Indicate for reach - pools and riffles.	

Comments

Recreation Potential
Primary Contact
Secondary Contact
 (circle one and comment on bank)
Pool /
Current
Maximum
12

7

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

☒ NO RIFFLE [metric=0]

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-1]

Comments

Riffle /
Run
Maximum
8

0

6) **GRADIENT**

DRAINAGE AREA

ft/mi

☐ VERY LOW - LOW [2-4]☐ MODERATE [8-10]☒ HIGH - VERY HIGH [10-6]

% POOL: 0

% GLIDE: 100

% RUN: 0

% RIFFLE: 0

Gradient

Maximum

10

EPA 4520

06/16/06

985-2975 = 4,084.75' = 10' / .774 = 12.926 ft/mi gradient

A) SAMPLED REACH

Check ALL that apply

METHOD STAGE

- ☐ BOAT
☐ WADE
☐ L. LINE
☒ OTHER
☐ DISTANCE
☐ 0.5 Km
☐ 0.2 Km
☐ 0.15 Km
☐ 0.12 Km
☒ OTHER
☐ CLARITY
☐ 1st sample pass
☐ 2nd sample pass
☐ < 20 cm
☐ 20-40 cm
☐ 40-70 cm
☐ > 70 cm / CTB
☐ SECCHI DEPTH
☐ meters
☐ CANOPY
☐ > 85%
☐ 55%-85%
☐ 30%-55%
☐ 10%-30%
☐ < 10% - CLOSED

CLARITY

- ☐ NUISANCE ALGAE
☐ INVASIVE MACROPHYTES
☐ EXCESS TURBIDITY
☐ DISCOLORATION
☐ FOAM / SCUM
☐ OIL SHEEN
☐ TRASH / LITTER
☐ NUISANCE ODOR
☐ SLUDGE DEPOSITS
☐ CSOs / SSOs / OUTFALLS

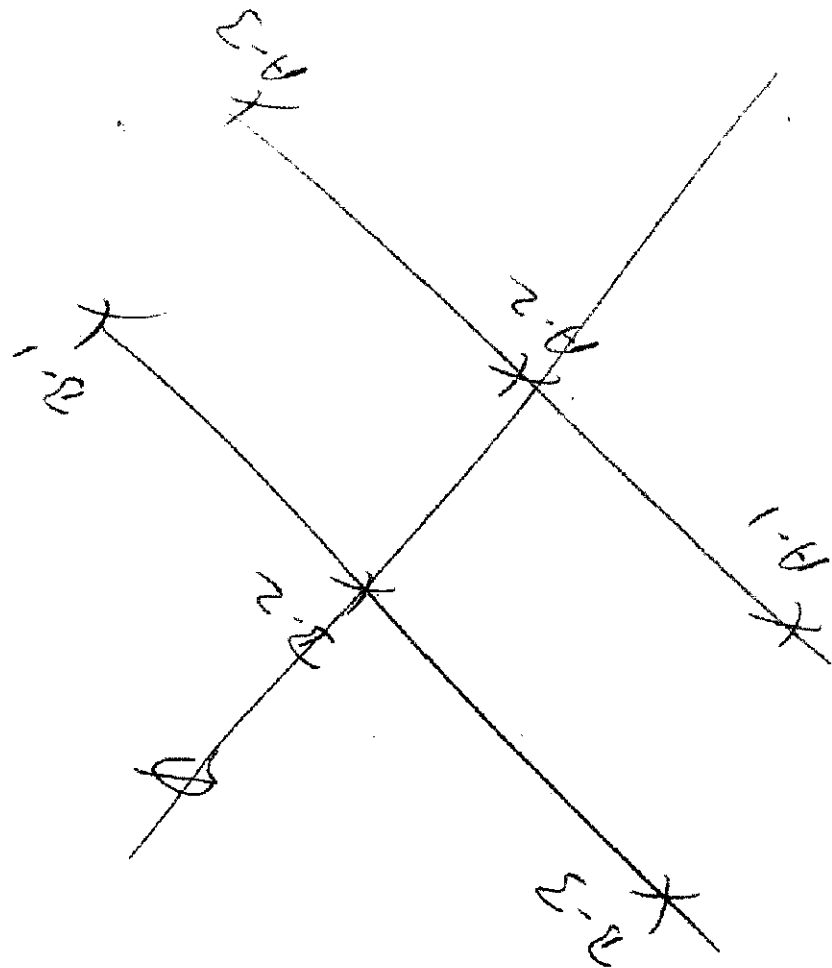
CJ RECREATION

- ☐ POOL: ☐ > 100R3 ☐ > 3R
☐ > 85%
☐ 55%-85%
☐ 30%-55%
☐ 10%-30%
☐ < 10% - CLOSED

Stream Drawing:

Bay (Bank Survey)
 HERMANO

ANUETT



Comment re: Reach consistency is reach typical of stream? , Recreational Observed - Interred. Other? Sampling observations, Concerns, Access directions, etc.

- DJ MAINTENANCE**
 PUBLIC / PRIVATE / BOTH / NA
 ACTIVE / HISTORIC / BOTH / NA
 YOUNG SUCCESSION-OLD
 SPRAY / SNAG / REMOVED
 MODIFIED / DIPPED OUT / NA
 LEVEED / ONE SIDED
 RELOCATED / CUTOFFS
 MOVING-BED LOAD-STABLE
 ARMORED / SLUMPS
 ISLANDS / SCOURED
 IMPOUNDED / DESICCATED
 FLOOD CONTROL / DRAINAGE
- EJ ISSUES**
 WWTP / CSO / NPDES (INDUSTRIAL)
 HARDENED / URBAN / DIRT / CRIME
 CONTAMINATED / LANDFILL
 BMPs-CONSTRUCTION-SEDIMENT
 LOGGING / IRRIGATION / COOLING
 BANK / EROSION / SURFACE
 FALSE BANK / MANURE / LAGOON
 WASH H₂O / TILE / H₂O TABLE
 ACID / MINE / QUARRY / FLOW
 NATURAL / WETLAND / STAGNANT
 PARK / GOLF / LAWN / HOME
 ATMOSPHERE / DATA PAUCITY
- FJ MEASUREMENTS**
 width 4'-6"
 depth 6'-11"
 max. depth 15'
 bankfull width 4'
 bankfull depth 4'
 W/D ratio
 bankfull max. depth
 floodprone x' width
 entrench. ratio
 Legacy Tree:

Circle some & COMMENT

WATERBODY CROSSING DATA FORM

PROJECT: HABITAT W. AND T. P. 100 DATE: 10/24/09

LOCATION: B. Smith & W. 172 FIELD CREW: RJD, SWS

WATERBODY ID	SRW039A/B
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-)
PHOTO ID and DIRECTION	13 = 110° NE
NAME (or tributary to)	McCoy Run
WATERBODY TYPE (stream/pond/ditch/culvert)	STREAM
FLOW REGIME (perennial/intermittent/ephemeral)	INTERMITTENT
WIDTH (observed/OHW)	5'-7' / 15'
DEPTH (observed/OHW)	6" + / 3'
FLOW RATE (dry/stagnant/low/moderate/high)	STAGNANT / Low by bridge
FLOW DIRECTION	NORTHEAST
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	SILT
BANK VEGETATION (upland/wetland cover type)	Upland Early Successional

SKETCH:

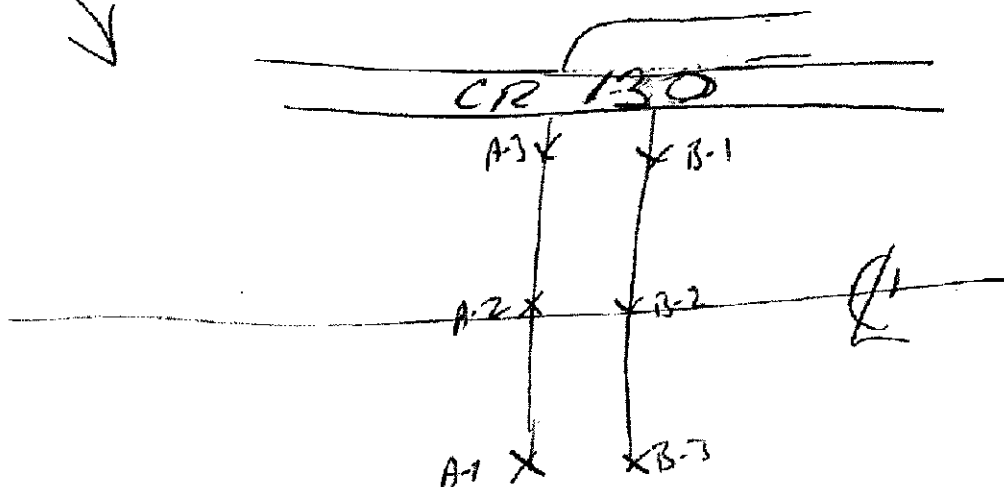
NORTH

Bank

Slope

45° to 2:1

Low flow by
SRW
drift



FISH AND WILDLIFE OBSERVATIONS:

EURASIAN millipede

SNAILS ; minnows

NOTES:

Thinning of Sloughing

Areas of Erosion

main bed scouring

main bed scouring

SB0039A13

10124109



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: **38**

Stream & Location: McCoy Run
CR 130

RM: _____ Date: 10/24/09

River Code: _____ STORET #: _____

Scorers Full Name & Affiliation: DELAHAY, / SPARKS TFC

Lat/Long: 40.6427183.7337

Office verified location ☐

1) **SUBSTRATE** Check ONLY Two substrate TYPE BOXES; estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES <input type="checkbox"/> BLDR/SLABS [10] <input type="checkbox"/> BOULDER [9] <input type="checkbox"/> COBBLE [8] <input type="checkbox"/> GRAVEL [7] <input checked="" type="checkbox"/> SAND [6] <input type="checkbox"/> BEDROCK [5]		POOL RIFFLE <input type="checkbox"/> HARDPAN [4] <input type="checkbox"/> DETRITUS [3] <input type="checkbox"/> MUCK [2] <input checked="" type="checkbox"/> SILT [2] <input type="checkbox"/> ARTIFICIAL [0]		OTHER TYPES <input type="checkbox"/> LIMESTONE [1] <input type="checkbox"/> TILLS [1] <input type="checkbox"/> WETLANDS [0] <input checked="" type="checkbox"/> SANDSTONE [0] <input type="checkbox"/> RIP/RAP [0] <input type="checkbox"/> LACUSTURINE [0] <input type="checkbox"/> SHALE [-1] <input type="checkbox"/> COAL FINES [-2]		ORIGIN <input type="checkbox"/> SILT <input checked="" type="checkbox"/> HEAVY [-2] <input checked="" type="checkbox"/> MODERATE [-1] <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> FREE [1] <input checked="" type="checkbox"/> EXTENSIVE [-2] <input type="checkbox"/> MODERATE [-1] <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> NONE [1]		QUALITY <input type="checkbox"/> HEAVY [-2] <input checked="" type="checkbox"/> MODERATE [-1] <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> FREE [1] <input checked="" type="checkbox"/> EXTENSIVE [-2] <input type="checkbox"/> MODERATE [-1] <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> NONE [1]
---	--	---	--	---	--	---	--	--

NUMBER OF BEST TYPES: ☐ 4 or more [2] ☒ 3 or less [0]

Comments: _____

2) **INSTREAM COVER** Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.)

AMOUNT

Check ONE (Or 2 & average)

<input checked="" type="checkbox"/> UNDERCUT BANKS [1] <input checked="" type="checkbox"/> OVERHANGING VEGETATION [1] <input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1] <input type="checkbox"/> ROOTMATS [1]	<input type="checkbox"/> POOLS > 70cm [2] <input type="checkbox"/> ROOTWADS [1] <input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> OXBOWS, BACKWATERS [1] <input type="checkbox"/> AQUATIC MACROPHYTES [1] <input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input checked="" type="checkbox"/> EXTENSIVE >75% [11] <input checked="" type="checkbox"/> MODERATE 25-75% [7] <input type="checkbox"/> SPARSE 5-<25% [3] <input type="checkbox"/> NEARLY ABSENT <5% [1]
--	---	--	--

Comments: HERRINGWOOD

Cover Maximum **8**

3) **CHANNEL MORPHOLOGY** Check ONE in each category (Or 2 & average)

SINUOSITY <input type="checkbox"/> HIGH [4] <input checked="" type="checkbox"/> MODERATE [3] <input checked="" type="checkbox"/> LOW [2] <input type="checkbox"/> NONE [1]	DEVELOPMENT <input type="checkbox"/> EXCELLENT [7] <input type="checkbox"/> GOOD [5] <input type="checkbox"/> FAIR [3] <input checked="" type="checkbox"/> POOR [1]	CHANNELIZATION <input type="checkbox"/> NONE [6] <input type="checkbox"/> RECOVERED [4] <input checked="" type="checkbox"/> RECOVERING [3] <input type="checkbox"/> RECENT OR NO RECOVERY [1]	STABILITY <input type="checkbox"/> HIGH [3] <input checked="" type="checkbox"/> MODERATE [2] <input type="checkbox"/> LOW [1]
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Comments: _____

Channel Maximum **8**

4) **BANK EROSION AND RIPARIAN ZONE** Check ONE in each category for EACH BANK (Or 2 per bank & average)

EROSION <input type="checkbox"/> NONE / LITTLE [3] <input checked="" type="checkbox"/> MODERATE [2] <input checked="" type="checkbox"/> HEAVY / SEVERE [1]	RIPARIAN WIDTH <input type="checkbox"/> WIDE > 50m [4] <input type="checkbox"/> MODERATE 10-50m [3] <input type="checkbox"/> NARROW 5-10m [2] <input type="checkbox"/> VERY NARROW < 5m [1] <input checked="" type="checkbox"/> NONE [0]	FLOOD PLAIN QUALITY <input type="checkbox"/> FOREST, SWAMP [3] <input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2] <input checked="" type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1] <input checked="" type="checkbox"/> FENCED PASTURE [1] <input checked="" type="checkbox"/> OPEN PASTURE, ROWCROP [0]	<input type="checkbox"/> CONSERVATION TILLAGE [1] <input type="checkbox"/> URBAN OR INDUSTRIAL [0] <input type="checkbox"/> MINING / CONSTRUCTION [0]
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Comments: _____

Riparian Maximum **7**

5) **POOL / GLIDE AND RIFFLE / RUN QUALITY**

MAXIMUM DEPTH Check ONE (ONLY!) <input type="checkbox"/> > 1m [6] <input type="checkbox"/> 0.7-1m [4] <input type="checkbox"/> 0.4-0.7m [2] <input type="checkbox"/> 0.2-0.4m [1] <input checked="" type="checkbox"/> < 0.2m [0]	CHANNEL WIDTH Check ONE (Or 2 & average) <input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2] <input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1] <input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	CURRENT VELOCITY Check ALL that apply <input type="checkbox"/> TORRENTIAL [-1] <input type="checkbox"/> VERY FAST [1] <input type="checkbox"/> FAST [1] <input type="checkbox"/> MODERATE [1] <input checked="" type="checkbox"/> SLOW [1] <input checked="" type="checkbox"/> INTERSTITIAL [-1] <input checked="" type="checkbox"/> INTERMITTENT [-2] <input type="checkbox"/> EDDIES [1]	Recreation Potential Primary Contact Secondary Contact (circle one and comment on back)
---	--	--	---

Comments: 6" DEEP BLIND (0.1524 meter)

Pool / Current Maximum **12**

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

RIFFLE DEPTH <input type="checkbox"/> BEST AREAS > 10cm [2] <input type="checkbox"/> BEST AREAS 5-10cm [1] <input type="checkbox"/> BEST AREAS < 5cm [metric=0]	RUN DEPTH <input type="checkbox"/> MAXIMUM > 50cm [2] <input type="checkbox"/> MAXIMUM < 50cm [1]	RIFFLE / RUN SUBSTRATE <input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2] <input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1] <input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	RIFFLE / RUN EMBEDDEDNESS <input type="checkbox"/> NONE [2] <input type="checkbox"/> LOW [1] <input type="checkbox"/> MODERATE [0] <input type="checkbox"/> EXTENSIVE [-1]
---	--	--	---

Comments: NO RIFFLE / RUN

Riffle / Run Maximum **6**

6) **GRADIENT** (12.9 ft/mi)

DRAINAGE AREA (mi ²) <input type="checkbox"/> VERY LOW - LOW [2-4] <input type="checkbox"/> MODERATE [8-10] <input checked="" type="checkbox"/> HIGH - VERY HIGH [10-6]	%POOL: <u>0</u> %GLIDE: <u>100</u> %RUN: <u>0</u> %RIFFLE: <u>0</u>	Gradient Maximum 8
--	--	----------------------------------

985 → 975 ⇒ 4,084.75' ⇒ 10' / 374... ⇒ 12.924' / mi GRADIENT

SRBU040A1B

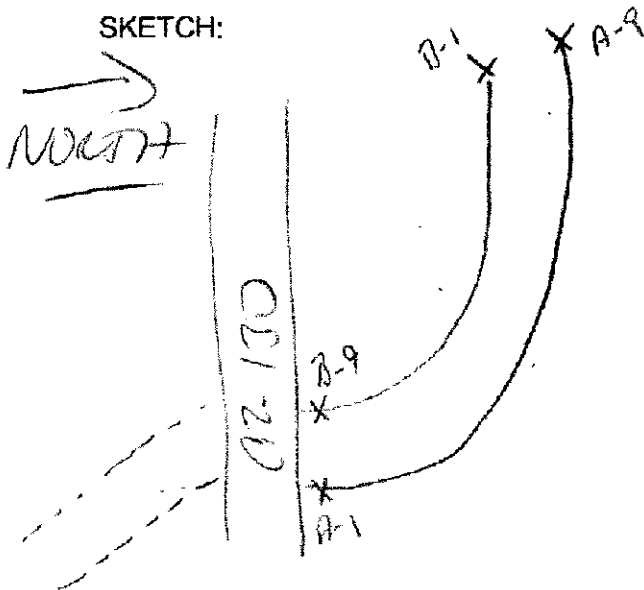
10/24/09

WATERBODY CROSSING DATA FORM

PROJECT: Hardin WinTm DATE: 10/24/09
 LOCATION: BW FIELD CREW: RDS, SMS

WATERBODY ID	SRBU040A1B
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (—)
PHOTO ID and DIRECTION	14 ⇒ NORTHWEST
NAME (or tributary to)	Trib to McCoy Run
WATERBODY TYPE (stream/pond/ditch/culvert)	SIDECHANNEL
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent
WIDTH (observed/OHW)	8' / 20'
DEPTH (observed/OHW)	4'4" / 3'
FLOW RATE (dry/stagnant/low/moderate/high)	STAGNANT
FLOW DIRECTION	NORTHWEST
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt/SM-D
BANK VEGETATION (upland/wetland cover type)	EARLY SUCCESSIONAL

SKETCH:



- Some (moderate) Bank Sloughing
- minor erosion highly vegetated
- Slopes Average 3:1 ~ 4:1
- Pen in channel ~ 40% cover

FISH AND WILDLIFE OBSERVATIONS:

none in channel Turkeys in back - marmoset?
 Scat (mammalian) Along edges Badger?

NOTES:

Channel w/ Pen (Reed canopy) veg
 No scarring observed

MAKES AS INTERMITTENT



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: **39**

Stream & Location: unnamed McCoy Run Tributary RM: --- Date: 10/24/09
CR130
River Code: --- STORET #: --- Scorers Full Name & Affiliation: DELAHUNTY/SPARKS-TTEC
Lat./Long.: 40.6441 183.7829 (NAD 83 - decimal °) Office verified location ☐

1) **SUBSTRATE** Check ONLY Two substrate TYPE BOXES; estimate % or note every type present

BEST TYPES	POOL RIFFLE	OTHER TYPES	POOL RIFFLE	ORIGIN	QUALITY
<input type="checkbox"/> BLDR /SLABS [10]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> HARDPAN [4]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/> HEAVY [-2]
<input type="checkbox"/> BOULDER [9]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> DETRITUS [3]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> TILLS [1]	<input type="checkbox"/> MODERATE [-1]
<input type="checkbox"/> COBBLE [8]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> MUCK [2]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/> NORMAL [0]
<input type="checkbox"/> GRAVEL [7]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> SILT [2]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> HARDPAN [0]	<input type="checkbox"/> FREE [1]
<input checked="" type="checkbox"/> SAND [6]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/> EXTENSIVE [-2]
<input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/> <input type="checkbox"/>			<input type="checkbox"/> RIP/RAP [0]	<input type="checkbox"/> MODERATE [-1]

NUMBER OF BEST TYPES: ☐ 4 or more [2] ☒ 3 or less [0]

Comments: ---

Check ONE (Or 2 & average)

SILT ☒ **EMBEDDEDNESS** ☒ **Substrate** **Maximum** **20** **7**

☐ LACUSTURINE [0] ☐ SHALE [-1] ☐ COAL FINES [-2] ☐ NONE [1]

2) **INSTREAM COVER** Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	AMOUNT
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input type="checkbox"/> AQUATIC MACROPHYTES [1]	Check ONE (Or 2 & average)
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input type="checkbox"/> EXTENSIVE >75% [11]
<input type="checkbox"/> ROOTMATS [1]			<input checked="" type="checkbox"/> MODERATE 25-75% [7]
			<input type="checkbox"/> SPARSE 5-25% [3]
			<input type="checkbox"/> NEARLY ABSENT <5% [1]

Comments: HEAVY ROOTS

Cover **Maximum** **20** **8**

3) **CHANNEL MORPHOLOGY** Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [8]	<input type="checkbox"/> HIGH [3]
<input checked="" type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input checked="" type="checkbox"/> RECOVERED [4]	<input checked="" type="checkbox"/> MODERATE [2]
<input checked="" type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input checked="" type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> NONE [1]	<input checked="" type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments: ---

Channel **Maximum** **20** **8**

4) **BANK EROSION AND RIPARIAN ZONE** Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY
<input checked="" type="checkbox"/> NONE/LITTLE [3]	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [3]
<input type="checkbox"/> MODERATE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2]
<input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]
	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]
	<input checked="" type="checkbox"/> NONE [0]	<input type="checkbox"/> OPEN PASTURE, ROWCROP [0]

Comments: ---

Indicate predominant land use(s) past 100m riparian. **Riparian** **Maximum** **10** **10**

5) **POOL / GLIDE AND RIFFLE / RUN QUALITY**

MAXIMUM DEPTH	CHANNEL WIDTH	CURRENT VELOCITY	Recreation Potential
Check ONE (ONLY!)	Check ONE (Or 2 & average)	Check ALL that apply	Primary Contact
<input type="checkbox"/> > 1m [6]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]	Secondary Contact
<input type="checkbox"/> 0.7-1m [4]	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> SLOW [1]	(circle one and comment on back)
<input type="checkbox"/> 0.4-0.7m [2]	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> VERY FAST [1]	
<input type="checkbox"/> 0.2-0.4m [1]		<input type="checkbox"/> FAST [1]	
<input checked="" type="checkbox"/> < 0.2m [0]		<input checked="" type="checkbox"/> MODERATE [1]	
		<input type="checkbox"/> INTERSTITIAL [-1]	
		<input type="checkbox"/> INTERMITTENT [-2]	
		<input type="checkbox"/> EDDIES [1]	

Comments: 4' DEEP GLIDE (10.16 m)

Indicate for reach - pools and riffles. **Pool / Current** **Maximum** **12** **2**

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species: Check ONE (Or 2 & average).

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]

Comments: NO RIFFLE

Riffle / Run **Maximum** **10** **0**

6) **GRADIENT** (19.2 ft/mi) **DRAINAGE AREA** (mi²)

<input type="checkbox"/> VERY LOW - LOW [2-4]	%POOL: <u>0</u>	%GLIDE: <u>100</u>	Gradient Maximum 10 6
<input type="checkbox"/> MODERATE [6-10]	%RUN: <u>0</u>	%RIFFLE: <u>0</u>	
<input checked="" type="checkbox"/> HIGH - VERY HIGH [10-6]			

EPA 4520 980-990 → 2,753.80 10' / 522 mi ⇒ 19.16 ft/mi 6 mi

AJ SAMPLED REACH

Check ALL that apply

METHOD

- ☐ BOAT
☐ WADE
☐ L. LINE
☒ OTHER
☐ DISTANCE
☐ 0.5 Km
☐ 0.2 Km
☐ 0.15 Km
☐ 0.12 Km
☒ OTHER
☐ 175 meters
☐ CANOPY
☒ > 85% - OPEN
☐ 55% - 35%
☐ 30% - 15%
☐ 10% - 5%
☐ < 10% - CLOSED

STAGE

- 1st - sample pass - 2nd
☐ HIGH
☐ UP
☐ NORMAL
☒ LOW
☐ DRY

CLARITY

- 1st - sample pass - 2nd
☐ < 20 cm
☐ 20 - 40 cm
☐ 40 - 70 cm
☐ > 70 cm / CTB
☐ SECCHI DEPTH

BJ AESTHETICS

- ☐ NUISANCE ALGAE
☐ INVASIVE MACROPHYTES
☐ EXCESS TURBIDITY
☐ DISCOLORATION
☐ FOAM / SCUM
☒ OIL SHEEN (minisc)
☐ TRASH / LITTER
☐ NUISANCE ODOR
☐ SLUDGE DEPOSITS
☐ CSOs/SSOs/OUTFALLS

DJ MAINTENANCE

- ☐ PUBLIC / PRIVATE BOTH / NA
☐ ACTIVE / HISTORIC BOTH / NA
☐ YOUNG SUCCESSION-OLD
☐ SPRAY / SNAG / REMOVED
☐ MODIFIED / DIPPED OUT / NA
☐ LEVEED / ONE SIDED
☐ RELOCATED / CUTOFFS
☐ MOVING-BEDLOAD-STABLE
☐ ARMORED / SLUMPS
☐ ISLANDS / SCoured
☐ IMPOUNDED / DESICCATED
☒ FLOOD CONTROL DRAINAGE

EJ ISSUES

- WWTP / CSO / NPDES (INDUSTRY)
 HARDENED / URBAN / DIRTY GRIME
 CONTAMINATED / LANDFILL
 BMPs-CONSTRUCTION-SEDIMENT
 LOGGING / IRRIGATION / COOLING
 BANK / EROSION / SURFACE
 FALSE BANK / MANURE / LAGOON
 WASH H₂O / TILE / H₂O TABLE
 ACID / MINE / QUARRY / FLOW
 NATURAL / WETLAND (STAGNANT)
 PARK / GOLF / LAWN / TROMPE
 ATMOSPHERE / DATA PAUCITY

FJ MEASUREMENTS

- \bar{x} width 8'
 \bar{x} depth 4'
 max. depth
 \bar{x} bankfull width 20'
 bankfull \bar{x} depth 3'
 W/D ratio
 bankfull max. depth
 floodprone \bar{x} width
 entrench. ratio
 Legacy Tree:

CJ RECREATION

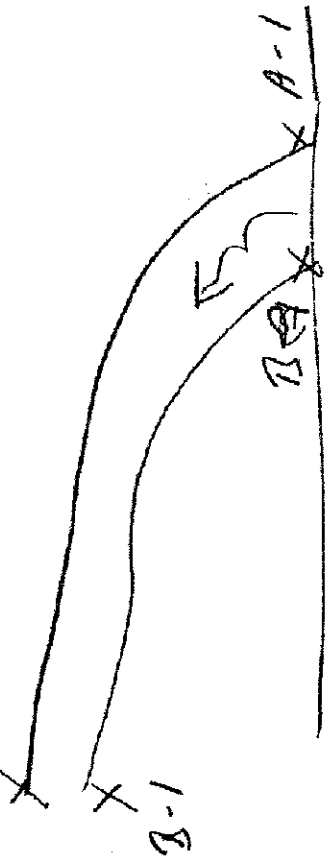
- AREA DEPTH
 POOL: ☐ > 100m² ☐ > 3ft

Stream Drawing:

Bank & Bed Survey
 HEARSHEN CREEK
 REACH 175m CLEAR WATER

ANURTA

A-7



CR-130

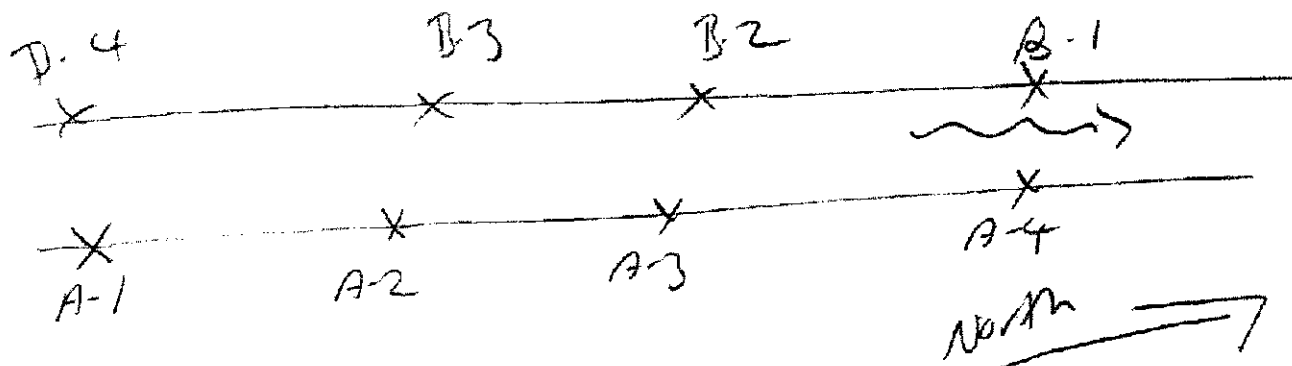
WATERBODY CROSSING DATA FORM

PROJECT: Hardin Wind Farm DATE: 10/24/09
 LOCATION: AR/BO EAST of WB-175 FIELD CREW: RTD, SMS

WATERBODY ID	SAR041ATB	
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-4)	
PHOTO ID and DIRECTION	16 => South	17 => Shoshone
NAME (or tributary to)	McCoy Run	
WATERBODY TYPE (stream/pond/ditch/culvert)	STREAM	
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent	
WIDTH (observed/OHW)	3-6' / 10'	
DEPTH (observed/OHW)	8" / 3'	
FLOW RATE (dry/stagnant/low/moderate/high)	STAGNANT (Some low flow between	
FLOW DIRECTION	North pinned Areas)	
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silt/Sand/Cobble	
BANK VEGETATION (upland/wetland cover type)	Early Successional	

SKETCH: - Channel open
 - Erosion on edges
 - High degree of sloughing
 w/ erosion

SW - Slopes Steep (1:1)
 - minor rchid
 - Some undercut banks
 NE - Slopes ~2:1 (45%)



FISH AND WILDLIFE OBSERVATIONS:

Minnows

NOTES: High

- Minor bank sloughing

mapped as Intermittent

SAR041A13

10/24/09



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: **34**Stream & Location: McCoy RunRM: _____ Date: 10/24/09W/200' WEST of CRISO / TR 95 7m Scorers Full Name & Affiliation: DELAHNT / SPARKS - JTB

River Code: _____ STORET #: _____

Lat/Long: 40.6213 183.7245Office verified location ☐

1) SUBSTRATE

Check ONLY Two substrate TYPE BOXES.
estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY	
<input type="checkbox"/> BLDR / SLABS [10]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> HARDPAN [4]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> LIMESTONE [7]	<input type="checkbox"/> SILT	<input type="checkbox"/> HEAVY [-2]	Substrate <div style="border: 1px solid black; padding: 5px; text-align: center;">7</div> Maximum 20
<input type="checkbox"/> BOULDER [9]	<u>30%</u>	<input type="checkbox"/> DETRITUS [3]		<input type="checkbox"/> TILLS [1]		<input checked="" type="checkbox"/> MODERATE [-1]	
<input type="checkbox"/> COBBLE [8]		<input type="checkbox"/> MUCK [2]		<input type="checkbox"/> WETLANDS [0]		<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> GRAVEL [7]	<u>40%</u>	<input checked="" type="checkbox"/> SILT [2]	<u>50%</u>	<input checked="" type="checkbox"/> HARDPAN [0]		<input type="checkbox"/> FREE [1]	
<input checked="" type="checkbox"/> SAND [6]		<input type="checkbox"/> ARTIFICIAL [0]		<input type="checkbox"/> SANDSTONE [0]		<input checked="" type="checkbox"/> EXTENSIVE [-2]	
<input checked="" type="checkbox"/> BEDROCK [5]				<input type="checkbox"/> RIP/RAP [0]		<input type="checkbox"/> MODERATE [-1]	
NUMBER OF BEST TYPES: <input type="checkbox"/> 4 or more [2] <input checked="" type="checkbox"/> 3 or less [0]				(Score natural substrates; ignore sludge from point-sources)		<input type="checkbox"/> LACUSTURINE [0] <input type="checkbox"/> SHALE [-1] <input type="checkbox"/> COAL FINES [-2]	

Comments

2) INSTREAM COVER

Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools).

AMOUNT

Check ONE (Or 2 & average)

<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	<input checked="" type="checkbox"/> EXTENSIVE > 75% [11]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input type="checkbox"/> AQUATIC MACROPHYTES [1]	<input checked="" type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input checked="" type="checkbox"/> SPARSE 5-25% [3]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> NEARLY/ABSENT < 5% [1]

Comments

 Cover
Maximum
20

3) CHANNEL MORPHOLOGY

Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [8]	<input type="checkbox"/> HIGH [3]
<input checked="" type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input type="checkbox"/> RECOVERED [4]	<input checked="" type="checkbox"/> MODERATE [2]
<input checked="" type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input checked="" type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> NONE [1]	<input checked="" type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments

 Channel
Maximum
20

4) BANK EROSION AND RIPARIAN ZONE

Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

RIPARIAN WIDTH

FLOOD PLAIN QUALITY

<input type="checkbox"/> EROSION	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [3]	<input type="checkbox"/> CONSERVATION TILLAGE [1]
<input type="checkbox"/> NONE / LITTLE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2]	<input type="checkbox"/> URBAN OR INDUSTRIAL [0]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]	<input type="checkbox"/> MINING / CONSTRUCTION [0]
<input checked="" type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]	
	<input checked="" type="checkbox"/> NONE [0]	<input type="checkbox"/> OPEN PASTURE, ROWCROP [0]	

Comments

 Indicate predominant land use(s)
past 100m riparian.
Riparian
Maximum
10

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH

CHANNEL WIDTH

CURRENT VELOCITY

Check ONE (ONLY)

Check ONE (Or 2 & average)

Check ALL that apply

<input type="checkbox"/> > 1m [5]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]	<input type="checkbox"/> SLOW [1]
<input type="checkbox"/> 0.7-1m [4]	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> VERY FAST [1]	<input checked="" type="checkbox"/> INTERSTITIAL [-1]
<input type="checkbox"/> 0.4-0.7m [2]	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> FAST [1]	<input type="checkbox"/> INTERMITTENT [-2]
<input checked="" type="checkbox"/> 0.2-0.4m [1]		<input type="checkbox"/> MODERATE [1]	<input type="checkbox"/> EDDIES [1]
<input type="checkbox"/> < 0.2m [0]		Indicate for reach - pools and riffles.	

Comments

 Pool /
Current
Maximum
12

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

☒ NO RIFFLE [metric=0]

RIFFLE DEPTH

RUN DEPTH

RIFFLE / RUN SUBSTRATE

RIFFLE / RUN EMBEDDEDNESS

<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input checked="" type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input checked="" type="checkbox"/> EXTENSIVE [-1]

Comments

 Riffle /
Run
Maximum
8

6) GRADIENT

DRAINAGE AREA

VERY LOW - LOW [2-4]

MODERATE [6-10]

HIGH - VERY HIGH [10-6]

% POOL: 10% GLIDE: 00% RUN: 10% RIFFLE: 00
 Gradient
Maximum
10

- STAGNANT w/ INTERSTITIAL RUNS

AJ SAMPLED REACH

Check ALL that apply

METHOD STAGE

- 1st sample pass-- 2nd
- ☐ BOAT ☐ HIGH ☐
- ☐ WADE ☐ UP ☐
- ☐ LINE ☐ NORMAL ☐
- ☒ OTHER ☐ FLOW ☐
- ☐ DRY ☐

DISTANCE

- ☐ 0.5 Km ☐ CLARITY
- ☐ 0.2 Km ☐ 1st sample pass-- 2nd
- ☐ 0.15 Km ☐ < 20 cm
- ☐ 0.12 Km ☐ 20-40 cm
- ☒ OTHER ☐ 40-70 cm
- ☐ > 70 cm/CTB
- ☐ SECCHI DEPTH
- 60 meters

CANOPY

- ☒ > 85% OPEN
- ☐ 55%-85%
- ☐ 30%-55%
- ☐ 10%-30%
- ☐ < 10% CLOSED

CJ RECREATION

POOL: ☐ > 100ft ☐ > 3ft

BJAESTHETICS

- ☐ NUISANCE ALGAE
- ☐ INVASIVE MACROPHYTES
- ☐ EXCESS TURBIDITY
- ☐ DISCOLORATION
- ☐ FOAM / SCUM
- ☐ OIL SHEEN
- ☐ TRASH / LITTER
- ☐ NUISANCE ODOR
- ☐ SLUDGE DEPOSITS
- ☐ CSOs/SSOs/OUTFALLS

DJ MAINTENANCE

- ☒ PUBLIC / PRIVATE / BOTH / NA
- ☐ ACTIVE / HISTORIC / BOTH / NA
- ☐ YOUNG-SUCCESSION-OLD
- ☐ SPRAY / SNAG / REMOVED
- ☐ MODIFIED / DIPPED OUT / NA
- ☐ LEVEED / ONE SIDED
- ☐ RELOCATED / CUTOFFS
- ☐ MOVING-BEDLOAD-STABLE
- ☐ ARMOURD / SLUMPS
- ☐ ISLANDS / SCoured
- ☐ IMPOUNDED / DESICCATED
- ☒ FLOOD CONTROL / DRAINAGE

EJ ISSUES

- WWTP / CSO / NPDES / INDUSTRY
- HARDENED / URBAN / DIRT / GRIME
- CONTAMINATED / LANDFILL
- BMPs-CONSTRUCTION-SEDIMENT
- LOGGING / IRRIGATION / COOLING
- BANK EROSION / SURFACE
- FALSE BANK / MANURE / LAGOON
- WASH H₂O / TILE / H₂O TABLE
- ACID / MINE / QUARRY / FLOW
- NATURAL / WETLAND / STAGNANT
- PARK / GOLF / LAWN / HOME
- ATMOSPHERE / DATA PAUCITY

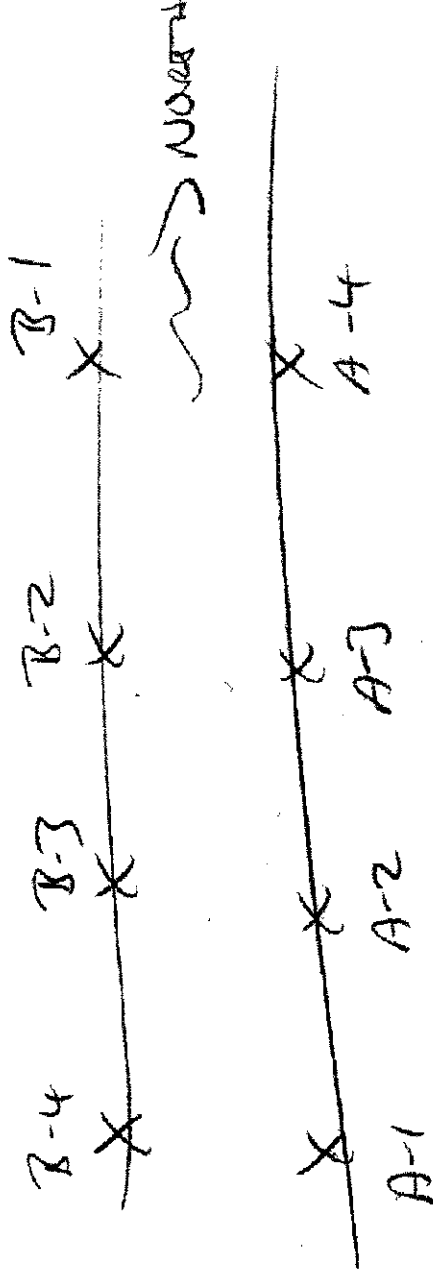
FJ MEASUREMENTS

- \bar{x} width 3-6'
- \bar{x} depth 8"
- max. depth
- \bar{x} bankfull width 10'
- bankfull \bar{x} depth 3'
- W/D ratio
- bankfull max. depth
- floodprone \bar{x}^2 width
- entrench. ratio
- Legacy Tree:

Stream Drawing:

Bed / Park Survey
min Turbidity
Horizontal veg

→ NORTH



Comment re: Reach consistency is reach typical of stream?; Recreation/ Observed - Interred. Other? Sampling observations, Concerns. Access directions, etc.

10125199

PROJECT: Harold's Wind Farm

DATE:

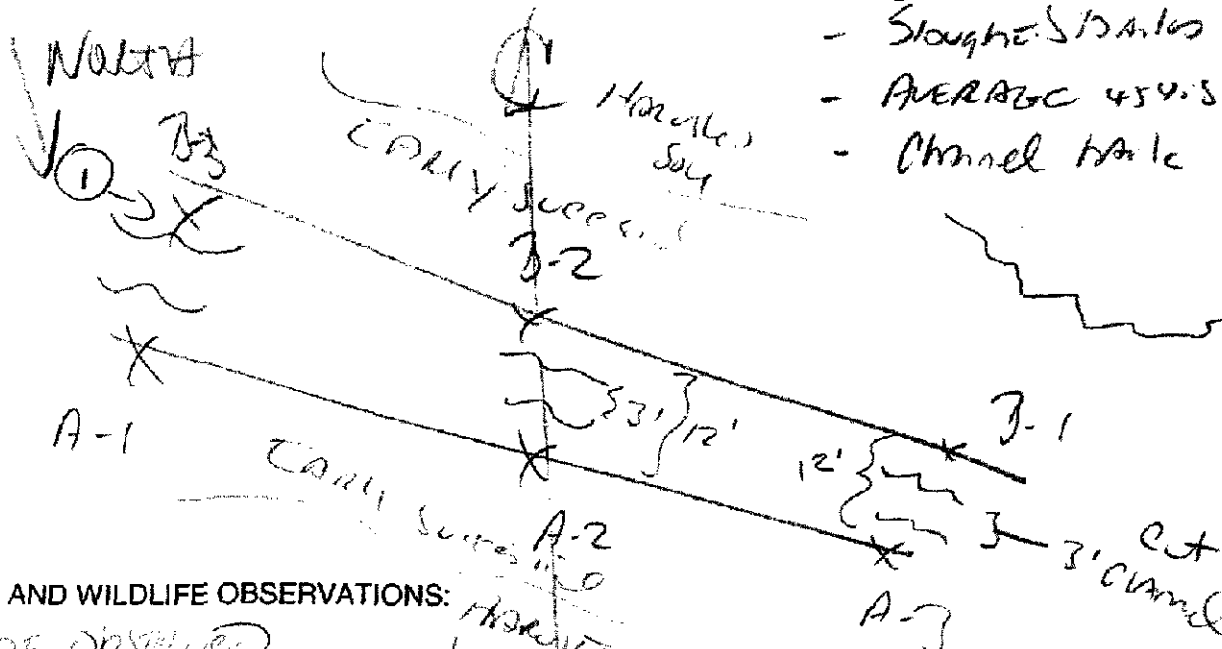
10125109

LOCATION: Access Road to

FIELD CREW:

5ms

SKETCH:



FISH AND WILDLIFE OBSERVATIONS:

NOTES:

Exist stream channelled in N₂ flow

mapped as intermittent

SAR042A1B

10/25/09

OhioEPA

Qualitative Habitat Evaluation Index
and Use Assessment Field SheetQHEI Score: **(4)**Stream & Location: McCoy Run TributaryRM: _____ Date: 10/25/09

W1, 700' EAST OF TR 95

Scorers Full Name & Affiliation: DELOHUTY, SPARKS - TTR

River Code: _____

STORET #: _____

Lat/Long: 40.6401 183.7131Office verified location ☐1) **SUBSTRATE** Check ONLY Two substrate TYPE BOXES; estimate % or note every type present

Check ONE (Or 2 & average)

- BEST TYPES**
- ☐ BLDR/SLABS [10]
- ☐ BOULDER [9]
- ☒ COBBLE [8]
- ☐ GRAVEL [7]
- ☐ SAND [6]
- ☐ BEDROCK [5]

POOL RIFFLE

OTHER TYPES

☐ HARDPAN [4]

☐ DETRITUS [3]

☐ MUCK [2]

☒ SILT [2]

☐ ARTIFICIAL [0]

POOL RIFFLE

ORIGIN

☐ LIMESTONE [1]

☐ TILLS [1]

☐ WETLANDS [0]

☒ HARDPAN [0]

☐ SANDSTONE [0]

☐ RIP/RAP [0]

☐ LACUSTURINE [0]

☐ SHALE [-1]

☐ COAL FINES [-2]

QUALITY

☐ HEAVY [-2]

☒ MODERATE [-1]

☐ NORMAL [0]

☐ FREE [1]

☐ EXTENSIVE [-2]

☐ MODERATE [-1]

☐ NORMAL [0]

☐ NONE [1]

Substrate

(9)
Maximum 20

NUMBER OF BEST TYPES: ☐ 4 or more [2] ☒ 3 or less [0]

Comments

2) **INSTREAM COVER** Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

☒ UNDERCUT BANKS [1]

☐ POOLS > 70cm [2]

☐ OXBOWS, BACKWATERS [1]

☒ EXTENSIVE >75% [11]

☒ OVERHANGING VEGETATION [1]

☐ ROOTWADS [1]

☐ AQUATIC MACROPHYTES [1]

☐ MODERATE 25-75% [7]

☐ SHALLOWS (IN SLOW WATER) [1]

☐ BOULDERS [1]

☐ LOGS OR WOODY DEBRIS [1]

☐ SPARSE 5-25% [3]

☐ ROOTMATS [1]

☐ NEARLY ABSENT <5% [1]

Comments

Cover
Maximum
20

(8)

3) **CHANNEL MORPHOLOGY** Check ONE in each category (Or 2 & average)

SINUOSITY

DEVELOPMENT

CHANNELIZATION

STABILITY

☐ HIGH [4]

☐ MODERATE [3]

☒ LOW [2]

☐ NONE [1]

☐ EXCELLENT [7]

☐ GOOD [5]

☒ FAIR [3]

☐ POOR [1]

☐ NONE [6]

☐ RECOVERED [4]

☒ RECOVERING [3]

☐ RECENT OR NO RECOVERY [1]

☐ HIGH [3]

☒ MODERATE [2]

☐ LOW [1]

Comments

Channel
Maximum
20

(10)

4) **BANK EROSION AND RIPARIAN ZONE** Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

EROSION

WIDE > 90m [4]

MODERATE 10-50m [3]

NARROW 5-10m [2]

VERY NARROW < 5m [1]

NONE [0]

FLOOD PLAIN QUALITY

☒ FOREST, SWAMP [3]

☒ SHRUB OR OLD FIELD [2]

☐ RESIDENTIAL PARK, NEW FIELD [1]

☒ FENCED PASTURE [1]

☒ OPEN PASTURE, ROWCROP [0]

☐ CONSERVATION TILLAGE [1]

☐ URBAN OR INDUSTRIAL [0]

☐ MINING / CONSTRUCTION [0]

Indicate predominant land use(s) past 100m riparian.

Comments

Riparian
Maximum
10

(8)

5) **POOL / GLIDE AND RIFFLE / RUN QUALITY**

MAXIMUM DEPTH

Check ONE (ONLY!)

☐ > 1m [6]

☐ 0.7-1m [4]

☐ 0.4-0.7m [2]

☐ 0.2-0.4m [1]

☒ < 0.2m [0]

CHANNEL WIDTH

Check ONE (Or 2 & average)

☐ POOL WIDTH > RIFFLE WIDTH [2]

☐ POOL WIDTH = RIFFLE WIDTH [1]

☐ POOL WIDTH < RIFFLE WIDTH [0]

CURRENT VELOCITY

Check ALL that apply

☐ TORRENTIAL [-1]

☐ SLOW [1]

☐ VERY FAST [1]

☐ INTERSTITIAL [-1]

☐ FAST [1]

☐ INTERMITTENT [-2]

☐ MODERATE [1]

☐ EDDIES [1]

Indicate for reach - pools and riffles.

Recreation Potential

Primary Contact

Secondary Contact
(circle one and comment on back)

Comments

Pool /
Current
Maximum

(0)

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

RIFFLE DEPTH

RUN DEPTH

RIFFLE / RUN SUBSTRATE

RIFFLE / RUN EMBEDDEDNESS

☐ BEST AREAS > 10cm [2]

☐ BEST AREAS 5-10cm [1]

☐ BEST AREAS < 5cm [metric=0]

☐ MAXIMUM > 50cm [2]

☐ MAXIMUM < 50cm [1]

☐ STABLE (e.g., Cobble, Boulder) [2]

☐ MOD. STABLE (e.g., Large Gravel) [1]

☐ UNSTABLE (e.g., Fine Gravel, Sand) [0]

☐ NONE [2]

☐ LOW [1]

☐ MODERATE [0]

☐ EXTENSIVE [-1]

Riffle /
Run
Maximum

(0)

Comments

NO RIFFLES

6) **GRADIENT**

(ft/mi)

☐ VERY LOW - LOW [2-4]

☐ MODERATE [8-10]

☒ HIGH - VERY HIGH [10-6]

%POOL: (40%)

%GLIDE: (0)

Gradient
Maximum

(6)

DRAINAGE AREA

(mi²)

%RUN: (0)

%RIFFLE: (0)

Riffle /
Run
Maximum

(0)

EPA 4520

08/18/08

995-990 ~ 1,300'

5/246 = 20.336 ft/mi gradient

Stream width 12'

AJ SAMPLED REACH

Check ALL that apply

METHOD

☐ BOAT ☐ WADE ☐ LINE ☒ OTHER

STAGE

☐ HIGH ☐ UP ☐ NORMAL ☒ LOW ☐ DRY

DISTANCE

☐ 0.5 Km ☐ 0.2 Km ☐ 0.15 Km ☐ 0.12 Km ☒ OTHER

CLARITY

1st sample pass-- 2nd

☐ < 20 cm ☐ 20-40 cm ☐ 40-70 cm ☐ > 70 cm/CTB

☐ SECCHI DEPTH ☐ meters

☒ 55

CANOPY

☒ > 85% - OPEN ☐ 55%-85% ☐ 30%-55% ☐ 10%-30% ☐ < 10% - CLOSED

CJ RECREATION

AREA DEPTH

POOL: ☐ > 100ft ☐ > 3ft

BJAESTHETICS

☐ NUISANCE ALGAE ☐ INVASIVE MACROPHYTES ☐ EXCESS TURBIDITY ☐ DISCOLORATION ☐ FOAM / SCUM ☐ OIL SHEEN ☐ TRASH / LITTER ☐ NUISANCE ODOR ☐ SLUDGE DEPOSITS ☐ CSO/ISSOs/OUTFALLS

DJ MAINTENANCE

☒ PRIVATE / BOTH / NA ☐ PUBLIC / HISTORIC / BOTH / NA ☐ YOUNG-SUCCESSION-OLD ☐ SPRAY / SNAG / REMOVED ☐ MODIFIED / DIPPED OUT / NA ☐ LEVEED / ONE SIDED ☐ RELOCATED / CUTOFFS ☐ MOVING-BEDLOAD-STABLE ☐ ARMOURD / SLUMPS ☐ ISLANDS / SCoured ☐ IMPOUNDED / DESICCATED ☒ FLOOD CONTROL / DRAINAGE

Circle some & COMMENT

EJ ISSUES

WWTP / CSO / NPDES / INDUSTRY ☒ HARDENED / URBAN / DIRT & GRIME ☒ CONTAMINATED / LANDFILL ☒ BMPs-CONSTRUCTION-SEDIMENT ☒ LOGGING / IRRIGATION / COOLING ☒ BANK / EROSION / SURFACE ☒ FALSE BANK / MANURE / LAGOON ☒ WASH H₂O / TILE / H₂O TABLE ☒ ACID / MINE / QUARRY / FLOW ☒ NATURAL / WETLAND / STAGNANT ☒ PARK / GOLF / LAWN / HOME ☒ ATMOSPHERE / DATA PAUCITY

FJ MEASUREMENTS

☒ width 3' ☒ depth 6" ☒ max. depth 12' ☒ bankfull width 12' ☒ bankfull x depth 3' ☒ W/D ratio ☒ bankfull max. depth ☒ floodprone x² width ☒ entrench. ratio ☒ Legacy Tree:

comment re: Reach consistency/ is reach typical or stream? Recreation/ Observed - Interred, Other/ Sampling observations, Concerns, Access directions, etc.

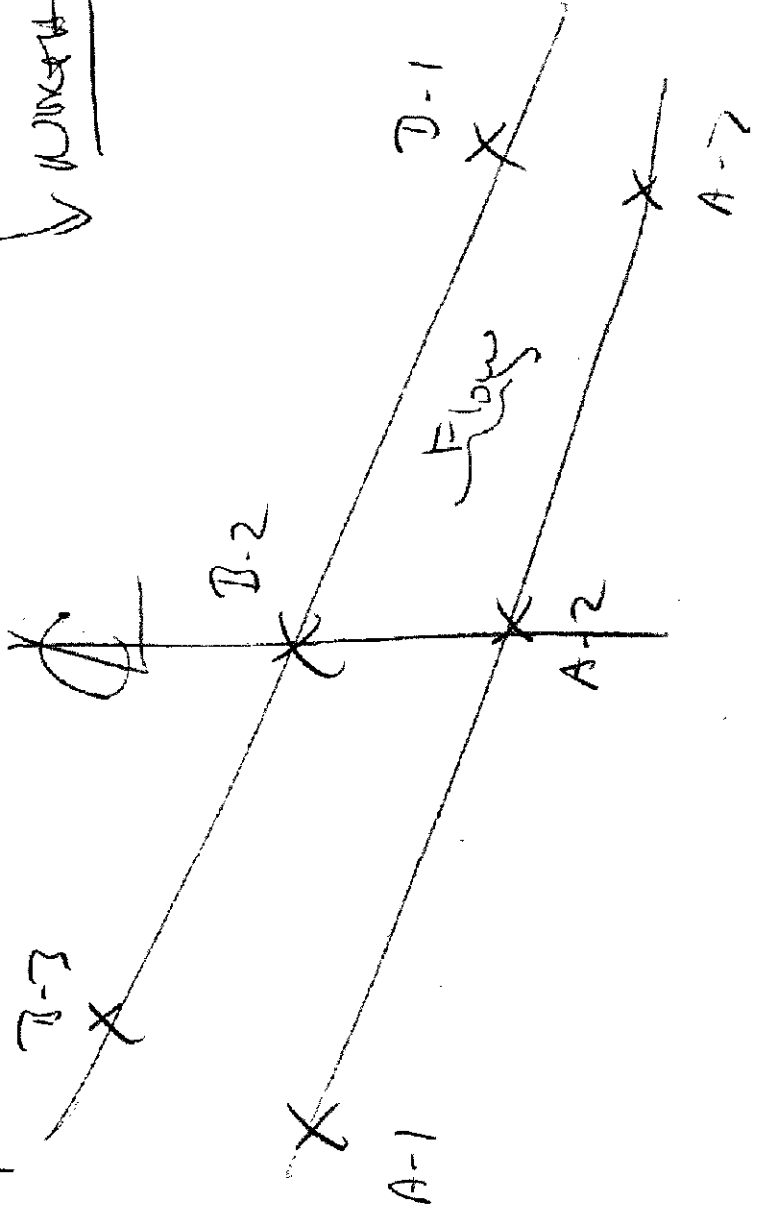
Stream Drawing:

Reaches & Bank Survey

HTL-2000

WATER

CP-2000

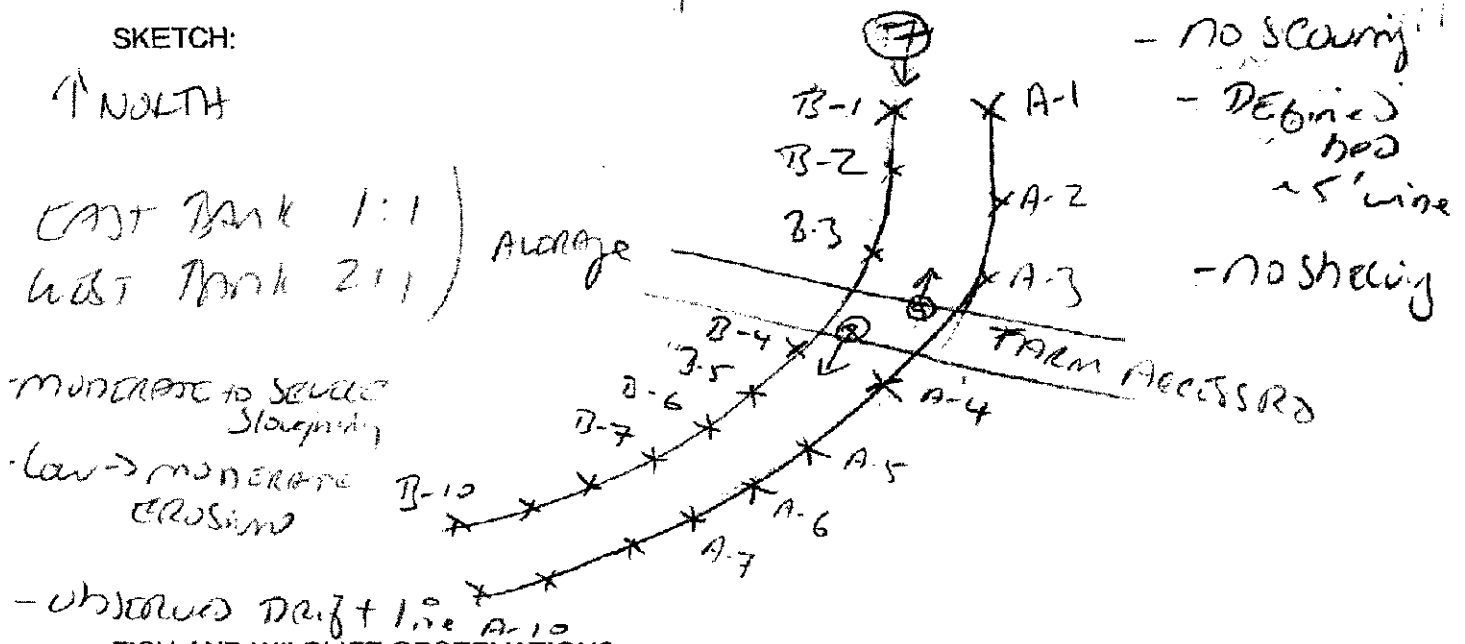


WATERBODY CROSSING DATA FORM

PROJECT: Hollow Wind Farm DATE: 10/25/09
 LOCATION: BU Southwest 26 FIELD CREW: PAV, SMS
WBS 159

WATERBODY ID	SB0045AIB
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-10)
PHOTO ID and DIRECTION	7→South / 8→SW / 9→NE / 10→NE
NAME (or tributary to)	FLAT BRANCH TRIBUTARY
WATERBODY TYPE (stream/pond/ditch/culvert)	STREAM
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent
WIDTH (observed/OHW)	- / 10' (TED width 45') Defined
DEPTH (observed/OHW)	- / 4'
FLOW RATE (dry/stagnant/low/moderate/high)	DRY
FLOW DIRECTION	NORTH
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silty Clay w/ few cobbles
BANK VEGETATION (upland/wetland cover type)	Early Successional

SKETCH:



FISH AND WILDLIFE OBSERVATIONS:

DEER TRACKS
RACCOON TRACKS

NOTES:

mapped as INTERMITTENT

530045 A13

10/25/09



Qualitative Habitat Evaluation Index and Use Assessment Field Sheet

QHEI Score: 43

Stream & Location: FIAT BRANCH TRIBUTARY RM: Date: 10/25/09
W 1,800' South of CR130 Scorers Full Name & Affiliation: DELAHUNTY / SPARKS - TREC
 River Code: 6 STORET #: Lat/Long: 40.6368 183.7524 Office verified location ☐
(NAD 83 - decimal °)

1) SUBSTRATE Check ONLY Two substrate TYPE BOXES, estimate % or note every type present

BEST TYPES	POOL RIFFLE	OTHER TYPES	POOL RIFFLE	ORIGIN	QUALITY
<input type="checkbox"/> BLDR / SLABS [10] <input type="checkbox"/> BOULDER [9] <input checked="" type="checkbox"/> COBBLE [8] <input type="checkbox"/> GRAVEL [7] <input type="checkbox"/> SAND [6] <input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> HARDPAN [4] <input type="checkbox"/> DETRITUS [3] <input type="checkbox"/> MUCK [2] <input checked="" type="checkbox"/> SILT [2] <input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> 	<input type="checkbox"/> LIMESTONE [1] <input type="checkbox"/> TILLS [1] <input type="checkbox"/> WETLANDS [0] <input checked="" type="checkbox"/> HARDPAN [0] <input type="checkbox"/> SANDSTONE [0] <input type="checkbox"/> RIPRAP [0] <input type="checkbox"/> LACUSTURINE [0] <input type="checkbox"/> SHALE [-1] <input type="checkbox"/> COAL FINES [-2]	<input type="checkbox"/> HEAVY [-2] <input checked="" type="checkbox"/> MODERATE [-1] <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> FREE [1] <input type="checkbox"/> EXTENSIVE [-2] <input type="checkbox"/> MODERATE [-1] <input type="checkbox"/> NORMAL [0] <input type="checkbox"/> NONE [1]

NUMBER OF BEST TYPES: ☐ 4 or more [2] ☒ 3 or less [0] (Score natural substrates; ignore sludge from point-sources)

Comments:

Substrate 9 Maximum 20

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

COVER	AMOUNT
<input checked="" type="checkbox"/> UNDERCUT BANKS [1] <input checked="" type="checkbox"/> OVERHANGING VEGETATION [1] <input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1] <input type="checkbox"/> ROOTMATS [1]	<input type="checkbox"/> POOLS > 70cm [2] <input type="checkbox"/> ROOTWADS [1] <input type="checkbox"/> BOULDERS [1]

Check ONE (Or 2 & average)

☐ EXTENSIVE > 75% [11]
☒ MODERATE 25-75% [7]
☐ SPARSE 5-25% [3]
☐ NEARLY ABSENT < 5% [1]

Comments: HERPETOIDS

Cover 8 Maximum 20

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4] <input type="checkbox"/> MODERATE [3] <input checked="" type="checkbox"/> LOW [2] <input type="checkbox"/> NONE [1]	<input type="checkbox"/> EXCELLENT [7] <input type="checkbox"/> GOOD [5] <input type="checkbox"/> FAIR [3] <input checked="" type="checkbox"/> POOR [1]	<input type="checkbox"/> NONE [6] <input type="checkbox"/> RECOVERED [4] <input checked="" type="checkbox"/> RECOVERING [3] <input type="checkbox"/> RECENT OR NO RECOVERY [1]	<input type="checkbox"/> HIGH [3] <input checked="" type="checkbox"/> MODERATE [2] <input type="checkbox"/> LOW [1]

Comments:

Channel 8 Maximum 20

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

River right looking downstream

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY
<input checked="" type="checkbox"/> NONE / LITTLE [3] <input type="checkbox"/> MODERATE [2] <input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> WIDE > 50m [4] <input type="checkbox"/> MODERATE 10-50m [3] <input type="checkbox"/> NARROW 5-10m [2] <input type="checkbox"/> VERY NARROW < 5m [1] <input checked="" type="checkbox"/> NONE [0]	<input type="checkbox"/> FOREST, SWAMP [2] <input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2] <input type="checkbox"/> RESIDENTIAL PARK, NEW FIELD [1] <input type="checkbox"/> FENCED PASTURE [1] <input type="checkbox"/> OPEN PASTURE, ROWCROP [0]

Indicate predominant land use(s) past 100m riparian.

Comments:

Riparian 10 Maximum 10

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH	CHANNEL WIDTH	CURRENT VELOCITY
Check ONE (ONLY!) <input type="checkbox"/> > 1m [6] <input type="checkbox"/> 0.7-1m [4] <input type="checkbox"/> 0.4-0.7m [2] <input type="checkbox"/> 0.2-0.4m [1] <input type="checkbox"/> < 0.2m [0]	Check ONE (Or 2 & average) <input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2] <input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1] <input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	Check ALL that apply <input type="checkbox"/> TORRENTIAL [-1] <input type="checkbox"/> VERY FAST [1] <input type="checkbox"/> FAST [1] <input type="checkbox"/> MODERATE [1]

Indicate for reach - pools and riffles.

Comments: DRY

Pool / Current 0 Maximum 1

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2] <input type="checkbox"/> BEST AREAS 5-10cm [1] <input type="checkbox"/> BEST AREAS < 5cm [metric=0]	<input type="checkbox"/> MAXIMUM > 50cm [2] <input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2] <input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1] <input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> NONE [2] <input type="checkbox"/> LOW [1] <input type="checkbox"/> MODERATE [0] <input type="checkbox"/> EXTENSIVE [-1]

Comments: No Riffles

Riffle / Run 0 Maximum 1

6) GRADIENT (13 n/mi) ☐ VERY LOW - LOW [2-4] ☒ MODERATE [6-10] ☐ HIGH - VERY HIGH [10-6]

DRAINAGE AREA (mi²) 10.1

% POOL: 0 % GLIDE: 0 % RUN: 0 % RIFFLE: 0

Comments:

Gradient 8 Maximum 10

EPA 4520 980-995 W 2,000' FEET 1379' = 13.1941 mi head 06/16/06

AJ SAMPLED REACH

Check ALL that apply

METHOD

- BOAT ☐ WADE ☐ LINE ☐ OTHER ☒
- DISTANCE ☐ 0.5 Km ☐ 0.2 Km ☐ 0.15 Km ☐ 0.12 Km ☐ OTHER ☐

STAGE

- 1st sample pass 2nd
- HIGH ☐ UP ☐ NORMAL ☐ LOW ☐ DRY ☐

CLARITY

- 1st sample pass 2nd
- < 20 cm ☐ 20-40 cm ☐ 40-70 cm ☐ > 70 cm/CTB ☐
- SECCHI DEPTH ☐ meters

CANOPY

- > 85% - OPEN ☒ 55% - 85% ☐ 30% - 55% ☐ 10% - 30% ☐ < 10% - CLOSED ☐

CJ RECREATION

POOL: ☐ > 100ft ☐ > 3ft

BJ AESTHETICS

- NUISANCE ALGAE ☐ INVASIVE MACROPHYTES ☐ EXCESS TURBIDITY ☐ DISCOLORATION ☐ FOAM / SCUM ☐ OIL SHEEN ☐ TRASH / LITTER ☐ NUISANCE ODOR ☐ SLUDGE DEPOSITS ☐ CSOs/SSOs/OUTFALLS ☐

DJ MAINTENANCE

- PUBLIC / PRIVATE BOTH / NA ☐ ACTIVE / HISTORIC BOTH / NA ☐ YOUNG-SUCCESSION-OLD ☐ SPRAY / SNAG / REMOVED ☐ MODIFIED / DIPPED OUT / NA ☐ LEVEED / ONE SIDED ☐ RELOCATED / CUTOFFS ☐ MOVING-BEDLOAD-STABLE ☐ ARMORED / SLUMPS ☐ ISLANDS / SCoured ☐ IMPOUNDED / DESIGNATED ☐ FLOOD CONTROL / DRAINAGE ☐

EJ ISSUES

- WWTP / CSO / NPDES / INDUSTRY ☐ HARDENED / URBAN / DIRT & GRIME ☐ CONTAMINATED / LANDFILL ☐ BMPs-CONSTRUCTION-SEDIMENT ☐ LOGGING / IRRIGATION / COOLING ☐ BANK EROSION / SURFACE ☐ FALSE BANK / WAREHOUSE / LAGOON ☐ WASH H₂O / TILE / H₂O TABLE ☐ ACID / MINE / QUARRY / FLOW ☐ NATURAL / WETLAND / STAGNANT ☐ PARK / GOLF / LAWN / HOME ☐ ATMOSPHERE / DATA PAUCITY ☐

FJ MEASUREMENTS

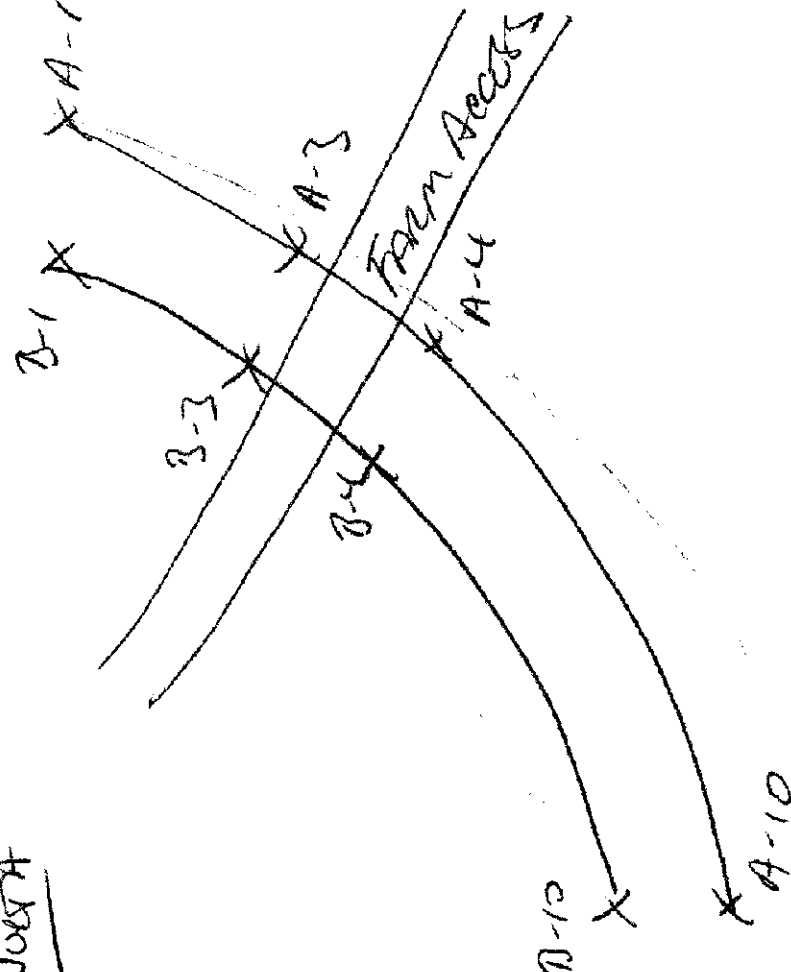
- width ☐ depth ☐ max. depth ☐ bankfull width ☐ bankfull depth ☐ W/D ratio ☐ bankfull max. depth ☐ floodprone x² width ☐ entrench. ratio ☐ Legacy Tree: ☐

Stream Drawing:

HOURLY READ

NOVA

NORTH



SBW046A13

10/62

10/25/09

WATERBODY CROSSING DATA FORM

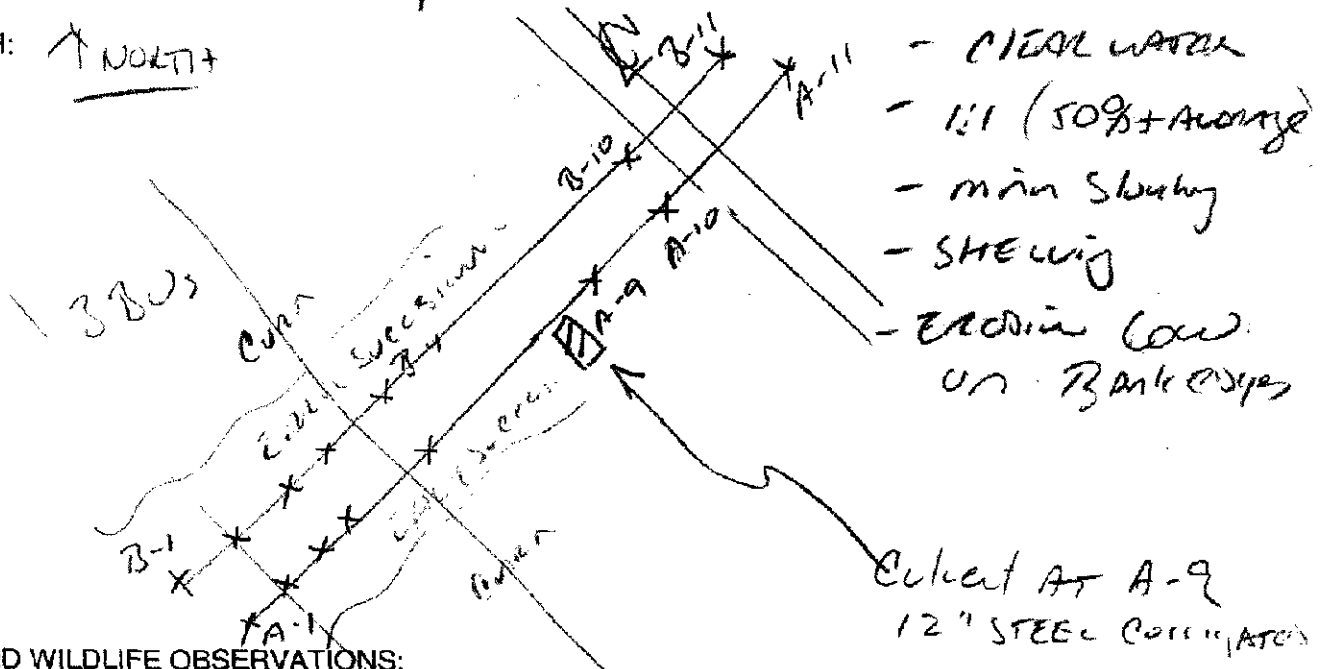
PROJECT: Hardin Wild Farm DATE: 10/25/09

LOCATION: BDS Newgate 127 FIELD CREW: GTJ, SANS

300 (200)

WATERBODY ID	SBW046A13	
GPS FEATURE TYPE (open/closed)(line/polygon)	Line (1-11)	
PHOTO ID and DIRECTION	11 → NNE	
NAME (or tributary to)	FIAT BRANCH	
WATERBODY TYPE (stream/pond/ditch/culvert)	STREAM	
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent	
WIDTH (observed/OHW)	4' / 12'	
DEPTH (observed/OHW)	2" / 4"	
FLOW RATE (dry/stagnant/low/moderate/high)	STAGNANT	
FLOW DIRECTION	NNE	
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silty Cl	
BANK VEGETATION (upland/wetland cover type)	Early Successional	

SKETCH: ↑ NORTH



FISH AND WILDLIFE OBSERVATIONS:

NOTES:

AT B-5 - ~2' wide water / 2" DEEP

mapes AS Intermittent

ST00046A/B M2062

10/25/09

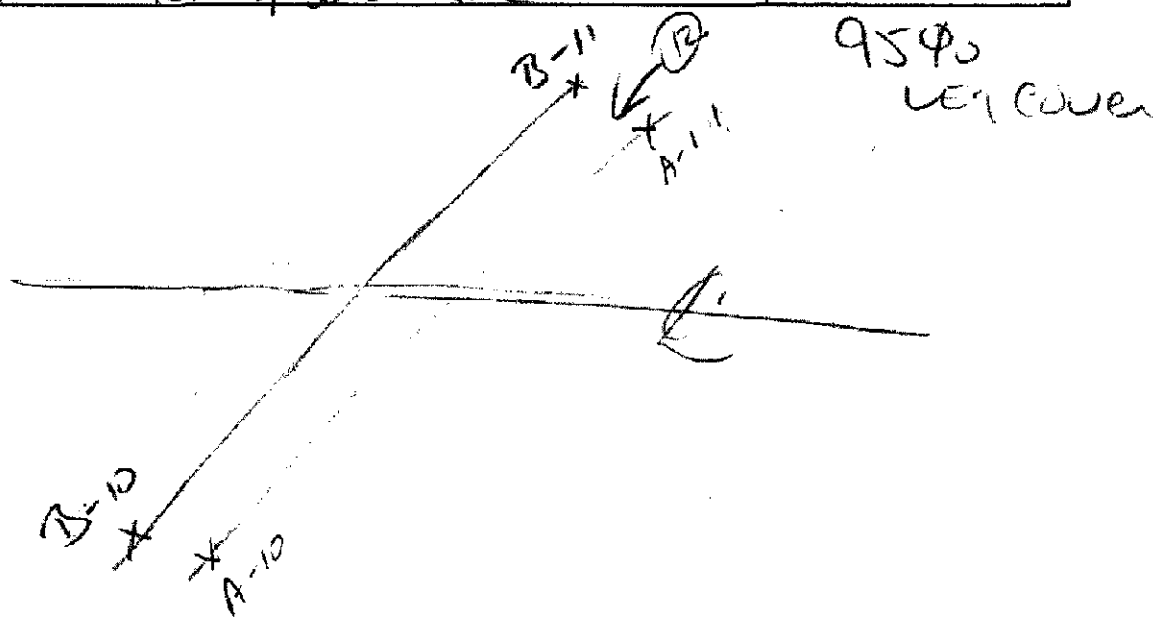
WATERBODY CROSSING DATA FORM

PROJECT: Horseshoe Farm DATE: 10/25/09
 LOCATION: 100 N. of W-127 FIELD CREW: DBS, SWS

WATERBODY ID	ST00046 A/B		
GPS FEATURE TYPE (open/closed)/(line/polygon)	Line (1-11)		
PHOTO ID and DIRECTION	12 → Southwest		
NAME (or tributary to)	Flat Branch		
WATERBODY TYPE (stream/pond/ditch/culvert)	Stream		
FLOW REGIME (perennial/intermittent/ephemeral)	Intermittent		
WIDTH (observed/OHW)	2' / 10'		
DEPTH (observed/OHW)	2" / 4"		
FLOW RATE (dry/stagnant/low/moderate/high)	Stagnant		
FLOW DIRECTION	North East		
SUBSTRATE (mud/silt/gravel/cobble/boulders/bedrock)	Silty clay		
BANK VEGETATION (upland/wetland cover type)	Early Successional		

100 N. of W-127

SKETCH:



FISH AND WILDLIFE OBSERVATIONS:

NOTES:

mapped as Intermittent

530046A13

10/25/09

OhioEPA

Qualitative Habitat Evaluation Index
and Use Assessment Field SheetQHEI Score: **33**Stream & Location: FIAT BRANCHRM: _____ Date: 10/25/09

River Code: _____ STORET #: _____

Scorers Full Name & Affiliation: DELGANTY, LIPKINS - TTECLat/Long: 40.6372 183.7618Office verified location ☐

1) SUBSTRATE Check ONLY Two substrate TYPE BOXES, estimate % or note every type present

Check ONE (Or 2 & average)

BEST TYPES		OTHER TYPES		ORIGIN		QUALITY	
<input type="checkbox"/> BLDR/SLABS [10]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> HARDPAN [4]	<input type="checkbox"/> POOL RIFFLE	<input type="checkbox"/> LIMESTONE [1]	<input type="checkbox"/> SILT	<input type="checkbox"/> HEAVY [-2]	Substrate 3 Maximum 20
<input type="checkbox"/> BOULDER [9]	<input type="checkbox"/>	<input type="checkbox"/> DETRITUS [3]	<input type="checkbox"/>	<input type="checkbox"/> TILLS [1]	<input type="checkbox"/>	<input type="checkbox"/> MODERATE [-1]	
<input type="checkbox"/> COBBLE [8]	<input type="checkbox"/>	<input type="checkbox"/> MUCK [2]	<input type="checkbox"/>	<input type="checkbox"/> WETLANDS [0]	<input type="checkbox"/>	<input type="checkbox"/> NORMAL [0]	
<input type="checkbox"/> GRAVEL [7]	<input type="checkbox"/>	<input type="checkbox"/> SILT [2]	<input type="checkbox"/>	<input type="checkbox"/> SANDSTONE [0]	<input type="checkbox"/>	<input type="checkbox"/> FREE [1]	
<input type="checkbox"/> SAND [6]	<input type="checkbox"/>	<input type="checkbox"/> ARTIFICIAL [0]	<input type="checkbox"/>	<input type="checkbox"/> RIPRAP [0]	<input type="checkbox"/>	<input type="checkbox"/> EXTENSIVE [-2]	
<input type="checkbox"/> BEDROCK [5]	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> LACUSTURINE [0]	<input type="checkbox"/>	<input type="checkbox"/> MODERATE [-1]	
NUMBER OF BEST TYPES: <input checked="" type="checkbox"/> 4 or more [2] <input checked="" type="checkbox"/> 3 or less [0]				(Score natural substrates; ignore sludge from point-sources)		<input type="checkbox"/> NONE [1]	

Comments: _____

2) INSTREAM COVER Indicate presence 0 to 3: 0-Absent; 1-Very small amounts or if more common of marginal quality; 2-Moderate amounts, but not of highest quality or in small amounts of highest quality; 3-Highest quality in moderate or greater amounts (e.g., very large boulders in deep or fast water, large diameter log that is stable, well developed rootwad in deep / fast water, or deep, well-defined, functional pools.

AMOUNT

Check ONE (Or 2 & average)

<input checked="" type="checkbox"/> UNDERCUT BANKS [1]	<input type="checkbox"/> POOLS > 70cm [2]	<input type="checkbox"/> OXBOWS, BACKWATERS [1]	<input type="checkbox"/> EXTENSIVE > 75% [11]
<input checked="" type="checkbox"/> OVERHANGING VEGETATION [1]	<input type="checkbox"/> ROOTWADS [1]	<input type="checkbox"/> AQUATIC MACROPHYTES [1]	<input type="checkbox"/> MODERATE 25-75% [7]
<input type="checkbox"/> SHALLOWS (IN SLOW WATER) [1]	<input type="checkbox"/> BOULDERS [1]	<input type="checkbox"/> LOGS OR WOODY DEBRIS [1]	<input type="checkbox"/> SPARSE 5-25% [3]
<input type="checkbox"/> ROOTMATS [1]			<input type="checkbox"/> NEARLY ABSENT < 5% [1]

Comments: HERMAPYD

Cover Maximum **8**

3) CHANNEL MORPHOLOGY Check ONE in each category (Or 2 & average)

SINUOSITY	DEVELOPMENT	CHANNELIZATION	STABILITY
<input type="checkbox"/> HIGH [4]	<input type="checkbox"/> EXCELLENT [7]	<input type="checkbox"/> NONE [0]	<input type="checkbox"/> HIGH [3]
<input type="checkbox"/> MODERATE [3]	<input type="checkbox"/> GOOD [5]	<input type="checkbox"/> RECOVERED [4]	<input checked="" type="checkbox"/> MODERATE [2]
<input checked="" type="checkbox"/> LOW [2]	<input type="checkbox"/> FAIR [3]	<input type="checkbox"/> RECOVERING [3]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> NONE [1]	<input checked="" type="checkbox"/> POOR [1]	<input type="checkbox"/> RECENT OR NO RECOVERY [1]	

Comments: _____

Channel Maximum **8**

4) BANK EROSION AND RIPARIAN ZONE Check ONE in each category for EACH BANK (Or 2 per bank & average)

EROSION	RIPARIAN WIDTH	FLOOD PLAIN QUALITY
<input checked="" type="checkbox"/> NONE / LITTLE [3]	<input type="checkbox"/> WIDE > 50m [4]	<input type="checkbox"/> FOREST, SWAMP [3]
<input type="checkbox"/> MODERATE [2]	<input type="checkbox"/> MODERATE 10-50m [3]	<input checked="" type="checkbox"/> SHRUB OR OLD FIELD [2]
<input type="checkbox"/> HEAVY / SEVERE [1]	<input type="checkbox"/> NARROW 5-10m [2]	<input type="checkbox"/> RESIDENTIAL, PARK, NEW FIELD [1]
	<input type="checkbox"/> VERY NARROW < 5m [1]	<input type="checkbox"/> FENCED PASTURE [1]
	<input type="checkbox"/> NONE [0]	<input checked="" type="checkbox"/> OPEN PASTURE ROWCROP [0]

Indicate predominant land use(s) past 100m riparian.

Comments: _____

Riparian Maximum **8**

5) POOL / GLIDE AND RIFFLE / RUN QUALITY

MAXIMUM DEPTH	CHANNEL WIDTH	CURRENT VELOCITY	Recreation Potential
Check ONE (ONLY!)	Check ONE (Or 2 & average)	Check ALL that apply	Primary Contact
<input type="checkbox"/> > 1m [8]	<input type="checkbox"/> POOL WIDTH > RIFFLE WIDTH [2]	<input type="checkbox"/> TORRENTIAL [-1]	Secondary Contact
<input type="checkbox"/> 0.7-1m [4]	<input type="checkbox"/> POOL WIDTH = RIFFLE WIDTH [1]	<input type="checkbox"/> SLOW [1]	(circle one and comment on bank)
<input type="checkbox"/> 0.4-0.7m [2]	<input type="checkbox"/> POOL WIDTH < RIFFLE WIDTH [0]	<input type="checkbox"/> INTERSTITIAL [-1]	
<input type="checkbox"/> 0.2-0.4m [1]		<input type="checkbox"/> INTERMITTENT [-2]	
<input checked="" type="checkbox"/> < 0.2m [0]		<input type="checkbox"/> MODERATE [1]	
		<input type="checkbox"/> EDDIES [1]	

Indicate for reach - pools and riffles.

Comments: 2" DEEP GLIDE (0.051 meter)

Pool / Current Maximum **8**

Indicate for functional riffles; Best areas must be large enough to support a population of riffle-obligate species:

Check ONE (Or 2 & average).

RIFFLE DEPTH	RUN DEPTH	RIFFLE / RUN SUBSTRATE	RIFFLE / RUN EMBEDDEDNESS
<input type="checkbox"/> BEST AREAS > 10cm [2]	<input type="checkbox"/> MAXIMUM > 50cm [2]	<input type="checkbox"/> STABLE (e.g., Cobble, Boulder) [2]	<input type="checkbox"/> NONE [2]
<input type="checkbox"/> BEST AREAS 5-10cm [1]	<input type="checkbox"/> MAXIMUM < 50cm [1]	<input type="checkbox"/> MOD. STABLE (e.g., Large Gravel) [1]	<input type="checkbox"/> LOW [1]
<input type="checkbox"/> BEST AREAS < 5cm [metric=0]		<input type="checkbox"/> UNSTABLE (e.g., Fine Gravel, Sand) [0]	<input type="checkbox"/> MODERATE [0]
			<input type="checkbox"/> EXTENSIVE [-1]

Comments: NO RIFFLE

Riffle / Run Maximum **8**

6) GRADIENT (4.1 ft/mi) ☐ VERY LOW - LOW [2-4]DRAINAGE AREA ☐ MODERATE [6-10]☐ HIGH - VERY HIGH [10-6]% POOL: **0**% GLIDE: **100**% RUN: **0**% RIFFLE: **0**Gradient Maximum **6**

980-975 = 6,372.51'

5/

1121 mi = 4.18 ft/mi Gradient

RESPONSE TO 16 (C)

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Delineated Wetland (WBU033)

State: Ohio County/parish/borough: Hardin City: Cessna
Center coordinates of site (lat/long in degree decimal format): Lat. 40.7037° N, Long. 83.7288° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/03/09

☒ Field Determination. Date(s): 10/23/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☒ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☒ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☒ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☒ Impoundments of jurisdictional waters
- ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: 0.320 acres.

c. Limits (boundaries) of jurisdiction based on: [REDACTED]

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**

Identify TNW: .

Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

(i) **General Area Conditions:**

Watershed size: [REDACTED]

Drainage area: [REDACTED]

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

☐ Tributary flows directly into TNW.

☐ Tributary flows through [REDACTED] tributaries before entering TNW.

Project waters are [REDACTED] river miles from TNW.

Project waters are [REDACTED] river miles from RPW.

Project waters are [REDACTED] aerial (straight) miles from TNW.

Project waters are [REDACTED] aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: .

Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: ☐

Primary tributary substrate composition (check all that apply):

☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: ☐

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: ☐

Estimate average number of flow events in review area/year: ☐

Describe flow regime:

Other information on duration and volume:

Surface flow is: ☐. Characteristics:

Subsurface flow: ☐. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☐ Bed and banks
☐ OHWM⁶ (check all indicators that apply):
☐ clear, natural line impressed on the bank
☐ changes in the character of soil
☐ shelving
☐ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ sediment deposition
☐ water staining
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:
☐ the presence of litter and debris
☐ destruction of terrestrial vegetation
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ multiple observed or predicted flow events
☐ abrupt change in plant community

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☐ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: . Explain:

Surface flow is:

Characteristics:

Subsurface flow: . Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are river miles from TNW.

Project waters are aerial (straight) miles from TNW.

Flow is from: .

Estimate approximate location of wetland as within the floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis:

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

☒ TNWs: linear feet width (ft), Or, acres.

☒ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Mapped as unnamed Scioto River tributary with intermediate flow; Bed and bank, water depth of 12 plus inches, low flow conditions, and minnows and mussels observed .

☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:
- ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: 0.230 acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: 0.022 acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
- ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain:
- ☐ Other factors. Explain:

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☒ Tributary waters: linear feet width (ft).
☒ Other non-wetland waters: acres.
Identify type(s) of waters:
☒ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☒ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: **Man-made residential pond with no observed inlet or outlet.**
☒ Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☒ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☒ Lakes/ponds: acres.
☒ Other non-wetland waters: acres. List type of aquatic resource:
☒ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☒ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☒ Lakes/ponds: 0.320 acres.
☒ Other non-wetland waters: acres. List type of aquatic resource:
☒ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant.
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☒ Data sheets prepared by the Corps:
☒ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.
☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.
☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.
☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.
☒ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

- or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Delineated Wetland (WBU004)

State: Ohio County/parish/borough: Hardin City: Marion
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6931° N, Long. 83.8135° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Mapped Unnamed Intermittent Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/03/09

☒ Field Determination. Date(s): 10/19/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **are** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☒ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☒ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☒ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☒ Impoundments of jurisdictional waters
- ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: 0.127 acres.

c. Limits (boundaries) of jurisdiction based on: [REDACTED]

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: [REDACTED]

Drainage area: [REDACTED]

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through [REDACTED] tributaries before entering TNW.

Project waters are [REDACTED] river miles from TNW.

Project waters are [REDACTED] river miles from RPW.

Project waters are [REDACTED] aerial (straight) miles from TNW.

Project waters are [REDACTED] aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: .

Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: ☐

Primary tributary substrate composition (check all that apply):

☐ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover:
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: ☐

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: ☐

Estimate average number of flow events in review area/year: ☐

Describe flow regime:

Other information on duration and volume:

Surface flow is: ☐. Characteristics:

Subsurface flow: ☐. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☐ Bed and banks
☐ OHWM⁶ (check all indicators that apply):
☐ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by: ☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☐ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: 0.1267 acres

Wetland type. Explain: Palustrine Emergent/Palustrine Open Water.

Wetland quality. Explain: Low quality - man made bermed farm pond with fringe emergent wetlands (approximately 3 feet wide).

Project wetlands cross or serve as state boundaries. Explain: No.

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Intermittent flow~~. Explain: Wetland is culverted to mapped unnamed intermittent Scioto River tributary to the west. Exchange between the farm pond and tributary through the culvert would occur intermittently (flow - less than three months).

Surface flow is: ~~Surface flow~~

Characteristics: Culverted.

Subsurface flow: ~~Subsurface flow~~. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☒ Not directly abutting

☒ Discrete wetland hydrologic connection. Explain: Farm pond is hydrologically connected to an unnamed Scioto River tributary via an 18 inch PVC culvert.

☐ Ecological connection. Explain:

☒ Separated by berm/barrier. Explain: The wetland and tributary are separated by an earthen berm.

(d) Proximity (Relationship) to TNW

Project wetlands are ~~0.1267~~ river miles from TNW.

Project waters are ~~0.1267~~ aerial (straight) miles from TNW.

Flow is from: ~~Scioto River~~

Estimate approximate location of wetland as within the ~~0.1267~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Water Generally Clear.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields.

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☒ Vegetation type/percent cover. Explain: Emergent/90% - Aquatic/80%.
- ☒ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☒ Fish/spawn areas. Explain findings: Potential Only - None Observed.
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~0.1267~~

Approximately (0.1267) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Wetland (farm pond with fringe wetlands) is hydrologically connected to unnamed Scioto River tributary via an 18 inch culvert. Interchange could potentially occur into and out of the pond from the tributary. Tributary discharges indirectly to non TNW portion of the Scioto River.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
☒ TNWs: linear feet width (ft), Or, acres.
☒ Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Mapped as unnamed Scioto River tributary with intermediate flow; Bed and bank, water depth of 12 plus inches, low flow conditions, and minnows and mussels observed.
☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☒ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: 0.1267 acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .

☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource:

☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource:

☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: .

☐ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.

☒ USGS NHD data.

☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.

☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.

☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.

☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

- ☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.
or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Delineated Wetland (WBU044)

State: Ohio County/parish/borough: Hardin City: McDonald
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6418° Long. 87.7434°
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: McCoy Run

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/03/09

☒ Field Determination. Date(s): 10/25/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☒ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: 0.954 acres.

c. Limits (boundaries) of jurisdiction based on:

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: [REDACTED]

Drainage area: [REDACTED]

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through [REDACTED] tributaries before entering TNW.

Project waters are [REDACTED] river miles from TNW.

Project waters are [REDACTED] river miles from RPW.

Project waters are [REDACTED] aerial (straight) miles from TNW.

Project waters are [REDACTED] aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: .

Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: ☐ 1:1.

Primary tributary substrate composition (check all that apply):

<input type="checkbox"/> Silts	<input type="checkbox"/> Sands	<input type="checkbox"/> Concrete
<input type="checkbox"/> Cobbles	<input type="checkbox"/> Gravel	<input type="checkbox"/> Muck
<input type="checkbox"/> Bedrock	<input type="checkbox"/> Vegetation. Type/% cover:	
<input type="checkbox"/> Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: ☐ 1:1.

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: ☐ 1:1.

Estimate average number of flow events in review area/year: ☐ 1:1.

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: ☐ 1:1. Characteristics: .

Subsurface flow: ☐ 1:1. Explain findings: .

☐ Dye (or other) test performed: .

Tributary has (check all that apply):

<input type="checkbox"/> Bed and banks	
<input type="checkbox"/> OHWM ⁶ (check all indicators that apply):	
<input type="checkbox"/> clear, natural line impressed on the bank	<input type="checkbox"/> the presence of litter and debris
<input type="checkbox"/> changes in the character of soil	<input type="checkbox"/> destruction of terrestrial vegetation
<input type="checkbox"/> shelving	<input type="checkbox"/> the presence of wrack line
<input type="checkbox"/> vegetation matted down, bent, or absent	<input type="checkbox"/> sediment sorting
<input type="checkbox"/> leaf litter disturbed or washed away	<input type="checkbox"/> scour
<input type="checkbox"/> sediment deposition	<input type="checkbox"/> multiple observed or predicted flow events
<input type="checkbox"/> water staining	<input type="checkbox"/> abrupt change in plant community
<input type="checkbox"/> other (list):	
<input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: .	

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

<input checked="" type="checkbox"/> High Tide Line indicated by:	<input checked="" type="checkbox"/> Mean High Water Mark indicated by:
<input type="checkbox"/> oil or scum line along shore objects	<input type="checkbox"/> survey to available datum;
<input type="checkbox"/> fine shell or debris deposits (foreshore)	<input type="checkbox"/> physical markings;
<input type="checkbox"/> physical markings/characteristics	<input type="checkbox"/> vegetation lines/changes in vegetation types.
<input type="checkbox"/> tidal gauges	
<input type="checkbox"/> other (list):	

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: .

Identify specific pollutants, if known: .

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: . Explain:

Surface flow is: .

Characteristics:

Subsurface flow: . Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain:

☐ Ecological connection. Explain:

☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are river miles from TNW.

Project waters are aerial (straight) miles from TNW.

Flow is from: .

Estimate approximate location of wetland as within the floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis:

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Mapped as unnamed Scioto River tributary with intermediate flow; Bed and bank, water depth of 12 plus inches, low flow conditions, and minnows and mussels observed.
- ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: 0.230 acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: 0.022 acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: **Man-made residential pond with no observed inlet or outlet.**
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: 0.954 acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center, 1999 - Present.
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.
☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.
☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.
☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water, Hardin County FEMA NFIP maps; 1/9/1974.
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

- or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Delineated Wetland (WBU018AB)

State: Ohio County/parish/borough: Hardin City: Cessna
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6853° N, Long. 83.7572° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Scioto River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☒ Office (Desk) Determination. Date: 12/03/09
☒ Field Determination. Date(s): 10/21/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

- ☐ Waters subject to the ebb and flow of the tide.
☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
☐ Wetlands adjacent to TNWs
☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
☐ Non-RPWs that flow directly or indirectly into TNWs
☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
☐ Impoundments of jurisdictional waters
☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: 0.230 acres.

c. Limits (boundaries) of jurisdiction based on: [REDACTED]

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

- ☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapados* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: [REDACTED]

Drainage area: [REDACTED]

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through [REDACTED] tributaries before entering TNW.

Project waters are [REDACTED] river miles from TNW.

Project waters are [REDACTED] river miles from RPW.

Project waters are [REDACTED] aerial (straight) miles from TNW.

Project waters are [REDACTED] aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: .

Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: 1:1

Primary tributary substrate composition (check all that apply):

<input type="checkbox"/> Silts	<input type="checkbox"/> Sands	<input type="checkbox"/> Concrete
<input type="checkbox"/> Cobbles	<input type="checkbox"/> Gravel	<input type="checkbox"/> Muck
<input type="checkbox"/> Bedrock	<input type="checkbox"/> Vegetation. Type/% cover:	
<input type="checkbox"/> Other. Explain:		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: 1:1

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: 1:1

Estimate average number of flow events in review area/year: 1:1

Describe flow regime:

Other information on duration and volume:

Surface flow is: 1:1. Characteristics:

Subsurface flow: 1:1. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

<input type="checkbox"/> Bed and banks	
<input type="checkbox"/> OHWM ⁶ (check all indicators that apply):	
<input type="checkbox"/> clear, natural line impressed on the bank	<input type="checkbox"/> the presence of litter and debris
<input type="checkbox"/> changes in the character of soil	<input type="checkbox"/> destruction of terrestrial vegetation
<input type="checkbox"/> shelving	<input type="checkbox"/> the presence of wrack line
<input type="checkbox"/> vegetation matted down, bent, or absent	<input type="checkbox"/> sediment sorting
<input type="checkbox"/> leaf litter disturbed or washed away	<input type="checkbox"/> scour
<input type="checkbox"/> sediment deposition	<input type="checkbox"/> multiple observed or predicted flow events
<input type="checkbox"/> water staining	<input type="checkbox"/> abrupt change in plant community
<input type="checkbox"/> other (list):	
<input type="checkbox"/> Discontinuous OHWM. ⁷ Explain:	

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

<input checked="" type="checkbox"/> High Tide Line indicated by:	<input checked="" type="checkbox"/> Mean High Water Mark indicated by:
<input type="checkbox"/> oil or scum line along shore objects	<input type="checkbox"/> survey to available datum;
<input type="checkbox"/> fine shell or debris deposits (foreshore)	<input type="checkbox"/> physical markings;
<input type="checkbox"/> physical markings/characteristics	<input type="checkbox"/> vegetation lines/changes in vegetation types.
<input type="checkbox"/> tidal gauges	
<input type="checkbox"/> other (list):	

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: 0.230 acres

Wetland type. Explain: Palustrine forested/scrub/shrub/emergent.

Wetland quality. Explain: Moderate quality - Several established strata; Part of 125 foot wide forested area surrounded by agricultural fields.

Project wetlands cross or serve as state boundaries. Explain: No.

(b) General Flow Relationship with Non-TNW:

Flow is: ~~No Flow~~. Explain: Wetland is separated from non TNW portion of Scioto River by an approximately 100 foot wide upland area which includes a bermed area associated with the Scioto River and an abandoned rail road right-of-way.

Surface flow is: ~~No Flow~~

Characteristics:

Subsurface flow: ~~No Flow~~. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☒ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☒ Ecological connection. Explain: The wetland is separated from the Scioto River by an approximately 100 foot wide upland area; This upland includes woody species that would provide cover for wildlife transitioning between these two features..
 - ☒ Separated by berm/barrier. Explain: The wetland and Scioto River are separated by an earthen berms associated with the Scioto River and an abandoned rail road easement.

(d) Proximity (Relationship) to TNW

Project wetlands are ~~0.230~~ river miles from TNW.

Project waters are ~~0.230~~ aerial (straight) miles from TNW.

Flow is from: ~~Scioto River~~.

Estimate approximate location of wetland as within the ~~0.230~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Well established wetland vegetation, soils and hydrology.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields.

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☒ Vegetation type/percent cover. Explain: Forested/40%; Scrub Shrub/30%; Emergent/80%.
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~0.230~~

Approximately (0.230) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Wetland is located approximately 100 feet from the Scioto River (non TNW portion). No hydrologic connection was observed. Upland area between the wetland and Scioto River includes woody material that could be used as cover for wildlife; A bermed area associated with the Scioto River and an abandoned rail road right-of-way also occurred within this upland area.

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - ☐ TNWs: linear feet width (ft), Or, acres.
 - ☐ Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Mapped as unnamed Scioto River tributary with intermediate flow; Bed and bank, water depth of 12 plus inches, low flow conditions, and minnows and mussels observed.
 - ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

- ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☒ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: 0.230 acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
- ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain: .

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

☒ Other factors. Explain:

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☒ Tributary waters: linear feet width (ft).

☒ Other non-wetland waters: acres.

Identify type(s) of waters:

☒ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☒ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

☒ Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☒ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☒ Lakes/ponds: acres.

☒ Other non-wetland waters: acres. List type of aquatic resource:

☒ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☒ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☒ Lakes/ponds: acres.

☒ Other non-wetland waters: acres. List type of aquatic resource:

☒ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☒ Data sheets prepared by the Corps:

☒ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.

☒ USGS NHD data.

☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.

☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.

☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.

☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.

☒ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

or ☐ Other (Name & Date): .

☐ Previous determination(s). File no. and date of response letter: .

☐ Applicable/supporting case law: .

☐ Applicable/supporting scientific literature: .

☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Delineated Wetland (WBU031)

State: Ohio County/parish/borough: Hardin City: Cessna
Center coordinates of site (lat/long in degree decimal format): Lat. 40.7039° N, Long. 83.7479° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/03/09

☒ Field Determination. Date(s): 10/23/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☒ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☒ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☒ Impoundments of jurisdictional waters
- ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.
Wetlands: 0.022 acres.

c. Limits (boundaries) of jurisdiction based on: [REDACTED]

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: [REDACTED]

Drainage area: [REDACTED]

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☐ Tributary flows through [REDACTED] tributaries before entering TNW.

Project waters are [REDACTED] river miles from TNW.

Project waters are [REDACTED] river miles from RPW.

Project waters are [REDACTED] aerial (straight) miles from TNW.

Project waters are [REDACTED] aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW⁵: .

Tributary stream order, if known: .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: ~~1:1~~

Primary tributary substrate composition (check all that apply):

<input type="checkbox"/> Silts	<input type="checkbox"/> Sands	<input type="checkbox"/> Concrete
<input type="checkbox"/> Cobbles	<input type="checkbox"/> Gravel	<input type="checkbox"/> Muck
<input type="checkbox"/> Bedrock	<input type="checkbox"/> Vegetation. Type/% cover:	
<input type="checkbox"/> Other. Explain: .		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: .

Presence of run/riffle/pool complexes. Explain: .

Tributary geometry: ~~1:1~~

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: ~~1:1~~

Estimate average number of flow events in review area/year: ~~1:1~~

Describe flow regime: .

Other information on duration and volume: .

Surface flow is: ~~1:1~~. Characteristics: .

Subsurface flow: ~~1:1~~. Explain findings: .

☐ Dye (or other) test performed: .

Tributary has (check all that apply):

<input type="checkbox"/> Bed and banks	
<input type="checkbox"/> OHWM ⁶ (check all indicators that apply):	
<input type="checkbox"/> clear, natural line impressed on the bank	<input type="checkbox"/> the presence of litter and debris
<input type="checkbox"/> changes in the character of soil	<input type="checkbox"/> destruction of terrestrial vegetation
<input type="checkbox"/> shelving	<input type="checkbox"/> the presence of wrack line
<input type="checkbox"/> vegetation matted down, bent, or absent	<input type="checkbox"/> sediment sorting
<input type="checkbox"/> leaf litter disturbed or washed away	<input type="checkbox"/> scour
<input type="checkbox"/> sediment deposition	<input type="checkbox"/> multiple observed or predicted flow events
<input type="checkbox"/> water staining	<input type="checkbox"/> abrupt change in plant community
<input type="checkbox"/> other (list):	
<input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: .	

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

<input checked="" type="checkbox"/> High Tide Line indicated by:	<input checked="" type="checkbox"/> Mean High Water Mark indicated by:
<input type="checkbox"/> oil or scum line along shore objects	<input type="checkbox"/> survey to available datum;
<input type="checkbox"/> fine shell or debris deposits (foreshore)	<input type="checkbox"/> physical markings;
<input type="checkbox"/> physical markings/characteristics	<input type="checkbox"/> vegetation lines/changes in vegetation types.
<input type="checkbox"/> tidal gauges	
<input type="checkbox"/> other (list):	

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: .

Identify specific pollutants, if known: .

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: 0.022 acres

Wetland type. Explain: Palustrine emergent.

Wetland quality. Explain: Low quality - Emergent road side wetland dominated by *Phalaris arundinacea*.

Project wetlands cross or serve as state boundaries. Explain: No.

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Surface flow~~. Explain: Wetland is located within an agricultural swale that drains to an unnamed Scioto River tributary, which discharges directly to non TNW portion of the Scioto River.

Surface flow is: ~~Discrete~~

Characteristics: Surface flow, although not observed, would follow the agricultural swale.

Subsurface flow: ~~Discrete~~. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☒ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are ~~0.1~~ river miles from TNW.

Project waters are ~~0.1~~ aerial (straight) miles from TNW.

Flow is from: ~~0.1~~

Estimate approximate location of wetland as within the ~~0.1~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Roadside emergent wetland located in an agricultural swale dominated by *Phalaris arundinacea*.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields; road runoff.

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☒ Vegetation type/percent cover. Explain: Scrub shrub/15%; Emergent/95%.
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~0~~

Approximately (0.022) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: Wetland is located within an agricultural swale that drains to an unnamed tributary to the Scioto River, which discharges directly to non TNW portion of the Scioto River.
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Mapped as unnamed Scioto River tributary with intermediate flow; Bed and bank, water depth of 12 plus inches, low flow conditions, and minnows and mussels observed.
☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: 0.230 acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☒ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: 0.022 acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☒ Tributary waters: linear feet width (ft).
☒ Other non-wetland waters: acres.
Identify type(s) of waters: .
☒ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☒ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☒ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☒ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☒ Lakes/ponds: acres.
☒ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☒ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☒ Lakes/ponds: acres.
☒ Other non-wetland waters: acres. List type of aquatic resource: .
☒ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☒ Data sheets prepared by the Corps:
☒ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.
☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.
☒ State/Local wetland inventory map(s): Ohio Wetlands Inventroy - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.
☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.
☒ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

- or ☐ Other (Name & Date): .
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 125

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Flat Branch (SAR013AB)

State: Ohio

County/parish/borough: Hardin

City: McDonald

Center coordinates of site (lat/long in degree decimal format): Lat. 40.6623° N, Long. 83.7695° W

Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Flat Branch

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/01/09

☒ Field Determination. Date(s): 10/21/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 60 linear feet: 10 width (ft) and/or .0138 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: [REDACTED]

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 acres

Drainage area: 48826.03 acres

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through 2 tributaries before entering TNW.

Project waters are 30.0 river miles from TNW.

Project waters are 10.0 river miles from RPW.

Project waters are 30.0 aerial (straight) miles from TNW.

Project waters are 10.0 aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Flat Branch discharges directly to non-TNW portion of Scioto River.

Tributary stream order, if known: Two (2).

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☒ Manipulated (man-altered). Explain: Channelized Flat Branch.

Tributary properties with respect to top of bank (estimate):

Average width: 10 feet

Average depth: 2.5 feet

Average side slopes: 2:1

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable Vegetated Banks.

Presence of run/riffle/pool complexes. Explain: None - Glide.

Tributary geometry: 100 ft wide

Tributary gradient (approximate average slope): (7.6 ft/mi) %

(c) Flow:

Tributary provides for: 100 ft wide

Estimate average number of flow events in review area/year: 100

Describe flow regime: Seasonal Flow - Greater than three months.

Other information on duration and volume: Stagnant.

Surface flow is: 100 ft wide. Characteristics:

Subsurface flow: 100 ft wide. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☒ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Clear.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☒ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☒ Fish/spawn areas. Explain findings: Minnows Observed.
 - ☒ Other environmentally-sensitive species. Explain findings: Mussel Observed.
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Intermittent. Explain:

Surface flow is: Intermittent

Characteristics:

Subsurface flow: Intermittent. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are 1.5 river miles from TNW.

Project waters are 1.5 aerial (straight) miles from TNW.

Flow is from: Intermittent

Estimate approximate location of wetland as within the 1.5 floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: 1.5

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Mapped as Flat Branch with intermittent flow; Bed and bank, water depth of six inches, and stagnant flow conditions observed.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.
☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.
☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.
☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.
or ☐ Other (Name & Date): .

- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Unnamed Scioto River Tributary (SAR022AB)

State: Ohio County/parish/borough: Hardin City: McDonald

Center coordinates of site (lat/long in degree decimal format): Lat. 40.6743° N Long. 83.7523° W

Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/01/09

☒ Field Determination. Date(s): 10/22/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~Are~~ Are "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☒ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~Are~~ Are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☒ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☒ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☒ Impoundments of jurisdictional waters
- ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 60 linear feet: 6 width (ft) and/or .0083 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: [REDACTED]

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapans* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 acres

Drainage area: 48826.03 acres

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through 2 tributaries before entering TNW.

Project waters are 30 (or less) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 50 (or less) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Unnamed tributary (roadside ditch) drains to unnamed Scioto River tributary, which discharges directly to non TNW portion of the Scioto River. .

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: One (1).

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Agricultural/Roadside Ditch.
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 6 feet
Average depth: 2 feet
Average side slopes: 3:1.

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☐ Vegetation. Type/% cover: Emergent/100%
☒ Other. Explain: Clay.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable Banks; Vegetated.

Presence of run/riffle/pool complexes. Explain: None - Dry.

Tributary geometry: ~~Rectangular~~

Tributary gradient (approximate average slope): (12.8 ft/mi) %

(c) Flow:

Tributary provides for: ~~Flow~~

Estimate average number of flow events in review area/year: ~~1~~

Describe flow regime: Non-RPW; Flow - Less than three months.

Other information on duration and volume: Dry.

Surface flow is: ~~Confined~~. Characteristics:

Subsurface flow: ~~Unknown~~. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank
☐ changes in the character of soil
☐ shelving
☒ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ sediment deposition
☐ water staining
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:
☐ the presence of litter and debris
☐ destruction of terrestrial vegetation
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ multiple observed or predicted flow events
☒ abrupt change in plant community

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☒ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Dry.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from proximal agricultural fields.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: . Explain:

Surface flow is:

Characteristics:

Subsurface flow: . Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are river miles from TNW.

Project waters are aerial (straight) miles from TNW.

Flow is from: .

Estimate approximate location of wetland as within the floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis:

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: Unmapped roadside ditch drains indirectly through mapped unnamed Scioto River tributary to non TNW portion of the Scioto River..
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☒ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: .

☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☒ Tributary waters: linear feet width (ft).

☒ Other non-wetland waters: acres.

Identify type(s) of waters:

☒ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☒ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

☒ Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☒ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☒ Lakes/ponds: acres.

☒ Other non-wetland waters: acres. List type of aquatic resource:

☒ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☒ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

☒ Lakes/ponds: acres.

☒ Other non-wetland waters: acres. List type of aquatic resource:

☒ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☒ Data sheets prepared by the Corps:

☒ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.

☒ USGS NHD data.

☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.

☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.

☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.

☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.

☒ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

or ☐ Other (Name & Date):

- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: McCoy Run (SAR041AB)

State: Ohio County/parish/borough: Hardin City: Lynn
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6213° Long. 83.7245°
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: McCoy Run

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/03/09

☒ Field Determination. Date(s): 10/24/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☒ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☒ TNWs, including territorial seas
- ☒ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☒ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☒ Impoundments of jurisdictional waters
- ☒ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 65 linear feet: 10 width (ft) and/or .0149 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: [REDACTED]

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 [REDACTED]
Drainage area: 29780.543 [REDACTED]
Average annual rainfall: 35.65 inches
Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- ☐ Tributary flows directly into TNW.
☒ Tributary flows through [REDACTED] tributaries before entering TNW.

Project waters are [REDACTED] river miles from TNW.
Project waters are [REDACTED] river miles from RPW.
Project waters are [REDACTED] aerial (straight) miles from TNW.
Project waters are [REDACTED] aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: McCoy Run discharges directly to Non TNW portion of Scioto River.
Tributary stream order, if known: Two (2).

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☒ Manipulated (man-altered). Explain: Chanalized McCoy Run.

Tributary properties with respect to top of bank (estimate):

Average width: 10 feet

Average depth: 3 feet

Average side slopes: 2:1

Primary tributary substrate composition (check all that apply):

☒ Silts ☒ Sands ☐ Concrete
☒ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent/10%
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Both Banks Highly Eroded; Abundant Sloughing Banks.

Presence of run/riffle/pool complexes. Explain: Some interstitial runs - Stagnant.

Tributary geometry: [redacted]

Tributary gradient (approximate average slope): (34.8 ft/mi) %

(c) Flow:

Tributary provides for: [redacted]

Estimate average number of flow events in review area/year: [redacted]

Describe flow regime: Seasonal Flow - Greater than three months.

Other information on duration and volume: Stagnant; Some low flow between pools.

Surface flow is: [redacted]. Characteristics:

Subsurface flow: [redacted]. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☒ shelving ☐ the presence of wrack line
☒ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☒ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☒ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Moderate Turbidity.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from proximal agricultural fields.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☒ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☒ Fish/spawn areas. Explain findings: Minnows Observed.
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

- Wetland size: acres
- Wetland type. Explain:
- Wetland quality. Explain:
- Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Intermittent~~. Explain:

Surface flow is: ~~Intermittent~~

Characteristics:

Subsurface flow: ~~Intermittent~~. Explain findings:

- ☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are ~~1/2~~ river miles from TNW.

Project waters are ~~1/2~~ aerial (straight) miles from TNW.

Flow is from: ~~Intermittent~~

Estimate approximate location of wetland as within the ~~1/2~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~1/2~~

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

☐ TNWs: linear feet width (ft), Or, acres.

☐ Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:

☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Mapped as McCoy Run with intermittent flow; Bed and banks, water depth of 8 inches and stagnant to low flow conditions observed.

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: .

☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.
☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.
☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.
☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.
or ☐ Other (Name & Date): .

- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Unnamed McCoy Run Tributary (SAR042AB)

State: Ohio

County/parish/borough: Hardin

City: Lynn

Center coordinates of site (lat/long in degree decimal format): Lat. 40.6401° ☒ Long. 83.7171° ☒

Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed McCoy Run Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 12/01/09

☒ Field Determination. Date(s): 10/25/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

☐ TNWs, including territorial seas

☐ Wetlands adjacent to TNWs

☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

☐ Non-RPWs that flow directly or indirectly into TNWs

☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

☐ Impoundments of jurisdictional waters

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 68 linear feet: 12 width (ft) and/or .0187 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: ~~boundary of OHWM~~

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanns* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 acres

Drainage area: 29780.543 acres

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through 3 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are 1 (or more) river miles from RPW.

Project waters are 30 (or more) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Unnamed tributary drains to McCoy Run, which discharges directly to non TNW portion of the Scioto River.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: One (1).

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain:
☒ Manipulated (man-altered). Explain: Channalized McCoy Run Tributary.

Tributary properties with respect to top of bank (estimate):

Average width: 12 feet

Average depth: 3 feet

Average side slopes: 2:1

Primary tributary substrate composition (check all that apply):

☒ Silts ☒ Sands ☐ Concrete
☒ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent/75%
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Moderate Bank Sloughing.

Presence of run/riffle/pool complexes. Explain: None - Stagnant and Dry.

Tributary geometry: Rectangular

Tributary gradient (approximate average slope): (20 ft/mi) %

(c) Flow:

Tributary provides for: Baseflow

Estimate average number of flow events in review area/year: 12

Describe flow regime: Seasonal Flow - Greater than three months.

Other information on duration and volume: Stagnant and Dry.

Surface flow is: Discrete and intermittent. Characteristics:

Subsurface flow: Unknown. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☒ shelving ☐ the presence of wrack line
☒ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☒ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☒ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water in Pools Relatively Clear.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from proximal agricultural fields.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Pick List~~. Explain:

Surface flow is: ~~Pick List~~

Characteristics:

Subsurface flow: ~~Pick List~~. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

☐ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain:

☐ Ecological connection. Explain:

☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are ~~Pick List~~ river miles from TNW.

Project waters are ~~Pick List~~ aerial (straight) miles from TNW.

Flow is from: ~~Pick List~~.

Estimate approximate location of wetland as within the ~~Pick List~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~Pick List~~

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- ☐ TNWs: linear feet width (ft), Or, acres.
- ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
- ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Mapped unnamed McCoy Run tributary with intermittent flow; Bed and bank, water depth of 6 inches, and dry to stagnant flow conditions observed.

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: .

☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

☐ Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource:

☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource:

☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center, 1999 - Present.

☒ USGS NHD data.

☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.

☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.

☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.

☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

or ☐ Other (Name & Date):

- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: *Huntington District; Hardin Wind Farm*

C. PROJECT LOCATION AND BACKGROUND INFORMATION: *Unnamed Scioto River Tributary (SAR105AB)*

State: *Ohio* County/parish/borough: *Hardin* City: *McDonald*
Center coordinates of site (lat/long in degree decimal format): Lat. *40.6254°* N, Long. *83.8017°* W
Universal Transverse Mercator: *NAD 83 Decimal*

Name of nearest waterbody: *Unnamed Scioto River Tributary*

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: *Scioto River at mile 175, near Green Camp*

Name of watershed or Hydrologic Unit Code (HUC): *5060001*

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: *12/01/09*

☒ Field Determination. Date(s): *10/28/09*

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ *no* "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: _____

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ *no* "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☐ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☒ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: *60* linear feet: *10* width (ft) and/or *.0138* acres.

Wetlands: _____ acres.

c. Limits (boundaries) of jurisdiction based on: *_____*

Elevation of established OHWM (if known): _____

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: _____

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 ~~acres~~
Drainage area: 48826.03 ~~acres~~
Average annual rainfall: 35.65 inches
Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- ☐ Tributary flows directly into TNW.
☒ Tributary flows through ~~3~~ tributaries before entering TNW.

Project waters are ~~30 (or more)~~ river miles from TNW.
Project waters are ~~1-2~~ river miles from RPW.
Project waters are ~~30 (or more)~~ aerial (straight) miles from TNW.
Project waters are ~~1 (or less)~~ aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Unnamed tributary discharges directly to non TNW portion of Scioto River.
Tributary stream order, if known: None assigned; Scioto River stream order is Three (3).

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Agricultural Ditch.
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 10 feet
Average depth: 1 foot
Average side slopes: 3:1

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent/95%
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable Vegetated Banks.

Presence of run/riffle/pool complexes. Explain: None - Dry.

Tributary geometry: 10 ft wide

Tributary gradient (approximate average slope): (9.6 ft/mi) %

(c) Flow:

Tributary provides for: 10 ft wide

Estimate average number of flow events in review area/year: 10

Describe flow regime: Non-RPW (Flow - Less than three months).

Other information on duration and volume: Dry.

Surface flow is: Confined. Characteristics:

Subsurface flow: Unknown. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☐ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☒ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☐ physical markings;
☐ physical markings/characteristics ☒ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Dry.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from proximal agricultural fields.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Intermittent. Explain:

Surface flow is: Intermittent

Characteristics:

Subsurface flow: Intermittent. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are Intermittent river miles from TNW.

Project waters are Intermittent aerial (straight) miles from TNW.

Flow is from: Intermittent.

Estimate approximate location of wetland as within the Intermittent floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: Intermittent

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: Unmapped Scioto River Tributary (Agricultural Ditch) discharges directly to non-TNW portion of Scioto River.
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
☒ TNWs: linear feet width (ft), Or, acres.
☒ Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Mapped Intermittent McCoy Run Tributary.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☒ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource:
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps:
☐ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.
☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.
☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.
☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.
or ☐ Other (Name & Date): .

- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Unnamed Scioto River Tributary (SBU001AB)

State: Ohio County/parish/borough: Hardin City: Marion

Center coordinates of site (lat/long in degree decimal format): Lat. 40.7003° N, Long. 83.8388° W

Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 506001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 11/24/09

☒ Field Determination. Date(s): 10/19/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are no~~ "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☒ Waters subject to the ebb and flow of the tide.

☒ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

☐ TNWs, including territorial seas

☐ Wetlands adjacent to TNWs

☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

☐ Non-RPWs that flow directly or indirectly into TNWs

☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

☐ Impoundments of jurisdictional waters

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 40 linear feet: 8 width (ft) and/or .0073 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: ~~Established High Water Mark~~

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

I. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 [redacted]

Drainage area: 12489.011 [redacted]

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through [redacted] tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are 10 (or more) river miles from RPW.

Project waters are 30 (or more) aerial (straight) miles from TNW.

Project waters are 10 (or more) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Discharges to non TNW portion of the Scioto River indirectly through three unnamed Scioto River tributaries.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: None assigned; next tributary stream order is One (1) .

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Agricultural Drainage Ditch.
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 8 feet

Average depth: 2 feet

Average side slopes: 5:1

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable Vegetated.

Presence of run/riffle/pool complexes. Explain: None - Glide.

Tributary geometry: ~~Rectangular~~

Tributary gradient (approximate average slope): (4 ft/mi) %

(c) Flow:

Tributary provides for: ~~Seasonal flow~~

Estimate average number of flow events in review area/year: ~~10-15 events~~

Describe flow regime: Seasonal flow - greater than three months.

Other information on duration and volume: Stagnant.

Surface flow is: ~~Discontinuous~~. Characteristics:

Subsurface flow: ~~Unknown~~. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank
☐ changes in the character of soil
☐ shelving
☐ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ sediment deposition
☐ water staining
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:
☐ the presence of litter and debris
☐ destruction of terrestrial vegetation
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ multiple observed or predicted flow events
☐ abrupt change in plant community

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☐ physical markings;
☐ physical markings/characteristics ☒ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Clear.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Pick List~~. Explain:

Surface flow is: ~~Pick List~~

Characteristics:

Subsurface flow: ~~Pick List~~. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are ~~Pick List~~ river miles from TNW.

Project waters are ~~Pick List~~ aerial (straight) miles from TNW.

Flow is from: ~~Pick List~~

Estimate approximate location of wetland as within the ~~Pick List~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~Pick List~~

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Unmapped Scioto River tributary; Bed and bank, water depth of 4 inches, and stagnant flow conditions observed.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .
☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .
☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☐ Lakes/ponds: acres.
☐ Other non-wetland waters: acres. List type of aquatic resource: .
☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: .
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☐ Data sheets prepared by the Corps: .
☐ Corps navigable waters' study: .
☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.
☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.
☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.
☒ FEMA/FIRM maps: Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.
☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.
or ☐ Other (Name & Date): .
☐ Previous determination(s). File no. and date of response letter: .

- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Unnamed Scioto River Tributary (SBU002AB)

State: Ohio County/parish/borough: Hardin City: Marion
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6919° N, Long. 83.8326° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 11/25/09

☒ Field Determination. Date(s): 10/19/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 40 linear feet: 7 width (ft) and/or .0064 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: ~~XXXXXXXXXXXX~~

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 ~~acres~~

Drainage area: 12489.011 ~~acres~~

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through 3 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 30 (or more) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Discharges to non TNW portion of the Scioto River indirectly through two unnamed Scioto River tributaries.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: One (1).

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Agricultural Drainage Ditch.
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 7 feet

Average depth: 3 feet

Average side slopes: 1:1

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent
☒ Other. Explain: Clay.

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Sloughing Banks.

Presence of run/riffle/pool complexes. Explain: None - Glide.

Tributary geometry: Rectangular

Tributary gradient (approximate average slope): (4 ft/mi) %

(c) Flow:

Tributary provides for: Seasonal flow

Estimate average number of flow events in review area/year: 10-15

Describe flow regime: Seasonal Flow - Greater than three months.

Other information on duration and volume: Stagnant.

Surface flow is: Discrete and intermittent. Characteristics:

Subsurface flow: Unknown. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank
☐ changes in the character of soil
☐ shelving
☐ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ sediment deposition
☐ water staining
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

☐ the presence of litter and debris
☐ destruction of terrestrial vegetation
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ multiple observed or predicted flow events
☐ abrupt change in plant community

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Clear.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Field list. Explain:

Surface flow is: Field list

Characteristics:

Subsurface flow: Field list. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are Field list river miles from TNW.

Project waters are Field list aerial (straight) miles from TNW.

Flow is from: Field list.

Estimate approximate location of wetland as within the Field list floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: Field list

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:

☐ TNWs: linear feet width (ft), Or, acres.
☐ Wetlands adjacent to TNWs: acres.

2. RPWs that flow directly or indirectly into TNWs.

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
- ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Mapped as unnamed Scioto River tributary with intermittent flow; Bed and bank, water depth of 4 inches, and stagnant flow conditions observed.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .

☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.

☒ USGS NHD data.

☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.

☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.

☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.

☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

or ☐ Other (Name & Date): .

- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Unnamed Scioto River Tributary (SBU003AB)

State: Ohio County/parish/borough: Hardin City: Marion
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6893° N, Long. 83.8299° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 11/25/09

☒ Field Determination. Date(s): 10/19/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are no~~ "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 40 linear feet: 10 width (ft) and/or .0092 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: ~~Established by OHWM~~

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapans* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 acres

Drainage area: 12489.011 acres

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through 2 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 30 (or more) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Unnamed Scioto River tributary discharges directly to non TNW portion of the Scioto River.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: Two (2).

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Agricultural/Roadside Drainage Ditch.
☐ Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate):

Average width: 10 feet

Average depth: 2.5 feet

Average side slopes: 2:1.

Primary tributary substrate composition (check all that apply):

☒ Silts ☒ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: 20% Aquatics; Emergent
☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Sloughing Banks.

Presence of run/riffle/pool complexes. Explain: None - Glide.

Tributary geometry: ~~Rectangular~~

Tributary gradient (approximate average slope): (2.9 ft/mi) %

(c) Flow:

Tributary provides for: ~~Stream~~

Estimate average number of flow events in review area/year: ~~10-15~~

Describe flow regime: Perennial Flow.

Other information on duration and volume: Low Flow.

Surface flow is: ~~Intermittent~~. Characteristics: .

Subsurface flow: ~~Unknown~~. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☒ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☒ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Clear.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields; Road run-

off.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☒ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☒ Fish/spawn areas. Explain findings: Minnows Observed.
 - ☒ Other environmentally-sensitive species. Explain findings: Mussels Observed.
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Pick List~~. Explain: .

Surface flow is: ~~Pick List~~

Characteristics: .

Subsurface flow: ~~Pick List~~. Explain findings: .

☐ Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain: .
 - ☐ Ecological connection. Explain: .
 - ☐ Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are ~~Pick List~~ river miles from TNW.

Project waters are ~~Pick List~~ aerial (straight) miles from TNW.

Flow is from: ~~Pick List~~.

Estimate approximate location of wetland as within the ~~Pick List~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain: .
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings: .
 - ☐ Fish/spawn areas. Explain findings: .
 - ☐ Other environmentally-sensitive species. Explain findings: .
 - ☐ Aquatic/wildlife diversity. Explain findings: .

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~Pick List~~

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed: .

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

☐ TNWs: linear feet width (ft), Or, acres.

☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Mapped as unnamed Scioto River tributary with intermediate flow; Bed and bank, water depth of 12 plus inches, low flow conditions, and minnows and mussels observed .

☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .

☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.

☒ USGS NHD data.

☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.

☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.

☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.

☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

or ☐ Other (Name & Date): .

- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Unnamed Scioto River Tributary (SBU005AB)

State: Ohio County/parish/borough: Hardin City: Marion
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6894° N, Long. 83.7950° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 11/25/09

☒ Field Determination. Date(s): 10/20/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are no~~ "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 40 linear feet: 24 width (ft) and/or .0220 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on:

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 acres
Drainage area: 12489.011 acres
Average annual rainfall: 35.65 inches
Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- ☐ Tributary flows directly into TNW.
☒ Tributary flows through 2 tributaries before entering TNW.

Project waters are 30 (thirty) river miles from TNW.
Project waters are 1 (one) river miles from RPW.
Project waters are 30 (thirty) aerial (straight) miles from TNW.
Project waters are 1 (one) aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Unnamed Scioto River tributary discharges directly non TNW portion of the Scioto River.
Tributary stream order, if known: Two (2).

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Agricultural/Roadside Drainage Ditch.
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 24 feet

Average depth: 4 feet

Average side slopes: 2:1

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent
☐ Other. Explain:

Vegetated. Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Sloughing Banks, Some Erosion.

Presence of run/riffle/pool complexes. Explain: None - Glide.

Tributary geometry: ~~Rectangular~~

Tributary gradient (approximate average slope): (2.9 ft/mi) %

(c) Flow:

Tributary provides for: ~~Seasonal Flow~~

Estimate average number of flow events in review area/year: ~~20 (for agricultural)~~

Describe flow regime: Perennial Flow.

Other information on duration and volume: Low Flow.

Surface flow is: ~~Discrete and surface~~. Characteristics:

Subsurface flow: ~~Unknown~~. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☒ shelving ☐ the presence of wrack line
☐ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☒ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Very Turbid.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields; Road runoff.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Pick List~~. Explain:

Surface flow is: ~~Pick List~~

Characteristics:

Subsurface flow: ~~Pick List~~. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are ~~Pick List~~ river miles from TNW.

Project waters are ~~Pick List~~ aerial (straight) miles from TNW.

Flow is from: ~~Pick List~~.

Estimate approximate location of wetland as within the ~~Pick List~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~Pick List~~

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- ☐ TNWs: linear feet width (ft), Or, acres.
- ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Mapped as unnamed Scioto River tributary with intermediate flow; Bed and bank, water depth of 12 plus inches and low flow conditions observed.
- ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain:
☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☒ Tributary waters: linear feet width (ft).
☒ Other non-wetland waters: acres.
Identify type(s) of waters:
☒ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☒ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
☒ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:
☒ Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☒ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
☒ Lakes/ponds: acres.
☒ Other non-wetland waters: acres. List type of aquatic resource:
☒ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- ☒ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
☒ Lakes/ponds: acres.
☒ Other non-wetland waters: acres. List type of aquatic resource:
☒ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
☐ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report.
☒ Data sheets prepared by the Corps:
☒ Corps navigable waters' study:
☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.
☒ USGS NHD data.
☒ USGS 8 and 12 digit HUC maps.
☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.
☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.
☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.
☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.
☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.
☒ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.
or ☐ Other (Name & Date):

- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Unnamed Scioto River Tributary (SBU006AB)

State: Ohio County/parish/borough: Hardin City: Marion
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6746° N, Long. 83.7944° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp
Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 11/25/09

☒ Field Determination. Date(s): 10/20/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 40 linear feet: 8 width (ft) and/or .0073 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: ~~Established by OHWM~~

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 ~~acres~~

Drainage area: 48826.03 ~~acres~~

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through 2 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 30 (or more) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Unnamed Scioto River tributary discharges directly to non TNW portion of the Scioto River.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary stream order, if known: None assigned; Scioto River stream order is Three (3).

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Agricultural/Roadside Drainage Ditch.
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 8 feet
Average depth: 3 feet
Average side slopes: 3:1.

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Moderate Sloughing Banks, Vegetated.

Presence of run/riffle/pool complexes. Explain: None - Glide.

Tributary geometry: ~~Relative to stream~~

Tributary gradient (approximate average slope): (2.5 ft/mi) %

(c) Flow:

Tributary provides for: ~~Seasonal flow~~

Estimate average number of flow events in review area/year: ~~2 (low gradient)~~

Describe flow regime: Seasonal Flow - Greater than three months.

Other information on duration and volume: Low Flow.

Surface flow is: ~~Discrete and intermittent~~. Characteristics:

Subsurface flow: ~~Unknown~~. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank
☐ changes in the character of soil
☐ shelving
☐ vegetation matted down, bent, or absent
☐ leaf litter disturbed or washed away
☐ sediment deposition
☐ water staining
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

☐ the presence of litter and debris
☐ destruction of terrestrial vegetation
☐ the presence of wrack line
☐ sediment sorting
☐ scour
☐ multiple observed or predicted flow events
☐ abrupt change in plant community

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Slight Turbidity.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields; Road run-

off.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Pick List. Explain:

Surface flow is: Pick List

Characteristics:

Subsurface flow: Pick List. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are Pick List river miles from TNW.

Project waters are Pick List aerial (straight) miles from TNW.

Flow is from: Pick List

Estimate approximate location of wetland as within the Pick List floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis:

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

☐ TNWs: linear feet width (ft), Or, acres.

☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:

☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Unmapped Scioto River tributary; Bed and bank, water depth of 12 plus inches, duck weed and low flow conditions observed.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).
☐ Other non-wetland waters: acres.
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
☐ which are or could be used for industrial purposes by industries in interstate commerce.
☐ Interstate isolated waters. Explain: .
☐ Other factors. Explain: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

Identify water body and summarize rationale supporting determination:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters:

☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain:

☐ Other: (explain, if not covered above):

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource:

☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource:

☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center; 1999 - Present.

☒ USGS NHD data.

☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.

☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.

☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.

☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.

☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

or ☐ Other (Name & Date):

- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. ADDITIONAL COMMENTS TO SUPPORT JD:

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Unnamed Scioto River Tributary (SBU007AB)

State: Ohio County/parish/borough: Hardin City: Marion
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6745° N, Long. 83.8207° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Unnamed Scioto River Tributary

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 11/25/09

☒ Field Determination. Date(s): 10/20/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 40 linear feet: 10 width (ft) and/or .0092 acres.

Wetlands: . acres.

c. Limits (boundaries) of jurisdiction based on: ~~Established by OHWM~~

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: .

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**

Identify TNW: .

Summarize rationale supporting determination: .

2. **Wetland adjacent to TNW**

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

(i) **General Area Conditions:**

Watershed size: 2045536.52 acres

Drainage area: 48826.03 acres

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

☐ Tributary flows directly into TNW.

☒ Tributary flows through 2 tributaries before entering TNW.

Project waters are 30 (or more) river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 30 (or more) aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Unnamed Scioto River tributary discharges directly to non TNW portion of Scioto River.

Tributary stream order, if known: None assigned; Scioto River stream order is Three (3).

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☒ Artificial (man-made). Explain: Agricultural/Roadside Drainage Ditch.
☐ Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: 10 feet
Average depth: 2 feet
Average side slopes: 3:1.

Primary tributary substrate composition (check all that apply):

☒ Silts ☐ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent
☐ Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Stable Vegetated, Rock in Places.

Presence of run/riffle/pool complexes. Explain: None - Glide.

Tributary geometry: ~~Relative to main channel~~

Tributary gradient (approximate average slope): (2.5 ft/mi) %

(c) Flow:

Tributary provides for: ~~Seasonal flow~~

Estimate average number of flow events in review area/year: ~~20 to 30 times~~

Describe flow regime: Seasonal Flow - Greater than three months.

Other information on duration and volume: Low Flow.

Surface flow is: ~~Discrete and confined~~. Characteristics:

Subsurface flow: ~~Unknown~~. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☐ shelving ☐ the presence of wrack line
☒ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☐ scour
☐ sediment deposition ☐ multiple observed or predicted flow events
☐ water staining ☐ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☐ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Moderate Turbidity.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields; Road runoff.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Pick List~~. Explain:

Surface flow is: ~~Pick List~~

Characteristics:

Subsurface flow: ~~Pick List~~. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are ~~Pick List~~ river miles from TNW.

Project waters are ~~Pick List~~ aerial (straight) miles from TNW.

Flow is from: ~~Pick List~~.

Estimate approximate location of wetland as within the ~~Pick List~~ floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: ~~Pick List~~

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

☐ TNWs: linear feet width (ft). Or, acres.
☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
- ☒ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Unmapped Scioto River tributary; Bed and bank, water depth of 12 inches, and low flow conditions observed.

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
- ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
- ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain: .
- ☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

☐ Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: .

☐ Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).

☐ Lakes/ponds: acres.

☐ Other non-wetland waters: acres. List type of aquatic resource: .

☐ Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps:

☐ Corps navigable waters' study:

☒ U.S. Geological Survey Hydrologic Atlas: National Hydrography Dataset Plus (NHDPlus); USEPA Office of Water; Vector Digital Data; 2006 and 12-Digit Watershed Boundary Data 1:24,000; USDA/NRCS - National Cartography & Geospatial Center, 1999 - Present.

☒ USGS NHD data.

☒ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name: USDA-NRCS-NCGC Digital Raster Graphic MrSID Mosaic. Hardin County, OH; USDA/NRCS - National Cartography & Geospatial Center; Scale - 1:24K; 1939 - 2001.

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Soil Survey Geographic (SSURGO) database for Hardin County, Ohio; U.S. Department of Agriculture, Natural Resources Conservation Service; 20051129.

☒ National wetlands inventory map(s). Cite name: WETDBA.CONUS_wet_poly; Classification of Wetlands and Deepwater Habitats of the United States. U.S. Department of the Interior, Fish and Wildlife Service, Washington, DC. FWS/OBS-79/31; National Wetlands Inventory; U.S. Fish and Wildlife Service, Division of Habitat and Resource Conservation; September 25, 2009.

☒ State/Local wetland inventory map(s): Ohio Wetlands Inventory - Hardin County; The Ohio Department of Natural Resources (DNR); 1/1/1991.

☒ FEMA/FIRM maps: Floodway Areas - Hardin County; Ohio Department of Natural Resources Division of Water; Hardin County FEMA NFIP maps; 1/9/1974.

☒ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

☒ Photographs: ☒ Aerial (Name & Date): 2006 OSIP digital orthophotography MrSID County Mosaic; State of Ohio Office of Information Technology, Ohio Geographically Referenced Information Program; 20070101.

or ☐ Other (Name & Date): .

☐ Previous determination(s). File no. and date of response letter: .

- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☐ Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: .

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District; Hardin Wind Farm

C. PROJECT LOCATION AND BACKGROUND INFORMATION: Scioto River (SBU009AB-1)

State: Ohio County/parish/borough: Hardin City: Marion
Center coordinates of site (lat/long in degree decimal format): Lat. 40.6632° N, Long. 83.7934° W
Universal Transverse Mercator: NAD 83 Decimal

Name of nearest waterbody: Scioto River

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Scioto River at mile 175, near Green Camp

Name of watershed or Hydrologic Unit Code (HUC): 5060001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: 11/25/09

☒ Field Determination. Date(s): 10/20/09

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: 40 linear feet: 34 width (ft) and/or .0312 acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: Established OHWM

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2045536.52 ~~acres~~

Drainage area: 48826.03 ~~acres~~

Average annual rainfall: 35.65 inches

Average annual snowfall: 27.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☒ Tributary flows directly into TNW.

☐ Tributary flows through ~~the~~ ~~the~~ tributaries before entering TNW.

Project waters are ~~30 (or more)~~ river miles from TNW.

Project waters are ~~1 (or less)~~ river miles from RPW.

Project waters are ~~30 (or more)~~ aerial (straight) miles from TNW.

Project waters are ~~1 (or less)~~ aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: No.

Identify flow route to TNW⁵: Non TNW portion of the Scioto River.

Tributary stream order, if known: Three (3).

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☐ Natural
☐ Artificial (man-made). Explain: .
☒ Manipulated (man-altered). Explain: Channalized Scioto River.

Tributary properties with respect to top of bank (estimate):

Average width: 34 feet

Average depth: 4 feet

Average side slopes: 2:1.

Primary tributary substrate composition (check all that apply):

☒ Silts ☒ Sands ☐ Concrete
☐ Cobbles ☐ Gravel ☐ Muck
☐ Bedrock ☒ Vegetation. Type/% cover: Emergent
☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: Moderately Stable, Scouring on Shelves, Moderate Sloughing on North Bank.

Presence of run/riffle/pool complexes. Explain: None - Glide.

Tributary geometry: ~~Relative to stream~~

Tributary gradient (approximate average slope): (1.25 ft/mi) %

(c) Flow:

Tributary provides for: ~~Seasonal flow~~

Estimate average number of flow events in review area/year: ~~20 days a year~~

Describe flow regime: Perennial Flow.

Other information on duration and volume: Low Flow.

Surface flow is: ~~Discrete and contained~~. Characteristics:

Subsurface flow: ~~Unknown~~. Explain findings:

☐ Dye (or other) test performed:

Tributary has (check all that apply):

☒ Bed and banks
☒ OHWM⁶ (check all indicators that apply):
☒ clear, natural line impressed on the bank ☐ the presence of litter and debris
☐ changes in the character of soil ☐ destruction of terrestrial vegetation
☒ shelving ☐ the presence of wrack line
☒ vegetation matted down, bent, or absent ☐ sediment sorting
☐ leaf litter disturbed or washed away ☒ scour
☐ sediment deposition ☒ multiple observed or predicted flow events
☐ water staining ☒ abrupt change in plant community
☐ other (list):
☐ Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☒ High Tide Line indicated by: ☒ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects ☐ survey to available datum;
☐ fine shell or debris deposits (foreshore) ☒ physical markings;
☐ physical markings/characteristics ☒ vegetation lines/changes in vegetation types.
☐ tidal gauges
☐ other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water Moderate Turbidity.

Identify specific pollutants, if known: Potential pesticide, herbicide and fertilizer from adjacent agricultural fields.

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics:
- ☒ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☒ Fish/spawn areas. Explain findings: Minnows Observed.
 - ☒ Other environmentally-sensitive species. Explain findings: Mussels Observed.
 - ☐ Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: ~~Pick List~~. Explain:

Surface flow is: ~~Pick List~~

Characteristics:

Subsurface flow: ~~Pick List~~. Explain findings:

☐ Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

- ☐ Directly abutting
- ☐ Not directly abutting
 - ☐ Discrete wetland hydrologic connection. Explain:
 - ☐ Ecological connection. Explain:
 - ☐ Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are ~~Pick List~~ river miles from TNW.

Project waters are ~~Pick List~~ aerial (straight) miles from TNW.

Flow is from: ~~Pick List~~.

Estimate approximate location of wetland as within the floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
 - ☐ Federally Listed species. Explain findings:
 - ☐ Fish/spawn areas. Explain findings:
 - ☐ Other environmentally-sensitive species. Explain findings:
 - ☐ Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis:

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)

Size (in acres)

Directly abuts? (Y/N)

Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- ☐ TNWs: linear feet width (ft), Or, acres.
- ☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☒ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: Mapped non-TNW portion of Scioto River with perennial flow.
- ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☐ Tributary waters: linear feet width (ft).

☐ Other non-wetland waters: acres.

Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. **ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰**

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: .

☐ Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

⁸See Footnote # 3.

⁹To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.