



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

**REPLY TO  
ATTENTION OF**

November 21, 2022

Regulatory Division  
**LRP-2005-2397**

Westland Engineering and Environmental Services  
c/o Claire Phillips  
4001 East Paradise Falls Drive  
Tucson, AZ 85712

Dear Ms. Phillips:

This letter is in response to your request for a preliminary jurisdictional determination, received on November 7, 2022. A delineation of the approximately 327-acre former Satralloy Site, located in Steubenville, Jefferson County, Ohio was performed by Westland Engineering and Environmental Services on May 2-3, 5-11, and 19, 2018.

The boundaries were verified by this office during a field visit on October 5, 2022. You have requested a preliminary jurisdictional determination (PJD) for the proposed permit area. The waters listed in Table 1 and 2 (see enclosure) are potentially waters of the United States.

The U.S. Army Corps of Engineers authority to regulate waters of the U.S. is based, in part, on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (CWA) requires that a Department of the Army (DA) permit be obtained prior to the discharge of dredged or fill material into waters of the U.S., including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for any work in, on, over or under a navigable water.

Based on a review of the information provided, 35 wetlands totaling 3.74 acres and 10 streams totaling 12,112 linear feet are located within the proposed permit area. This office has determined that these waters **may** be jurisdictional waters of the United States in accordance with the Regulatory Guidance Letter for Jurisdictional Determinations issued by the U.S. Army Corps of Engineers on June 26, 2008 (RGL No. 08-02). As indicated in the guidance, this **PJD is non-binding and** cannot be appealed (33 C.F.R. 331.2) and only provides a written indication that waters of the U.S, including wetlands, may be present on-site.

At this time you have requested a Preliminary Jurisdictional Determination with an option to request an approved JD later. However, for the purposes of the determination of

impacts, compensatory mitigation, and other resource protection measures for activities that require authorization from this office, the streams and wetlands identified above will be evaluated as if they are jurisdictional waters of the United States. Additional details concerning these waters may be found in the attached *Preliminary Jurisdictional Determination Form*.

If you have any questions, please contact Mike Engelhardt at 412-395-7141 or Michael.D.Engelhardt@usace.army.mil and reference project number LRP-2005-2397 in all future correspondence with this office regarding this delineation.

Sincerely,

//SIGNED//

Tyler J. Bintrim  
Chief, Northern Branch  
Regulatory Division

Enclosure:  
PJD Form

## BACKGROUND INFORMATION

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:**

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:**

Name of nearest waterbody:

☐ Field Determination. Date(s):[illegible]

- 1) The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "*may be*" waters of the U.S. and/or that there "*may be*" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- ☐ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: \_\_\_\_\_.
- ☐ Data sheets prepared/submitted by or on behalf of the PJD requestor.  
☐ Office concurs with data sheets/delineation report.  
☐ Office does not concur with data sheets/delineation report. Rationale: \_\_\_\_\_.
- ☐ Data sheets prepared by the Corps: \_\_\_\_\_.
- ☐ Corps navigable waters' study: \_\_\_\_\_.
- ☐ U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.  
☐ USGS NHD data.  
☐ USGS 8 and 12 digit HUC maps.
- ☐ U.S. Geological Survey map(s). Cite scale & quad name: \_\_\_\_\_.
- ☐ Natural Resources Conservation Service Soil Survey. Citation: \_\_\_\_\_.
- ☐ National wetlands inventory map(s). Cite name: \_\_\_\_\_.
- ☐ State/local wetland inventory map(s): \_\_\_\_\_.
- ☐ FEMA/FIRM maps: \_\_\_\_\_.
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_.(National Geodetic Vertical Datum of 1929)
- ☐ Photographs: ☐ Aerial (Name & Date): \_\_\_\_\_.  
or ☐ Other (Name & Date): \_\_\_\_\_.
- ☐ Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- ☐ Other information (please specify): \_\_\_\_\_.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

\_\_\_\_\_  
Signature and date of  
Regulatory staff member  
completing PJD

\_\_\_\_\_  
Signature and date of  
person requesting PJD  
(REQUIRED, unless obtaining  
the signature is impracticable)<sup>1</sup>

<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

**RGL 16-01: TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH “MAY BE” SUBJECT TO REGULATORY JURISDICTION**

<b>Site number</b>	<b>Latitude (decimal degrees)</b>	<b>Longitude (decimal degrees)</b>	<b>Estimated amount of aquatic resource in review area (acreage and linear feet)</b>		<b>Type of aquatic resource (i.e., wetland vs. non-wetland waters)</b>	<b>Geographic authority to which the aquatic resource “may be” subject</b>
Tributary A	40.312176	-80.678491	1894	LF	Non-Wetland	Section 404
Tributary B	40.312383	-80.676442	577	LF	Non-Wetland	Section 404
Tributary C	40.31095	-80.668127	696	LF	Non-Wetland	Section 404
Tributary D	40.307925	-80.669706	191	LF	Non-Wetland	Section 404
Tributary F	40.312988	-80.675973	809	LF	Non-Wetland	Section 404
Tributary H	40.306715	-80.671397	5339	LF	Non-Wetland	Section 404
Tributary J	40.312787	-80.670344	2178	LF	Non-Wetland	Section 404
Tributary LL	40.310682	-80.668857	360	LF	Non-Wetland	Section 404
Tributary Q	40.313891	-80.662686	22	LF	Non-Wetland	Section 404
Tributary W	40.315	-80.664	45.996	LF	Non-Wetland	Section 404
Wetland AA	40.317	-80.667	0.039	acre	Wetland	Section 404
Wetland C1	40.311122	-80.667847	0.039	acre	Wetland	Section 404
Wetland C2	40.310686	-80.66856	0.019	acre	Wetland	Section 404
Wetland C3	40.310433	-80.668656	0.008	acre	Wetland	Section 404
Wetland C4	40.309617	-80.669241	0.024	acre	Wetland	Section 404
Wetland CC	40.316	-80.667	0.021	acre	Wetland	Section 404
Wetland D	40.30824	-80.670202	0.024	acre	Wetland	Section 404
Wetland DD	40.314	-80.666	0.167	acre	Wetland	Section 404
Wetland EE	40.312	-80.666	0.031	acre	Wetland	Section 404
Wetland F	40.313226	-80.674151	0.192	acre	Wetland	Section 404
Wetland FF	40.314	-80.668	0.025	acre	Wetland	Section 404
Wetland G	40.313	-80.673	0.433	acre	Wetland	Section 404
Wetland I	40.312207	-80.671021	0.039	acre	Wetland	Section 404

Wetland II	40.315	-80.665	0.004	acre	Wetland	Section 404
Wetland J1	40.314834	-80.671019	0.018	acre	Wetland	Section 404
Wetland J2	40.31273	-80.669898	0.017	acre	Wetland	Section 404
Wetland JJ	40.314	-80.664	0.072	acre	Wetland	Section 404
Wetland KK	40.314	-80.664	0.077	acre	Wetland	Section 404
Wetland LL	40.311552	-80.668112	0.023	acre	Wetland	Section 404
Wetland NN	40.307	-80.676	0.002	acre	Wetland	Section 404
Wetland P	40.312902	-80.667965	0.505	acre	Wetland	Section 404
Wetland PP1	40.316	-80.671	0.042	acre	Wetland	Section 404
Wetland PP2	40.316	-80.671	0.01	acre	Wetland	Section 404
Wetland PP3	40.316	-80.671	0.007	acre	Wetland	Section 404
Wetland Q	40.312253	-80.665627	0.073	acre	Wetland	Section 404
Wetland R	40.313	-80.667	0.008	acre	Wetland	Section 404
Wetland S1	40.31382	-80.668823	0.411	acre	Wetland	Section 404
Wetland S2	40.314125	-80.669615	0.099	acre	Wetland	Section 404
Wetland SS1	40.313	-80.668	0.011	acre	Wetland	Section 404
Wetland SS2	40.312	-80.668	0.08	acre	Wetland	Section 404
Wetland T	40.313809	-80.667729	0.772	acre	Wetland	Section 404
Wetland W	40.315	-80.665	0.018	acre	Wetland	Section 404
Wetland Y	40.318	-80.671	0.076	acre	Wetland	Section 404
Wetland YY	40.305122	-80.679841	0.111	acre	Wetland	Section 404
Wetland Z	40.317	-80.669	0.243	acre	Wetland	Section 404