



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

**I. ADMINISTRATIVE INFORMATION**

Completion Date of Approved Jurisdictional Determination (AJD): 7/30/2020  
 ORM Number: LRH-2020-548-SCR  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Ohio City: Norwich Township County/Parish/Borough: Franklin County  
 Center Coordinates of Review Area: Latitude 39.990491 Longitude -83.175071

**II. FINDINGS**

- A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.
- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
  - There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
  - There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
  - There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

**B. Rivers and Harbors Act of 1899 Section 10 (§ 10)<sup>2</sup>**

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.	N/A.

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): <sup>3</sup>				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.  
<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.  
<sup>3</sup> A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland G	0.3	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The closest jurisdictional stream to Wetland G is Clover Groff Ditch. Based on the National Hydrography Dataset, Clover Groff Ditch is a perennial tributary, an (a)(2) water. Based on a review of aerial imagery, Clover Groff Ditch appears to exhibit indicators of perennial flow including flow visible in the stream channel on aerial imagery and an ordinary high water mark. Wetland G directly abuts Clover Groff Ditch.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland A	0.97	acre(s)	(b)(1) Non-adjacent wetland.	The lateral limits of jurisdiction for Wetland A were established by the 1987 Corps Delineation Manual and applicable Regional Supplement. The closest jurisdictional stream is Clover Groff Ditch, which is located approximately 376 linear feet east of Wetland A. Wetland A does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland B	2.26	acre(s)	(b)(1) Non-adjacent wetland.	The lateral limits of jurisdiction for Wetland B were established by the 1987 Corps Delineation Manual and applicable Regional Supplement. The closest jurisdictional stream is Clover Groff Ditch, which is located approximately 1,130 linear feet east of Wetland B. Wetland B does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland C	0.07	acre(s)	(b)(1) Non-adjacent wetland.	The lateral limits of jurisdiction for Wetland C were established by the 1987 Corps Delineation Manual and applicable Regional Supplement. The closest jurisdictional stream is Clover Groff Ditch, which is located approximately 1,274 linear feet east of Wetland C. Wetland C does

<sup>4</sup> Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

<sup>5</sup> Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments
Wetland D	0.34	acre(s)	(b)(1) Non-adjacent wetland. The lateral limits of jurisdiction for Wetland D were established by the 1987 Corps Delineation Manual and applicable Regional Supplement. The closest jurisdictional stream is Glover Groff Ditch, which is located approximately 2,170 linear feet east of Wetland D. Wetland D does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments
Wetland E	1.21	acre(s)	(b)(1) Non-adjacent wetland. The lateral limits of jurisdiction for Wetland E were established by the 1987 Corps Delineation Manual and applicable Regional Supplement. The closest jurisdictional stream is Clover Groff Ditch, which is located approximately 1,780 linear feet east of Wetland E. Wetland E does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments
Wetland F	0.30	acre(s)	(b)(1) Non-adjacent wetland. The lateral limits of jurisdiction for Wetland F were established by the 1987 Corps Delineation Manual and applicable Regional Supplement. The closest jurisdictional stream is Clover Groff Ditch, which is located approximately 950 linear feet east of Wetland F. Wetland F does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments
Wetland H	0.22	acre(s)	(b)(1) Non-adjacent wetland. The lateral limits of jurisdiction for Wetland H were established by the 1987 Corps Delineation Manual and applicable Regional Supplement. The closest jurisdictional stream is Clover Groff Ditch, which is located approximately 565 linear feet east of Wetland H. Wetland H does not



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments

**III. SUPPORTING INFORMATION**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Investigation of Waters of the United States – Sugar Farm, Norwich Township, Franklin County, Ohio dated 16 December 2019 completed by EMH&T, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The information provided by or on behalf of the applicant accurately reflects the district's conclusions on the AJD.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Delineation Map \(Exhibit 6\) and Photographs, JD Report 2019](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Soils Map \(Exhibits 3A and 3B\), JD Report 2019](#)
- USFWS NWI maps: [National Wetland Inventory Map \(Exhibit 5\), JD Report 2019](#)
- USGS topographic maps: [USGS Topographic Map \(Exhibit 2\), JD Report 2019](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<a href="#">NHD, Huntington District Regulatory Viewers</a>
USDA Sources	<a href="#">N/A.</a>
NOAA Sources	<a href="#">N/A.</a>
USACE Sources	<a href="#">N/A.</a>
State/Local/Tribal Sources	<a href="#">N/A.</a>
Other Sources	<a href="#">Wetland Data Forms (Appendix B), JD Report 2019</a>
Other Sources	<a href="#">ORAM Data Forms (Appendix C), JD Report 2019</a>
Other Sources	<a href="#">FEMA National Flood Hazard Layer, Huntington District Regulatory Viewers and Flood Insurance Rate Map (Exhibit 4), JD Report 2019</a>

**B. Typical year assessment(s):** [A typical year occurs over a rolling thirty year period and includes the analysis of precipitation and other climatic variables to establish a normal period range \(seasonally or annually\) for a specific geographic region where the aquatic resource occurs. Two \(2\) point-in-time data sources dated 28 June 2018 and 3 October 2019, with a corresponding antecedent precipitation tool \(APT\) report, is included in the evaluation for the excluded features listed in Section II D. According to the APT report for 28 June 2018, wetter than normal conditions were observed during the WebWIMP dry season with a Palmer Drought Severity Index Value of 3.33 severe wetness. The 30-day rolling total for](#)



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precipitation was higher than the 30-year normal range. Even at a higher than normal precipitation range, Wetlands A-F and Wetland H still did not meet the definition of an adjacent wetland. According to the APT report for 3 October 2019, normal conditions were observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of 2.88 moderate wetness. The 30-day rolling total for precipitation was within the 30-year normal range. During normal conditions, Wetland G was abutting Clover Groff Ditch. Wetlands A and H are located within the 100-year floodplain of Clover Groff Ditch. Wetlands are not considered adjacent simply because a hydrologic connection between a jurisdictional water and a wetland is possible by flooding once every 100 years. After a review of aerial imagery, it has been determined no indicators are visible of inundation by flooding from Clover Groff Ditch to Wetlands A and H. Wetlands A-F and Wetland H do not abut a water identified in 33 CFR 328.3(a)(1), (2), or (3), are not inundated by flooding from a water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year, are not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature, and are not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure. Therefore, Wetlands A-F and Wetland H are not jurisdictional waters of the United States per 33 CFR 328.3(b)(1). Wetland G directly abuts Clover Groff Ditch, a perennial tributary and an (a)(2) water. Therefore, Wetland G is a jurisdictional water of the United States per 33 CFR 328.3(a)(4).

**C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.