



**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): 9/15/2020
 ORM Number: LRH-2020-643-SCR-Unnamed Tributary Blacklick Creek
 Associated JDs: PJD requested for potentially jurisdictional waters (LRH-2020-643-SCR-Unnamed Tributary Blacklick Creek)
 Review Area Location¹: State/Territory: Ohio City: Reynoldsburg County/Parish/Borough: Licking
 Center Coordinates of Review Area: Latitude 39.967359 Longitude -82.768006

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)²

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

C. Clean Water Act Section 404

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

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

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

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² 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.

³ 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 4	159	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Stream 3 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
Swale 1	111	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Swale 1 is a erosional feature in the landscape that meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D 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: [Civil and Environmental Consultants, Inc., on behalf of Advanced Civil Design, submitted a delineation report for Taylor Road SW dated 17 August 2020 \(JD, Aug 2020\).](#)

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: Figure 3: Preliminary Jurisdictional Determination Map and Appendix B: Site Photographs 1-37, dated 30 July 2020 \(JD, Aug 2020\).](#)
- 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: [Appendix A: NRCS Soil Report \(JD, Aug 2020\)](#)
- USFWS NWI maps: [Figure 2: Background Environmental Data Map \(JD, Aug 2020\).](#)
- USGS topographic maps: [Figure 1: Site Location Map \(7.5 Minute Topographic Map - Reynoldsburg, Ohio Quad\) \(JD, Aug 2020\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	ORM Aquatic Resources Layer
State/Local/Tribal Sources	N/A.
Other Sources	Historic Aerial Photos

⁴ 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.

⁵ 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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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. One (1) point-in-time data source, dated 30 July 2020, with a corresponding APT report, was included in the evaluation for Stream 4. According to the APT report for 30 July 2020, normal conditions were observed during the dry season with a PSDI Value of 1.35 (mild wetness) and an antecedent precipitation condition score of 11. The antecedent precipitation condition is considered “normal” for that point in time. There was no flow or presence of pooling observed within Stream 4, which is characteristic of ephemeral streams provided a recent rainfall event had not recently occurred. It has been determined that the ephemeral stream listed in Section II.D., above, exhibits ephemeral flow, is not a water of the United States per 33 CFR 328.3(b)(3), and is not subject to regulation under Section 404.

One (1) point-in-time data source from 30 July 2020, with a corresponding APT report, was included in the evaluation for Swale 1 listed in Section II.D. As described above, conditions were normal with mild wetness in the dry season on 30 July 2020. Swale 1 exhibits characteristics of an erosional feature and did not have flow during a site investigation conducted on this date. It has been determined that Swale 1, listed in Section II.D., above, exhibits ephemeral flow, is not a water of the United States per 33 CFR 328.3(b)(3), and is not subject to regulation under Section 404.

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