



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): 13-OCT-2020

ORM Number: LRH-2020-721-SCR

Associated JDs: LRH-2015-330-SCR

Review Area Location¹:

State/Territory: OH City: New Albany County/Parish/Borough: Franklin County

Center Coordinates of Review Area: Latitude 40.072113 Longitude -82.76809

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
Stream 1	433 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 1 is an perennial tributary to Blacklick Creek, an (a)(2) water, an indirect tributary to the Scioto River, an (a)(1) water, at a location outside of the AOI in a typical year (reference Section III B of this AJD form).
Stream 4	951 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 4 is an intermittent tributary to Stream 1, an (a)(2) water, an indirect tributary to the Scioto River, an (a)(1) water, at a location outside of the AOI in a typical year (reference Section III B of this AJD form).

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
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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 and 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 independent 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.

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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Pond 3	0.34 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Pond 3 is an impoundment of Stream 1, an (a)(2) water an indirect tributary to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form) at a location outside the area of interest (AOI), (reference Section III B of this AJD form).
Pond 5	0.15 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Pond 5 is an impoundment of Stream 1, an (a)(2) water an indirect tributary to the Scioto River, an (a)(1) TNW, in a typical year (reference Section III B of this AJD form) at a location outside the area of interest (AOI), (reference Section III B of this AJD form).

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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 3	411 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Feature is an ephemeral stream and meets the definition of "ephemeral" in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Wetland 10	0.02 acres	(b)(1) Non-adjacent wetland	Feature 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 11	0.11 acres	(b)(1) Non-adjacent wetland	Feature 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 14	0.05 acres	(b)(1) Non-adjacent wetland	Feature 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 19	0.36 acres	(b)(1) Non-adjacent wetland	Feature 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 27	0.09 acres	(b)(1) Non-adjacent wetland	Feature 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.

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			Reference Section III B of this AJD form for typical year assessments.
Wetland 5	0.37 acres	(b)(1) Non-adjacent wetland	Feature 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 6	0.45 acres	(b)(1) Non-adjacent wetland	Feature 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 7	0.04 acres	(b)(1) Non-adjacent wetland	Feature 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 8	0.06 acres	(b)(1) Non-adjacent wetland	Feature 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 9	0.05 acres	(b)(1) Non-adjacent wetland	Feature 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.

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 U.S. Delineation Report, Project Titan, City of New Albany, Franklin/Licking Counties, Ohio, dated September 18, 2020.*

This information (*is/is not/is and is not*) sufficient for purposes of this AJD.

Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*

____ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *Within Referenced Report*

____ Corps Site visit(s) conducted on: *Date(s).*

____ Previous Jurisdictional Determinations (AJDs or PJDs): *LRH-2015-330-SCR*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Licking/Franklin Counties.*

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- USFWS NWI maps: *Title(s) and/or date(s)*.
 USGS topographic maps: *New Albany, OH Quad*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Wetland Data Forms & ORAM Forms within referenced report

- 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 point-in-time data source, 15 June 2020 (Dry Season), with a corresponding APT report, were included in the evaluation for the excluded features onsite. The antecedent precipitation tool was utilized to determine typical year for point-in-time data sources. Based on the antecedent precipitation tool, 15 June 2020 is included during the WebWIMP dry season and has a Palmer Drought Severity Index of 0.65 incipient wetness. The 30-day rolling total for precipitation was within the 30-year normal range. Therefore, site conditions are within range of a typical year on the study site. The excluded features had no connection in a typical year situation and no other features were located on the site.
- C. Additional comments to support AJD:** The property is located outside of the FEMA 100 year floodplain.

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