



**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): 1/25/2021  
 ORM Number: LRH-2020-868-OLR-Unnamed Tributary Weeping Rock Creek  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Ohio City: Lewis Center County/Parish/Borough: Delaware  
 Center Coordinates of Review Area: Latitude 40.21183 Longitude -83.03012

**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
- 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.

**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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 2	1,194	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
Stream 4	52	linear feet	(a)(2) Intermittent tributary contributes surface water flow indirectly to the Olentangy River,

<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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	an (a)(1) water, within a typical year. Reference Section III D for the typical year assessment.

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
Wetland A	0.36 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A meets the three (3) indicators of a wetland and directly abuts an (a)(2) water on-site (Stream 2).

**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
Stream 1	272 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 1 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
Stream 3	108 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.
Erosional Feature 1	52 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Erosional Feature 1 is an erosional feature in the landscape that meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for a typical year assessment.
Erosional Feature 2	277 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Erosional Feature 2 is an erosional feature in the landscape that meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for a typical year assessment.
Erosional Feature 3	181 linear feet	(b)(3) Ephemeral feature, including an ephemeral	Erosional Feature 3 is an erosional feature in the landscape that meets the definition of

<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
		stream, swale, gully, rill, or pool.	“ephemeral” in paragraph (c)(3). Reference Section III D for a typical year assessment.

**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 & Environmental Consultants, Inc., on behalf of Redwood Acquisition, submitted a Preliminary Jurisdictional Waters Determination Report for the Columbus Pike Property dated 19 November 2020 \(JD, Nov 2020\).](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [N/A](#)

Photographs: [Aerial and Other: Figure 2 - Background Environmental Data Map and Site Photographs 1-38 dated 22 October 2020 \(JD, Nov 2020\)](#)

Corps site visit(s) conducted on: [N/A](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Appendix A - NRCS Soil Report \(JD, Nov 2020\)](#)

USFWS NWI maps: [Figure 2 - Background Environmental Data Map \(JD, Nov 2020\)](#)

USGS topographic maps: [Figure 1 - Site Location Map \(Powell, Ohio Quad\)](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">National Hydrography Dataset</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">ORM Aquatic Resources Layer</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</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. One \(1\) point-in-time data source from 22 October 2020, with a corresponding APT report, was included in the evaluation for Streams 1-4 and Erosional Features 1-3 listed in Sections II.C and II.D. According to the APT report for 22 October 2020, wetter than normal conditions were observed during the wet season with mild wetness and an antecedent precipitation condition score of 17. The antecedent precipitation condition is considered “wetter than normal” for that point in time. On 22 October 2020, during “wetter than normal conditions” of the wet season, continuous flow was observed within the Streams 2 and 4. In addition, flow was observed within Streams 1 and 3 and Erosional Feature 1, which is characteristic of ephemeral features after a recent rainfall. No flow was observed within Erosional Features 2 and 3. It has been determined that Streams 1 and 3 and Erosional Features 1-3 listed in Section II.D., above, exhibit ephemeral flow, are not waters of the United States per 33 CFR 328.3\(b\)\(3\), and are not subject to regulation under Section 404.](#)



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**C. Additional comments to support AJD: [N/A](#)**