



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): 6/23/2021
ORM Number: LRH-2021-356-WAL-UNT to Rocky Fork Mohican River
Associated JDs: N/A
Review Area Location¹: State/Territory: OH City: Mansfield County: Richland
Center Coordinates of Review Area: 40.782995°N, 82.509844°W

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	1,445 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1 (UNT to Rocky Fork Mohican River) is a perennial, indirect tributary to the Walhonding River, an (a)(1) water, at a location outside of the review area. Stream 1 contributes perennial surface water flow indirectly to the Walhonding River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
Stream 2	1,673 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 2 (UNT to Rocky Fork Mohican River) is an intermittent, indirect tributary to the Walhonding River, an (a)(1) water, at a location outside of the review area. Stream 2 contributes intermittent surface water flow indirectly to the Walhonding River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).

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 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.



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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 F	0.096 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland F directly abuts Stream 2, an unnamed tributary to the Rocky Fork Mohican River, an (a)(2) water. Reference Stream 2 above.
Wetland H	1.225 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland H directly abuts Stream 2, an unnamed tributary to the Rocky Fork Mohican River, an (a)(2) water. Reference Stream 2 above.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Excluded waters ((b)(1) – (b)(12)) ⁴ :			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.065 acre	(b)(1) Non-adjacent wetland.	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.
Wetland B	0.455 acre	(b)(1) Non-adjacent wetland.	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.
Wetland C	0.344 acre	(b)(1) Non-adjacent wetland.	Wetland C 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.
Wetland D	0.049 acre	(b)(1) Non-adjacent wetland.	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.
Wetland E	0.062 acre	(b)(1) Non-adjacent wetland.	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.
Wetland G	0.076 acre	(b)(1) Non-adjacent wetland.	Wetland G does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is

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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			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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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: [Water Resource Delineation Report, 45.14 acres, Reformatory Road, Mansfield, Ohio dated April 202 \(Report\) and additional information received on 21 June 2021](#)
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: Appendix A, Water Resources Map and Appendix B, Plant Communities Map received as additional information on 21 June 2021](#)
[Other: Appendix I, Photographs of Site \(Report\)](#)
- Corps Site visit conducted on: [8 June 2021](#)
- 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 G - Location of Study Area on Richland County Soil Survey Map \(Report\)](#)
- USFWS NWI maps: [Appendix F - Location of Study Area on National Wetland Inventory Map \(Report\)](#)
- USGS topographic maps: [Appendix E - Location of Study Area on USFS 7.5-Minute Topographic Map, Mansfield North Quadrangle \(Report\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Corps Regulatory GIS Viewers
State/Local/Tribal Sources	N/A.
Other Sources	Appendix J - Vegetation, Hydrology and Soils Data Sheets (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. Two \(2\) point-in-time data sources dated 9 March 2021 \(date of data collection for the report\) and 8 June 2021 \(date of Corps site visit\), each with a corresponding antecedent precipitation tool \(APT\) report, are included in the evaluation for the features listed in Section II D, as](#)

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applicable. According to the APT report for 9 March 2021, drier than normal conditions with an antecedent condition calculation of -7 were observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of incipient drought. The 30-day rolling total for precipitation was below the 30-year normal range. According to the APT report for 8 June 2021, normal conditions with an antecedent condition calculation of 10 were observed during the WebWIMP dry season with a Palmer Drought Severity Index value of incipient drought. The 30-day rolling total for precipitation was below the 30-year normal range.

On 8 June 2020, Streams 1 and 2 exhibited flow within the stream channel which corresponds with the APT report conditions. Streams 1 and 2 are unnamed tributaries to Rocky Fork Mohican River. Stream 1 is depicted as an unnamed tributary on the NHD. Field indicators of perennial flow were observed in Stream 1, while field indicators of intermittent flow were observed in Stream 2, both including clearly defined bed and bank. Based on the submitted information, Stream 1 contributes perennial flow and Stream 2 contributes intermittent flow downstream indirectly to the Walhonding River, an (a)(1) water, in a typical year. Therefore, Streams 1 and 2 are (a)(2) waters. Wetlands F and H directly abut Stream 2. Therefore, Wetlands F and H are (a)(4) waters.

Wetlands A, B, C, D, E, and G 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, B, C, D, E, and G are not jurisdictional waters of the United States per 33 CFR 328.3(b)(1).

- C. Additional comments to support AJD:** According to the National Flood Hazard FEMA map, the western portion of the site, nearest the Rocky Fork Mohican River, is located within the 100-year floodplain. The remainder of the site is located outside of the 100-year floodplain.

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