



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): 3/3/2021

ORM Number: LRH-2021-00144-SCR

Associated JDs: N/A

Review Area Location¹:

State/Territory: OH City: Gahanna County/Parish/Borough: Franklin County

Center Coordinates of Review Area: Latitude 40.039375 Longitude -82.862361

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	584 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 1 (Sycamore Run) is a perennial, indirect tributary to the Scioto River, an (a)(1) water, at a location outside of the review area. Stream 1 contributes perennial surface water flow indirectly to the Scioto River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
Stream 2	638 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 2 is an intermittent, direct tributary to Stream 1 within the review area. Stream 2 is an indirect tributary to the Scioto River, an (a)(1) water, at a location outside of the review area. Stream 2 contributes intermittent surface water flow indirectly to the Scioto River, an (a)(1) water, 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
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 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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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	267 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). Stream 3 is not considered a water of the United States per 33 CFR 328.3(b)(3), and is not subject to regulation under Section 404.

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: *Title(s) and date(s)*. [Report of Jurisdictional Waters Delineation, Proposed Pinnacle Pointe Villas Residential Development completed by Geotechnical Consultants, Inc. and dated 29 August 2018 \(JD, Aug 2018\)](#)

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*) *Title(s) and/or date(s)*. [Aerial Photographs \(1995, 2004, 2007, 2009, 2011, 2013, 2015, and 2017\), Jurisdictional Waters Location Map, Photo Key, and photographs \(JD, Aug 2018\)](#)

___ 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: *Title(s) and/or date(s)*. [USDA Web Soil Survey Map \(JD, Aug 2018\)](#)

USFWS NWI maps: *Title(s) and/or date(s)*. [National Wetlands Inventory Map \(JD, Aug 2018\)](#)

USGS topographic maps: *Title(s) and/or date(s)*. [1955, 1966, 1973, 1982, and 2016 USGS Topographic Maps \(JD, Aug 2018\)](#)

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	Corps Regulatory GIS Viewers.
State/Local/Tribal Sources	N/A.

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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Other Sources

FEMA Flood Insurance Rate Map (JD, Aug 2018)

- 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 26 July 2018 and 27 July 2018, with corresponding antecedent precipitation tool (APT) reports, are included in the evaluation for the features listed in Section II D, as applicable. According to the APT reports for 26 July 2018 and 27 July 2018, normal conditions with an antecedent condition calculation of 14 were observed during the WebWIMP dry season with a Palmer Drought Severity Index Value of moderate wetness. The 30-day rolling total for precipitation was within the 30-year normal range. On 26 July 2018, Streams 1 and 2 exhibited flow within the stream channel which corresponds with the APT report conditions. Stream 1 is also depicted as Sycamore Run on the USGS topographic map, NWI map, and the National Hydrography Dataset (NHD). Field indicators of perennial or intermittent flow were also observed in Streams 1 and 2, including a clearly defined bed and bank. Based on the submitted information, Stream 1 contributes perennial flow downstream indirectly to the Scioto River, an (a)(1) water, in a typical year, and Stream 2 contributes intermittent flow downstream indirectly to the Scioto River, an (a)(1) water, in a typical year. Therefore, Streams 1 and 2 are (a)(2) waters.

Based on the submitted information, Stream 3 exhibits ephemeral flow. On 27 July 2018, Stream 3 exhibited minimal flow within the stream channel. Historic precipitation data indicates 0.24 inches of rain was observed in the preceding 24 hours. Minimal flow observed within Stream 3 immediately following precipitation supports an ephemeral flow regime classification. Stream 3 does not provide intermittent or perennial flow downstream to an (a)(1) water in a typical year. Stream 3 is not a jurisdictional water of the United States per 33 CFR 328.3(b)(3).

- C. Additional comments to support AJD:** According to the National Flood Hazard FEMA map, the area around Stream 1 is located within the 100-year floodplain. The remainder of the site is not located within a flood hazard area.

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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.