



**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): 6/10/2021  
 ORM Number: LRH-2019-689-SCR-UNT to Blacklick Creek  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Ohio City: Jefferson County/Parish/Borough: Franklin  
 Center Coordinates of Review Area: Latitude 40.0353 Longitude -82.7832

**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)<sup>2</sup>**

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

<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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**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
Wetland J	0.02	acre(s)	(b)(1) Non-adjacent wetland.	It has been determined that Wetland J 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 K	0.86	acre(s)	(b)(1) Non-adjacent wetland.	It has been determined that Wetland K 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 L	0.05	acre(s)	(b)(1) Non-adjacent wetland.	It has been determined that Wetland L 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.
Stream 1	1,006	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), is not considered a water of the United States per 33 CFR 323.8(b)(3), and is not subject to regulation under Section 404.
Stream 2	832	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 2 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3), is not considered a water of the United States per 33 CFR 323.8(b)(3), and is not subject to regulation under Section 404.
Stream 4	492	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 4 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3), is not considered a water of the United States per 33 CFR 323.8(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: [Preliminary Jurisdictional Waters Delineation Report, Jefferson Township Single Family Subdivision, Jefferson Township, Franklin County, Ohio dated 24 May 2021](#)

This information is sufficient for purposes of this AJD.

<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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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: Appendix D - Site Photographs (Jefferson Township Single Family Subdivision, May 2021), HistoricalAerials.com (2017, 2015, 2013, 2011, 2010, 2009, 2007, 2004, 2002, 1995, 1980, 1971, 1965, 1963, 1959, 1957, and 1953).
- Corps site visit(s) conducted on: N/A
- Previous Jurisdictional Determinations (AJDs or PJDs): AJD and PJD dated 18 Sep 2019, LRH-2019-689-SCR
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Appendix B - NRCS Soils Report (NRCS Soil Survey Map) (Jefferson Township Single Family Subdivision, May 2021)
- USFWS NWI maps: Figure No. 2 - National Wetlands Inventory (NWI) Map (Jefferson Township Single Family Subdivision, May 2021)
- USGS topographic maps: Figure No. 1 - Site Location Map (Jefferson Township Single Family Subdivision, May 2021)

**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	Appendix E - Wetland Determination Data Forms (USACE Wetland Determination Data Forms) and Appendix F - ORAM Forms in referenced report.

**B. Typical year assessment(s):** A typical year occurs over a rolling 30-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, 15 April 2021 (Wet Season), with a corresponding antecedent precipitation tool (APT) report, were included in the evaluation for the features on-site, as applicable. The APT was utilized to determine typical year for point-in-time data sources. Based on the APT, 15 April 2021 is included during the WebWIMP wet season and has a Palmer Drought Severity Index of -1.34 (mild drought). The 30-day rolling total for precipitation is within the 30-year normal range. Therefore, site conditions were normal. Wetland J, Wetland K, and Wetland L had no direct hydrological connection to an (a)(1)-(a)(3) water and are not expected to be inundated by flooding from an (a)(1)-(a)(3) water in a typical year. Wetland J, Wetland K, and Wetland L 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, and 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 so long as a structure allows for a direct hydrologic surface connection between the wetlands and the water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year. Therefore, Wetlands J, K, and L do not meet the definition of adjacent wetlands (33 CFR 328.3(c)(1)(i)-(iv)), are not considered waters of the United States per 33 CFR 328.3(b)(1), and are not subject to regulation under Section 404. Based on the submitted information, Stream 1, Stream 2, and Stream 4 exhibit ephemeral flow. All three (3) stream



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channels lack sorted substrate and consist of built up debris. Based on historic precipitation records, approximately 0.69 inches of precipitation accumulated over the days preceding 15 April 2021. On 15 April 2021, Stream 1, Stream 2, and Stream 4 exhibited flow in portions of the stream channel which corresponds with the APT report for an ephemeral flow regime. Therefore, the three (3) streams meet the definition of "ephemeral" in paragraph (c)(3), are not considered waters of the United States per 33 CFR 323.8(b)(3), and are not subject to regulation under Section 404.

**C. Additional comments to support AJD:** According to the National Flood Hazard FEMA map, the project area is not located within the 100-year floodplain.