



**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): 5/7/2021
 ORM Number: LRH-2021-00311-MUS-UNT to Rocky Fork
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Mansfield County/Parish/Borough: Richland
 Center Coordinates of Review Area: Latitude 40.7226 Longitude -82.5511

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 1	1,058	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1 is an intermittent tributary to the Muskingum River, an (a)(1) navigable water, at a location outside of the JD review area, in a typical year (reference Section III B of this AJD form).
Stream 2	343	linear feet	(a)(2) Intermittent tributary	Stream 2 is an intermittent tributary to the Muskingum River, an (a)(1) navigable water, at 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 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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	location outside of the JD review area, 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.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B	0.329 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B is an (a)(4) water that directly abuts Stream 1, an (a)(2) water.
Wetland D	0.224 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland D is an (a)(4) water that directly abuts Stream 1 and Stream 2, both (a)(2) waters.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 3	83 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), 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.
Wetland A	0.163 acre(s)	(b)(1) Non-adjacent wetland.	It has been determined that 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 C	0.297 acre(s)	(b)(1) Non-adjacent wetland.	It has been determined that 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.

III. SUPPORTING INFORMATION

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.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- 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, 19.4 Acres, S. Trimble Road, Mansfield, Richland County, Ohio dated April 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 and Other: Appendix I-Photographs of Site \(S. Trimble Road Site, April 2021\), HistoricalAerials.com \(2017, 2015, 2013, 2011, 2010, 2009, 2006, 2004, 1997, 1981, 1960, 1959\).](#)
 - 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 G-Richland County Soil Survey Map \(NRCS Soil Survey Map\) \(S. Trimble Road Site, April 2021\)](#)
 - USFWS NWI maps: [Appendix F- National Wetlands Inventory \(NWI\) Map \(S. Trimble Road Site, April 2021\)](#)
 - USGS topographic maps: [Appendix E- USGS 7.5-Minute Topographic Map \(S. Trimble Road Site, April 2021\)](#)

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 J- Vegetation, Hydrology, Soils Data Sheets (USACE Wetland Determination Data 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, 8 December 2020 \(Wet Season\), 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. Stream flow was assessed on 8 December 2020. Based on the APT, 8 December 2020 is included during the WebWIMP wet season and has a Palmer Drought Severity Index of mild wetness. The 30-day rolling total for precipitation was with the 30-year normal range. Therefore, site conditions are considered normal typical year conditions. Stream 1 and Stream 2 included a clearly defined bed and bank, coarse bed material \(cobble and gravel\), and consisted of water at some locations. Based on the submitted information, Stream 1 and Stream 2 contribute intermittent flow downstream indirectly to the Muskingum River, an \(a\)\(1\) water, in a typical year. Therefore, Stream 1 and Stream 2 are \(a\)\(2\) waters. Within its banks, Stream 3 contained a large volume of debris and very small substrate. When rainfall is absent, it is expected that Stream 3 would not flow. Therefore, Stream 3 is considered an ephemeral stream, a \(b\)\(3\) water. A hydrological surface connection between Stream 1 and Stream 2,](#)



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

(a)(2) waters, and Wetland B and Wetland D was observed. Therefore, Wetland B and Wetland D are (a)(4) waters. A hydrological connection is likely to remain in normal conditions because of the topographic positioning of the wetlands.

C. Additional comments to support AJD: Wetland A and Wetland C do not meet the definition of adjacent wetlands (33 CFR 328.3(c)(1)(i)-(iv)) and are not considered waters of the United States per 33 CFR 328.3(b)(1). The project is not located within the FEMA 100-year floodplain.