



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): 1/10/2021

ORM Number: LRH-2020-00869-SCR

Associated JDs: N/A

Review Area Location<sup>1</sup>:

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

Center Coordinates of Review Area: Latitude 40.026492 Longitude -82.907367

**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                              |

**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 1    | 764 feet    | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Stream 1 (UNT Big Walnut Creek) 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). |

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  |
|--------------|-------------|--|---|
| Open Water 1 | 2.64 acres  | (a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Open Water 1 is an open water pond constructed between 1980-1995. Stream 1, an (a)(2) water, flows into and out of Open Water 1. Through Stream 1, Open Water 1 contributes surface water flow indirectly to the Scioto River, an (a)(2) water, in a typical year (reference Section III B of this AJD form). |

Adjacent wetlands ((a)(4) waters):

| (a)(4) Name | (a)(4) Size | (a)(4) Criteria                             | Rationale for (a)(4) Determination  |
|-------------|-------------|---|---|
| Wetland C   | 1.88 acres  | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland C directly abuts Stream 1, an (a)(2) water. Reference Stream 1 above. |

<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 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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**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 A - PEM | 0.27 acres     | (b)(1) Non-adjacent wetland | Wetland A-PEM 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. Reference Section III B of this AJD form. |
| Wetland A - PFO | 0.84 acres     | (b)(1) Non-adjacent wetland | Wetland A-PFO 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. Reference Section III B of this AJD form. |
| Wetland B - PEM | 0.26 acres     | (b)(1) Non-adjacent wetland | Wetland B-PEM 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. Reference Section III B of this AJD form. |
| Wetland B - PFO | 0.13 acres     | (b)(1) Non-adjacent wetland | Wetland B-PFO 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. Reference Section III B of this AJD form. |
| Wetland D       | 0.13 acres     | (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. Reference Section III B of this AJD form.     |
| Wetland E       | 0.14 acres     | (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. Reference Section III B of this AJD form.     |

**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)*.  
*Preliminary Jurisdictional Waters Determination Report, Codet Road North Property, Columbus, Franklin County, Ohio dated 13 November 2020 and completed by Civil and Environmental Consultants, Inc. (JD, Nov 2020)*

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: *(NA, aerial, other, aerial and other) Title(s) and/or date(s)*. *aerial and other – Figure 3 – Preliminary Jurisdictional Waters Determination Map and Appendix B – Site Photographs (JD, Nov 2020) and Historic Aerial Images (1653, 1957, 1963, 1971, 1980, 1995, 2004, 2007, 2009, 2011, 2013, 2015, and 2017)*

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.*

<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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- USDA NRCS Soil Survey: *Title(s) and/or date(s)*. [Appendix A – NRCS Soils Report \(JD, Nov 2020\)](#)
- USFWS NWI maps: *Title(s) and/or date(s)*. [Figure 2 – Background Environmental Data Map \(JD, Nov 2020\)](#)
- USGS topographic maps: *Title(s) and/or date(s)*. [Figure 1 – Site Location Map \(JD, Nov 2020\)](#)

**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>               | N/A.   |
| <a href="#">USDA Sources</a>               | N/A.   |
| <a href="#">NOAA Sources</a>               | N/A.   |
| <a href="#">USACE Sources</a>              | <a href="#">Corps Regulatory GIS Viewers</a>   |
| <a href="#">State/Local/Tribal Sources</a> | N/A.   |
| <a href="#">Other Sources</a>              | <a href="#">Appendix B – Wetland Determination Data Forms, Appendix D – ORAM Forms, and Appendix E – HHEI Forms (JD, Nov 2020)</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 dated 3 November 2020, with a corresponding antecedent precipitation tool (APT) report, is included in the evaluation for the features listed in Section II D, as applicable. According to the APT report for 3 November 2020, wetter than normal conditions with an antecedent condition calculation of 15 were observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of mild wetness. The 30-day rolling total for precipitation was above the 30-year normal range. On 3 November 2020, Stream 1 exhibited flow within the stream channel which corresponds with the APT report conditions. Stream 1 is depicted as an unnamed tributary to Big Walnut Creek on the USGS topographic map, NWI map, and the National Hydrography Dataset (NHD). Field indicators of perennial flow were also observed in Stream 1, 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. Therefore, Stream 1 is an (a)(2) water. Wetland C directly abuts Stream 1, an (a)(2) water. Therefore, Wetland C is an (a)(4) water. Based on aerial imagery, Open Water 1 was constructed between 1980-1995. Stream 1, an (a)(2) water, flows into and out of Open Water 1. Through Stream 1, Open Water 1 contributes surface water flow indirectly to the Scioto River, an (a)(1) water, in a typical year. Therefore, Open Water 1 is an (a)(3) water. Wetlands A, B, D, and E 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, D, and E are not jurisdictional waters of the United States per 33 CFR 328.3(b)(1).

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

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<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.