



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): 05-OCT-2020

ORM Number: LRH-2020-00638-SCR

Associated JDs: N/A or ORM numbers and identifiers

Review Area Location¹:

State/Territory: OH City: Westerville County/Parish/Borough: Delaware County

Center Coordinates of Review Area: Latitude 40.1437 Longitude -82.9355

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
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

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

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

D. Excluded Waters or Features

Excluded waters (b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Open Water 1	0.4 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Open Water 1 meets the definition of "Artificial lake/pond" and is not subject to regulation under Section 404.
Stream 1	341 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 1 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Stream 3	75 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 3 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Stream 4	229 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 4 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Stream 5	698 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 5 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Stream 6	130 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 6 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Stream 7	108 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 7 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Stream 8	121 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 8 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 1	232 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 1 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 10	134 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 10 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 2	25 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 2 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 3	67 feet	(b)(3) Ephemeral feature, including	Swale 3 meets the definition of "ephemeral" in

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

		an ephemeral stream, swale, gully, rill, or pool	paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 4	37 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 4 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 6	129 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 6 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 7	49 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 7 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 8	129 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 8 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Swale 9	272 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 9 meets the definition of "ephemeral" in paragraph (c)(3) and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland A	1.91 acres	(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	0.09 acres	(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	0.03 acres	(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	0.04 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.
Wetland E	0.08 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.
Wetland F	0.03 acres	(b)(1) Non-adjacent wetland	Wetland F 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	0.08 acres	(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 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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REGULATORY PROGRAM
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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: PRELIMINARY JURISDICTIONAL WATERS DETERMINATION REPORT ADVANCED CIVIL DESIGN SHARP FARMS PROPERTY WESTERVILLE, DELAWARE COUNTY, OHIO (JD, 11 August 2020). This information is sufficient for purposes of this AJD.
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: (aerial) Appendix B (JD, 11 August 2020).
- 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: Appendix A (JD, 11 August 2020).
- USFWS NWI maps: Figure 2 (JD, 11 August 2020).
- USGS topographic maps: *Title(s) and/or date(s)*.

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	National Hydrography Dataset (NHD) dated 23 September 2020, Huntington District Regulatory Viewer
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/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 13 July 2020, with a corresponding antecedent precipitation tool (APT) report, is included in the evaluation for the excluded feature listed in Section II D. According to the APT report for 13 July 2020, normal conditions were observed during the WebWIMP dry season with a Palmer Drought Severity Index Value of 1.35 mild wetness. The 30-day rolling total for precipitation was within the 30-year normal range. Under normal conditions, the wetlands did not meet the definition of an adjacent wetland. The wetlands listed in the table above 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

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REGULATORY PROGRAM
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artificial structure. The streams, swales, and open water feature listed above do not meet the definition of waters of the United States as identified in 33 CFR 328.3(a)(1) or (2).

C. Additional comments to support AJD: N/A

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