

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo District

FILE NUMBER: 2004-01360(0)

REGULATORY PROJECT MANAGER: Paul F. Wetzel **Date:** June 1, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **Y** **Date:** May 4, 2004

At the project site (Y/N) **Y** **Date:** May 4, 2004

PROJECT LOCATION INFORMATION:

State: OH

County: Allen

Center coordinates of site by latitude & longitude coordinates: 040-42-51.6 N 084-05-57.7 W

Approximate size of site/property (including uplands) in acres 0.62 acres

Name of waterway or watershed: Ottawa River

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	x								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?					x
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?		x			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved **X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The Corps was requested to determine if the wetlands on the 0.6 acre parcel are jurisdictional. A total of 0.3425 acres of isolated wetlands (Wetland A) were delineated on the subject project site. The remainder of the property was upland maintained lawns and residential development. The wetland is located in a residential neighborhood within the city of Lima.

The delineated Wetland A is an isolated depressional wetland that has no apparent surface water connections to any tributaries of navigable waters. There are no tributaries or drainage ditches present in the vicinity of the mapped wetland. There is no apparent nexus to interstate commerce.

No migratory birds were detected in any of the wetlands. However, it is conceivable that they would be frequented by birds in migration foraging and/or resting.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo District
FILE NUMBER: 2003-00689(0)
REGULATORY PROJECT MANAGER: Claudia R. Steele **Date:** June 22, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **Y** **Date:** 6/22/2004
At the project site (Y/N) **Y** **Date:** 5/15/2003

PROJECT LOCATION INFORMATION:

State: OH
 County: Ashtabula
 Center coordinates of site by latitude & longitude coordinates: 41.81094 N
 80.93764 W
 Approximate size of site/property (including uplands) in acres
 Name of waterway or watershed: Cowles Creek

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?	X				
Is or would be used as habitat by other migratory birds that cross state lines?	X				
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The 48 acre site is located along Austin Road, mainly north of the CSX Railroad tracts, within the City of Geneva, Ashtabula County, Ohio. The site contains a total of 17 wetland areas, however, the current preferred alternative by the Ohio Department of Transportation will only impact one wetland, wetland 7 (0.010 acre). As only wetland 7 is proposed for future impact, this is the only wetland that was reviewed on the site.

To determine the extent of federal jurisdiction, an on-site investigation and an office resource evaluation were conducted. The office resource evaluation was based on the review of USGS topographical maps, the Ashtabula County Soil Survey, National Wetlands Inventory Maps, and historical aerial photographs.

Wetland 7 (0.010) is an isolated, non-navigable, intrastate water, has no surface water connection to any water of the United States, and is located approximately 450 linear feet from the nearest stream. In addition, no other interstate commerce factors were documented. Wetland 7 is located entirely within the project right-of-way boundaries. The applicant has indicated that a portion of wetland 7 will be impacted by the preferred alternative.

No other waters of the United States occur within the project right-of-way boundaries.

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo District

FILE NUMBER: 2004-00465(0)

REGULATORY PROJECT MANAGER: Mark W. Scalabrino **Date:** June 22, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** Y **Date:** June 16, 2004

At the project site (Y/N) Y **Date:** April 6, 2004

PROJECT LOCATION INFORMATION:

State: OH

County: Medina

Center coordinates of site by latitude & longitude coordinates: 41.23525, -81.87515

Approximate size of site/property (including uplands) in acres 40

Name of waterway or watershed: unnamed tributary, Rocky River watershed, HUC 04110001

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	X								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved **X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The 40 acre site is located at the intersection of Center and Marks Roads, in the City of Brunswick Hills, Medina County, Ohio. The site contains 10 wetlands totaling 3.77 acres and three streams totaling 3,321.28 linear feet. The streams are unnamed tributaries to Cossett Creek, itself a tributary of the West Branch Rocky River. Impacts anticipated to be approximately 0.261 acre of isolated wetlands, and 0.343 acre of jurisdictional wetlands.

Wetlands A, B, C, D, and J, totaling 0.294 acre, are isolated, non-navigable, intrastate waters not subject to federal jurisdiction. These wetlands are surrounded by agricultural field, with no surface water connections or adjacency to waters of the U.S. Therefore, wetlands A, B, C, D, and J have no connection to interstate commerce.

Wetlands E, F, G, H, and I, totaling 3.84 acres, are riparian wetlands hydrologically connected to unnamed tributaries of Cossett Creek. Cossett Creek flows into West Branch Rocky River. These wetlands and streams are federally jurisdictional based on a surface water connection to a water of the United States.

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Buffalo District
FILE NUMBER: 2004-00978(0)
REGULATORY PROJECT MANAGER: Mark W. Scalabrino **Date:** June 24, 2004
PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** Y **Date:** June 23, 2004
At the project site (Y/N) Y **Date:** May 12, 2004

PROJECT LOCATION INFORMATION:

State: OH
 County: Portage
 Center coordinates of site by latitude & longitude coordinates: 41.0998, -81.3818
 Approximate size of site/property (including uplands) in acres: 25
 Name of waterway or watershed: unnamed wetland, Cuyahoga River Watershed, HUC 4110002

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

The 25 acre parcel is located north of Tallmadge Road, in Brimfield Township, Portage County, Ohio. The site contains 4 wetlands totaling 1.418 acres.

To determine the extent of Federal jurisdiction, an on site investigation and an office resource evaluation were conducted. The office resource evaluation was based on the review of current and historic USGS topographical maps, Portage County soil survey, and National Wetlands Inventory maps.

The four wetlands on site (Wetlands A, C, D, and E), totaling 1.418 acres, are isolated, non-navigable, intrastate waters, and have no surface water connection to a water of the United States. In addition, no other interstate commerce factors were documented. Two wetlands (Wetlands A and D) are fully contained within the site boundaries. Wetland E has approximately 10% (0.096 acre) of its total size on the subject parcel, and 90% (0.9 acre) off site. Wetland A has approximately 66% (1.033 acre) of its total size on the subject parcel, and 34% (0.527 acre) off site.

No development plans for the site have been proposed.

**INFORMATION SHEET
 DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING
 FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY
 CORPS OF ENGINEERS**

DISTRICT OFFICE: Buffalo District

FILE NUMBER: 2004-00977(0)

REGULATORY PROJECT MANAGER: Mark W. Scalabrino **Date:** June 29, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** Y **Date:** May 20, 2004

At the project site (Y/N) Y **Date:** May 12, 2004

PROJECT LOCATION INFORMATION:

State: OH

County: Portage

Center coordinates of site by latitude & longitude coordinates: 41.0998, 81.3803

Approximate size of site/property (including uplands) in acres: 82

Name of waterway or watershed: unnamed wetlands, Cuyahoga watershed, HUC 04110002

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream	X								
Mudflat									
Sandflat									
Wetlands		X							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved X

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

82 acre parcel located south of Tallmadge Road and west of Interstate 76, in Brimfield Township, Portage County, Ohio. The site contains 13 wetlands totaling 3.21 acres, and one ephemeral stream totaling 0.002 acre (41 linear feet). No development plans have been proposed for this site.

Wetlands B, E, F, J, K, L, and M occur in naturally low lying areas and have no surface water connections to waters of the U.S. Wetlands C, D, G, H, I, and the ephemeral stream flow into farm tiles. Property edges were inspected for tile outfalls but none were found. These aforementioned wetlands, totaling 2.923 acres, and 0.002 acre (41 linear feet) of ephemeral stream, are isolated, non-navigable, intrastate waters with no surface water connections or adjacency to waters of the U.S. Therefore, these aquatic resources have no connection to interstate commerce.

Wetland A, totaling 0.289 acre, is hydrologically connected to a roadside ditch that flows into Plum Creek. Plum Creek eventually flows into the Cuyahoga River. This wetland is federally jurisdiction based on a surface water connection to a water of the U.S.

All but two of the wetlands are totally contained within the site. Wetland W has approximately 34% (0.527 acre) of its total size on site and 66% (1.033 acre) off site. Wetland K has approximately 10% (0.055 acre) of its total size on site and 90% (0.495 acre) off site.