



®

## Regulatory Program



®

### **INTERIM APPROVED JURISDICTIONAL DETERMINATION FORM U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in the Interim Approved Jurisdictional Determination Form User Manual.

#### **SECTION I: BACKGROUND INFORMATION**

**A. COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (AJD):** March 21, 2019

**B. ORM NUMBER IN APPROPRIATE FORMAT (e.g., HQ-2015-00001-SMJ):** LRB-2001-02620

#### **C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Ohio County/parish/borough: Ashtabula City: Austinburg

Center coordinates of site (lat/long in degree decimal format): Lat. 41.7883, Long. -80.8489.

Map(s)/diagram(s) of review area (including map identifying single point of entry (SPOE) watershed and/or potential jurisdictional areas where applicable) is/are:  attached  in report/map titled Jurisdictional Determination for the Approximately 12.4-Acre Undeveloped Lots "4B & 4C" of the Sidley Industrial Park Property South of I-90 and North of Sidley Court and the Addendum Letter dated July 30, 2018.

Other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different jurisdictional determination (JD) form. List JD form ID numbers (e.g., HQ-2015-00001-SMJ-1): .

#### **D. REVIEW PERFORMED FOR SITE EVALUATION:**

Office (Desk) Determination Only. Date: .

Office (Desk) and Field Determination. Office/Desk Dates: December 18, 2018 Field Date(s): July 12, 2018.

#### **SECTION II: DATA SOURCES**

Check all that were used to aid in the determination and attach data/maps to this AJD form and/or references/citations in the administrative record, as appropriate.

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant. Title/Date: USGS Topographic Map (1:24,000), Soil Survey Map (1:3,000), NWI map (1:5,000), Aerial Imagery (1:3,000).

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Data sheets/delineation report are sufficient for purposes of AJD form. Title/Date: .

Data sheets/delineation report are not sufficient for purposes of AJD form. Summarize rationale and include information on revised data sheets/delineation report that this AJD form has relied upon: Based on the site visit, additional wetland areas were identified. The Corps requested additional datapoints and any areas meeting wetland criteria be added to the delineation map. Jurisdictional Determination for the Approximately 12.4-Acre Undeveloped Lots "4B & 4C" of the Sidley Industrial Park Property South of I-90 and North of Sidley Court and the Addendum Letter dated July 30, 2018. Revised Title/Date: Revised Field Data Location Map dated July 31, 2018.

Data sheets prepared by the Corps. Title/Date: .

Corps navigable waters study. Title/Date: .

CorpsMap ORM map layers. Title/Date: .

USGS Hydrologic Atlas. Title/Date: .

USGS, NHD, or WBD data/maps. Title/Date: .

USGS 8, 10 and/or 12 digit HUC maps. HUC number: .

USGS maps. Scale & quad name and date: .

USDA NRCS Soil Survey. Citation: .

USFWS National Wetlands Inventory maps. Citation: .

State/Local wetland inventory maps. Citation: .

FEMA/FIRM maps. Citation: .

- Photographs:  Aerial. Citation: . or  Other. Citation: .
- LiDAR data/maps. Citation: .
- Previous JDs. File no. and date of JD letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

**SECTION III: SUMMARY OF FINDINGS**

**Complete ORM "Aquatic Resource Upload Sheet" or Export and Print the Aquatic Resource Screen from ORM for All Waters and Features, Regardless of Jurisdictional Status – Required**

**A. RIVERS AND HARBORS ACT (RHA) SECTION 10 DETERMINATION OF JURISDICTION:**

"navigable waters of the U.S." within RHA jurisdiction (as defined by 33 CFR part 329) in the review area.

• **Complete Table 1 - Required**

*NOTE:* If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Section 10 navigable waters list, DO NOT USE THIS FORM TO MAKE THE DETERMINATION. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Section 10 RHA navigability determination.

**B. CLEAN WATER ACT (CWA) SECTION 404 DETERMINATION OF JURISDICTION: "waters of the U.S." within CWA jurisdiction (as defined by 33 CFR part 328.3) in the review area. Check all that apply.**

(a)(1): All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (Traditional Navigable Waters (TNWs))

• **Complete Table 1 - Required**

This AJD includes a case-specific (a)(1) TNW (Section 404 navigable-in-fact) determination on a water that has not previously been designated as such. Documentation required for this case-specific (a)(1) TNW determination is attached.

(a)(2): All interstate waters, including interstate wetlands.

• **Complete Table 2 - Required**

(a)(3): The territorial seas.

• **Complete Table 3 - Required**

(a)(4): All impoundments of waters otherwise identified as waters of the U.S. under 33 CFR part 328.3.

• **Complete Table 4 - Required**

(a)(5): All tributaries, as defined in 33 CFR part 328.3, of waters identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 5 - Required**

(a)(6): All waters adjacent to a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3, including wetlands, ponds, lakes, oxbows, impoundments, and similar waters.

• **Complete Table 6 - Required**

Bordering/Contiguous.

Neighboring:

(c)(2)(i): All waters located within 100 feet of the ordinary high water mark (OHWM) of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3.

(c)(2)(ii): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 and not more than 1,500 feet of the OHWM of such water.

(c)(2)(iii): All waters located within 1,500 feet of the high tide line of a water identified in paragraphs (a)(1) or (a)(3) of 33 CFR part 328.3, and all waters within 1,500 feet of the OHWM of the Great Lakes.

(a)(7): All waters identified in 33 CFR 328.3(a)(7)(i)-(v) where they are determined, on a case-specific basis, to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 7 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(7) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

(a)(8): All waters located within the 100-year floodplain of a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3 not covered by (c)(2)(ii) above and all waters located within 4,000 feet of the high tide line or OHWM of a water identified in paragraphs (a)(1)-(a)(5) of 33 CFR part 328.3 where they are determined on a

case-specific basis to have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 8 for the significant nexus determination. Attach a map delineating the SPOE watershed boundary with (a)(8) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

**C. NON-WATERS OF THE U.S. FINDINGS:**

**Check all that apply.**

The review area is comprised entirely of dry land.

Potential-(a)(7) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(7) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

Potential-(a)(8) Waters: Waters that DO NOT have a significant nexus to a water identified in paragraphs (a)(1)-(a)(3) of 33 CFR part 328.3.

• **Complete Table 9 and attach a map delineating the SPOE watershed boundary with potential (a)(8) waters identified in the similarly situated analysis. - Required**

Includes water(s) that are geographically and physically adjacent per (a)(6), but are being used for established, normal farming, silviculture, and ranching activities (33 USC Section 1344(f)(1)) and therefore are not adjacent and require a case-specific significant nexus determination.

Excluded Waters (Non-Waters of U.S.), even where they otherwise meet the terms of paragraphs (a)(4)-(a)(8):

• **Complete Table 10 - Required**

(b)(1): Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the CWA.

(b)(2): Prior converted cropland.

(b)(3)(i): Ditches with ephemeral flow that are not a relocated tributary or excavated in a tributary.

(b)(3)(ii): Ditches with intermittent flow that are not a relocated tributary, excavated in a tributary, or drain wetlands.

(b)(3)(iii): Ditches that do not flow, either directly or through another water, into a water identified in paragraphs (a)(1)-(a)(3).

(b)(4)(i): Artificially irrigated areas that would revert to dry land should application of water to that area cease.

(b)(4)(ii): Artificial, constructed lakes and ponds created in dry land such as farm and stock watering ponds, irrigation ponds, settling basins, fields flooded for rice growing, log cleaning ponds, or cooling ponds.

(b)(4)(iii): Artificial reflecting pools or swimming pools created in dry land.<sup>1</sup>

(b)(4)(iv): Small ornamental waters created in dry land.<sup>1</sup>

(b)(4)(v): Water-filled depressions created in dry land incidental to mining or construction activity, including pits excavated for obtaining fill, sand, or gravel that fill with water.

(b)(4)(vi): Erosional features, including gullies, rills, and other ephemeral features that do not meet the definition of tributary, non-wetland swales, and lawfully constructed grassed waterways.<sup>1</sup>

(b)(4)(vii): Puddles.<sup>1</sup>

(b)(5): Groundwater, including groundwater drained through subsurface drainage systems.<sup>1</sup>

(b)(6): Stormwater control features constructed to convey, treat, or store stormwater that are created in dry land.<sup>1</sup>

(b)(7): Wastewater recycling structures created in dry land; detention and retention basins built for wastewater recycling; groundwater recharge basins; percolation ponds built for wastewater recycling; and water distributary structures built for wastewater recycling.

Other non-jurisdictional waters/features within review area that do not meet the definitions in 33 CFR 328.3 of (a)(1)-(a)(8) waters and are not excluded waters identified in (b)(1)-(b)(7).

• **Complete Table 11 - Required.**

**D. ADDITIONAL COMMENTS TO SUPPORT AJD:**

<sup>1</sup> In many cases these excluded features will not be specifically identified on the AJD form, unless specifically requested. Corps Districts may, in case-by-case instances, choose to identify some or all of these features within the review area.



**Jurisdictional Waters of the U.S.**

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

**Table 1. (a)(1) Traditional Navigable Waters**

<b>(a)(1) Waters Name</b>	<b>(a)(1) Criteria</b>	<b>Rationale to Support (a)(1) Designation Include High Tide Line or Ordinary High Water Mark indicators, when applicable.</b>
N/A	Choose an item.	N/A

**Table 2. (a)(2) Interstate Waters**

<b>(a)(2) Waters Name</b>	<b>Rationale to Support (a)(2) Designation</b>
N/A	N/A

**Table 3. (a)(3) Territorial Seas**

<b>(a)(3) Waters Name</b>	<b>Rationale to Support (a)(3) Designation</b>
N/A	N/A

**Table 4. (a)(4) Impoundments**

<b>(a)(4) Waters Name</b>	<b>Rationale to Support (a)(4) Designation</b>
N/A	N/A
N/A	N/A

**Table 5. (a)(5) Tributaries**

<b>(a)(5) Waters Name</b>	<b>Flow Regime</b>	<b>(a)(1)-(a)(3) Water Name to which this (a)(5) Tributary Flows</b>	<b>Tributary Breaks</b>	<b>Rationale for (a)(5) Designation and Additional Discussion. Identify flowpath to (a)(1)-(a)(3) water or attach map identifying the flowpath; explain any breaks or flow through excluded/non-jurisdictional features, etc.</b>
Stream 1	Perennial	Grand River	No	Stream 1 was identified as a perennial tributary based on flow observations and the presence of a defined bed, bank, and ordinary high water mark (OHWM). The lateral limits of Stream 1 were identified using OHWM indicators, including bed and banks, a clear, natural line impressed on the bank, scour, and sediment sorting. Stream 1 flows southeast through an open water pond (located off-site), crosses Sidley Court and drains into Coffee Creek. Coffee Creek flows west and south before connecting to the Grand River, a Section 10 navigable waters of the US as per the LRB Section 10 list (a1 water).

**Table 6. (a)(6) Adjacent Waters**

<b>(a)(6) Waters Name</b>	<b>(a)(1)-(a)(5) Water Name to which this Water is Adjacent</b>	<b>Rationale for (a)(6) Designation and Additional Discussion. Identify the type of water and how the limits of jurisdiction were established (e.g., wetland, 87 Manual/Regional Supplement); explain how the 100-year floodplain and/or the distance threshold was determined; whether this water extends beyond a threshold; explain if the water is part of a mosaic, etc.</b>
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A
N/A	N/A	N/A

**Table 7. (a)(7) Waters**

<b>SPOE Name</b>	<b>(a)(7) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus</b>	<b>Significant Nexus Determination Identify SPOE watershed; discuss whether any similarly situated waters were present and aggregated for SND; discuss data, provide analysis, and summarize how the waters have more than speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Table 8. (a)(8) Waters**

<b>SPOE Name</b>	<b>(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water has a Significant Nexus</b>	<b>Significant Nexus Determination Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to subject water and aggregated for SND; discuss data, provide analysis, and then summarize how the waters have more than speculative or insubstantial effect the on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water, etc.</b>
Sidley SPOE	Wetland H	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland H and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland H is located approximately 305 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland H is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water. The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland H drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland H to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p>

			<p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland H).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine forested NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland H within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland H and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland H possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland H as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p>
--	--	--	--



			<p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland H is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland H and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland H and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland H and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland H has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
Sidley SPOE	Wetland I	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland I and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland I is located approximately 318 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland I is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water. The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland I drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland I to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies</p>

			<p>have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland I).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland I within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland I and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland I possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland I as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total</p>
--	--	--	---

			<p>dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland I is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland I and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland I and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland I and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland I has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
Sidley SPOE	Wetland N	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland N and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland N is located approximately 55 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland N is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water. The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland N drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland NI to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water.</p>

			<p>The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland N).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland N within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland N and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland N possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland N as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland N is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway.</p>
--	--	--	---

			<p>Wetland N and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland N and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland N and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland N has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
Sidley SPOE	Wetland O	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland O and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland O is located approximately 97 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland O is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water. The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland O drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland O to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying</p>

		<p>potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland O).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland O within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland O and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland O possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland O as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland O is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland O and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland O and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p>
--	--	---

			<p>Wetland O and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland O has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
Sidley SPOE	Wetland P	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland P and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland P is located approximately 440 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland P is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water. The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland P drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland P to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters</p>

			<p>(Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland P).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland P within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland P and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland P possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland P as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland P is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland P and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland P and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland P and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the</p>
--	--	--	--



			<p>downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland P has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
Sidley SPOE	Wetland Q	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland Q and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland Q is located approximately 645 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland Q is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water. The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland Q drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland Q to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland Q).</p>

			<p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland Q within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland Q and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland Q possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland Q as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland Q is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland Q and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland Q and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland Q and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland Q has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
--	--	--	---

Sidley SPOE	Wetland R	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland R and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland Q is located approximately 510 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland R is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water. The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland R drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland R to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland R).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are</p>
-------------	-----------	--------------------	--

			<p>located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland R within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland R and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland R possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland R as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland R is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland R and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland R and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland R and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland R has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
Sidley SPOE	Wetland SS	Grand River (a)(1)	The significant nexus evaluation below is for subject water Wetland SS and its similarly situated waters within the SPOE watershed.

			<p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland SS is located approximately 184 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland SS is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water.</p> <p>The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland SS drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland SS to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland SS).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to</p>
--	--	--	--

			<p>Wetland SS within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland SS and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland SS possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland SS as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland SS is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland SS and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland SS and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland SS and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland SS has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
Sidley SPOE	Wetland TT	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland TT and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland TT is located approximately 500 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-</p>

			<p>Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland TT is physically located within the (a)(8) geographic limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water.</p> <p>The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland TT drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland TT to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland TT).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland TT within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable</p>
--	--	--	---

			<p>water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland TT and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland TT possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland TT as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland TT is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland TT and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland TT and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland TT and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland TT has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
Sidley SPOE	Wetland UU	Grand River (a)(1)	<p>The significant nexus evaluation below is for subject water Wetland UU and its similarly situated waters within the SPOE watershed.</p> <p>Using the ORM JD Viewer Measurement Tool, it was determined that Wetland UU is located approximately 440 linear feet from the nearest (a)(1) through (a)(5) water, an unnamed tributary to Coffee Creek located on the subject parcel (see Table 5-Stream 1). Measurement was taken from the wetland boundary to the centerline of the unnamed tributary to Coffee Creek as per aerial photography and national hydrography data. Wetland UU is physically located within the (a)(8) geographic</p>



			<p>limits as it lies less than 4000 feet from the ordinary high water mark of an (a)(5) water.</p> <p>The flow path from the wetland to the nearest downstream (a)(1) through (a)(3) water was determined using the ORM JD Viewer Trace Tool. Wetland UU drains north to Stream 1. Stream 1 flows south through a man-made pond and into Coffee Creek which flows directly into and contributes flow to the Grand River, an (a)(1) Section 10 navigable water of the U.S. on the Buffalo District Section 10 list. The flow path from Wetland UU to the single point of entry at the Grand River is approximately 3.6 miles in length.</p> <p>The Sidley SPOE watershed lateral limits were delineated from the point at which Coffee Creek enters the Grand River using the ORM JD Viewer SPOE tool. The SPOE watershed is depicted on the attached maps labeled Sidley SPOE north and Sidley SPOE south and is roughly 7,700 acres in size.</p> <p>The first subset of similarly situated waters to be identified included those waters with similar functions that are also located within a contiguous area of land with relatively homogeneous soils, vegetation, and landform (SVL area). The agencies have interpreted the first subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, share the same Cowardin Classification system level as the subject water, and are also located within the same SVL area as the subject water. The soils (Soil Drainage Class- SSURGO), vegetation (GAP Landcover- Vegetation Class), and landform (Landform- USGS 10 Class) layers in the USACE ORM JD Viewer are the basis for determining the SVL area. The National Wetlands Inventory layer (NWI Wetlands) in the USACE ORM JD Viewer is the basis for identifying potential similarly situated waters. The SVL area has been defined as moderately drained soils, smooth plains landform, and forest and woodland vegetation. As per the ORM JD Viewer NWI Wetlands dataset, no potentially similarly situated waters (Palustrine features) were found within the same contiguous SVL area as the subject water (Wetland UU).</p> <p>The second subset of similarly situated waters to be identified included those waters with similar function that are located sufficiently close to each other or a water of the U.S. The agencies have interpreted the second subset of similarly situated waters to include those waters that are located within the delineated SPOE watershed, are located within the (a)(8) geographic limits, and that share the same Cowardin Classification class level as the subject water. Twenty-six Palustrine NWI Wetland features totaling approximately 67 acres were determined to be similarly situated to Wetland UU within the SPOE watershed. For practical administrative purposes, 33 CFR 328.3 does not require evaluation of all similarly situated waters under (a)(8) when concluding that those waters have a significant nexus to a traditional navigable water, interstate water, or territorial sea. Additional similarly situated wetlands located higher in the watershed are not included in this significant nexus evaluation</p>
--	--	--	--

			<p>as a positive significant nexus determination could be made using the subset of wetlands identified.</p> <p>Based upon the similarly situated waters evaluation above, it is reasonable to conclude that Wetland UU and the 26 identified similarly situated waters are sufficiently close and function alike such that together they significantly affect the chemical, physical and biological integrity of the downstream (a)(1) water. The similar functions include providing nutrient recycling and runoff storage. Wetland UU possessed water-stained leaves which are indicative of inundation/saturation for a prolonged period of time. The leaves break down over time and the nutrients within them are recycled through the uptake of nutrients by the wetland's vegetation. Surface water runoff is stored within Wetland UU as evidence by the saturation, inundation, and/or water-stained leaves that were observed during the delineation and/or delineation verification site visit.</p> <p>Portions of the Grand River are designated Exceptional Warmwater Habitat (EWH) or Warmwater Habitat (WWH). According to the Ohio Environmental Protection Agency (OEPA), causes of impairment within the Grand River watershed include urbanization, agricultural runoff, habitat alteration, nutrients, flow alterations, total dissolved solids and bacteria (Total Maximum Daily Loads for the Grand River watershed (lower), Ohio EPA, January 31, 2012). Wetland UU is located in close proximity to industrial development, roads, and highways. It receives hydrology from precipitation and runoff associated with the adjacent development and roadway. Wetland UU and the similarly situated wetlands provide an important function of reducing the effects of runoff and reduce impacts on the downstream TNW. Wetland UU and the similarly situated wetlands supply the downstream TNW with a cleaner source of water that aid in reducing impairments.</p> <p>Wetland UU and the similarly situated waters have more than a speculative or insubstantial effect on the chemical, physical, and biological integrity of the downstream (a)(1) water, Grand River. Therefore based on the evaluation presented herein, Wetland UU has been determined to be an (a)(8) water and is considered a jurisdictional water of the U.S.</p>
--	--	--	---

**Non-Jurisdictional Waters**

Default field entry is "N/A". Delete "N/A" and fill out all fields in the table where applicable for waters/features present in the review area.

**Table 9. Non-Waters/No Significant Nexus**

<b>SPOE Name</b>	<b>Non-(a)(7)/(a)(8) Waters Name</b>	<b>(a)(1)-(a)(3) Water Name to which this Water DOES NOT have a Significant Nexus</b>	<b>Basis for Determination that the Functions DO NOT Contribute Significantly to the Chemical, Physical, or Biological Integrity of the (a)(1)-(a)(3) Water. Identify SPOE watershed; explain how 100-yr floodplain and/or the distance threshold was determined; discuss whether waters were determined to be similarly situated to the subject water; discuss data, provide analysis, and summarize how the waters did not have more than a speculative or insubstantial effect on the physical, chemical, or biological integrity of the (a)(1)-(a)(3) water.</b>
N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A

**Table 10. Non-Waters/Excluded Waters and Features**

<b>Paragraph (b) Excluded Feature/Water Name</b>	<b>Rationale for Paragraph (b) Excluded Feature/Water and Additional Discussion.</b>
N/A	N/A
N/A	N/A

**Table 11. Non-Waters/Other**

<b>Other Non-Waters of U.S. Feature/Water Name</b>	<b>Rationale for Non-Waters of U.S. Feature/Water and Additional Discussion.</b>
N/A	N/A