



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

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 7/17/2020
 ORM Number: LRB-2010-00675
 Associated JDs: LRB-2009-00518
 Review Area Location¹: State/Territory: Ohio City: Brunswick County/Parish/Borough: Medina
 Center Coordinates of Review Area: Latitude 41.23648 Longitude -81.82194

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland B	3.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wetland B does not physically abut an a(1-3) water onsite. However, Wetland B continues offsite to the south and ultimately abuts an a(2) water. A site visit

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			conducted in 2009 on the parcel immediately south of the subject site was documented in a PJD (LRB-2009-00518) which showed the extension of Wetland B to the south on the adjacent parcel, and continuing south to a USGS blue-line stream. Therefore, it has been determined that Wetland B does abut an a(2) water and is thus an adjacent a(4) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A and C	1.51 acre(s)	(b)(1) Non-adjacent wetland.	Wetlands A and C are located entirely onsite. They were circumnavigated and the only observed connection to an a(1-3) water is Ephemeral Channel #1 (please see below for discussion on Ephemeral Channel #1). Since the stream channels themselves were determined to be excluded, these wetlands are excluded under b(1).

Excluded waters ((b)(1) – (b)(12)): ⁶			
Exclusion Name	Exclusion Size	Exclusion ⁷	Rationale for Exclusion Determination
Ephemeral Channel #1 and #2	627 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Channels #1 and #2 were observed to be ephemeral stream channels. This was based on a combination of the following - channel size, observed substrate, lack of flow, and absence of groundwater. Each channel was approximately 3 feet in width, with silt to sandy substrate – which can be evidence of infrequent flow. There was no observed flow (despite the fact that the visit was conducted during a wetter than normal period (see Typical Year Assessment below)), and it was determined that the entire watershed size is 1-2 acres so unless groundwater is present there is not a sufficient amount of precipitation to make the stream intermittent or perennial. While onsite, Corps staff walked the length of the stream channels

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

⁶ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁷ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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Excluded waters ((b)(1) – (b)(12)): ⁶			
Exclusion Name	Exclusion Size	Exclusion ⁷	Rationale for Exclusion Determination
			looking for evidence of groundwater influence - none were observed. There were no observed seeps or springs, and topography is relatively flat so none would be expected. In addition, vegetation (i.e. skunk cabbage, royal fern) that are most commonly observed in areas of groundwater influence were not observed onsite. Therefore, it was determined there is no groundwater influence and hydrology is strictly from precipitation. In addition, to confirm onsite observations the Medina, OH 7.5 min USGS Quad was reviewed to determine presence/absence of onsite stream channels. The USGS quad does not identify any stream channel onsite. Thus, based on the above, it was determined that both onsite stream channels are excluded ephemeral streams.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: **Title(s) and date(s)**
This information **is** sufficient for purposes of this AJD.
Rationale: **N/A**
- Data sheets prepared by the Corps: **Title(s) and/or date(s)**.
- Photographs: **Select. Title(s) and/or date(s)**.
- Corps site visit(s) conducted on: **June 20, 2019**
- Previous Jurisdictional Determinations (AJDs or PJDs): **ORM Number(s) and date(s)**.
- Antecedent Precipitation Tool: **provide detailed discussion in Section III.B.**
- USDA NRCS Soil Survey: **Title(s) and/or date(s)**.
- USFWS NWI maps: **Title(s) and/or date(s)**.
- USGS topographic maps: **Medina, OH 7.5 min**

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	Medina, OH 7.5 min
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): **The Antecedent Precipitation Tool (APT) was run to determine climatologic conditions at the time of the June 20, 2019 site visit. The APT indicates that the site visit was conducted**



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during a wetter than normal period. This further confirms that the two onsite stream channels are ephemeral as: 1) They were not flowing at the time of the site visit; and 2) There was no presence of groundwater influence. Based on the climatological conditions at the time of the site visit, since water was not observed flowing within the stream channels and no groundwater was observed, it is expected that neither would be present during normal or dry periods and, thus, both stream channels are influenced ephemerally by precipitation only.

C. Additional comments to support AJD: N/A