



**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): 7/24/2020
 ORM Number: LRB-2019-01562
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Olmsted Township County/Parish/Borough: Cuyahoga
 Center Coordinates of Review Area: Latitude 41.381370 Longitude -81.881014

II. FINDINGS

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

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

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

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

C. Clean Water Act Section 404

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

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

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

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetlands A, B, C, D, E, F and G	5.33	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands A, B, C and F are located entirely onsite. They were circumnavigated and the only observed connection to an a(1-3) water is Stream 1 (please see below for discussion on Stream 1). Since the stream channel itself was determined to be excluded, these wetlands are excluded under b(1). Wetlands D, E and G extend offsite, and were not entirely circumnavigated. However, visual observations on adjacent parcels showed the extent of these wetlands do not extend offsite to the nearest a(1-3) water which, according to the North Olmsted, OH 7.5 min quad is located approximately 720 feet away. Heading north of the subject parcel recent development has raised the grade of the adjacent parcel - further evidencing that onsite wetlands do not extend to the nearest a(1-3) water. Heading south, existing development and natural topography further demonstrates that these onsite wetlands do not extend to the nearest a(1-3) water. A search of the National Wetland Inventory confirms that none of these wetlands extends to the nearest a(1-3) water.

Excluded waters ((b)(1) – (b)(12)): ⁶				
Exclusion Name	Exclusion Size		Exclusion ⁷	Rationale for Exclusion Determination
Stream 1	368	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream1 was observed to be an ephemeral stream channel. 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 normal period (see Typical Year Assessment below)). While onsite, Corps staff walked the length of the stream channels looking for evidence of groundwater

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
			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 North Olmsted, OH 7.5 min USGS Quad was reviewed to determine presence/absence of onsite stream channels. This resource did not identify onsite stream channels. Thus, based on the above, it was determined that the onsite stream channel is an excluded ephemeral stream.

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: [Wetland Delineation, Parcel Number 261-20-003 & a portion of Parcel Number 261-20-001, Olmsted Township, Cuyahoga County, Ohio, by HZW Environmental Consultants, December 2019](#)

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 17, 2020](#)
- 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: [NWI Features – FWS, 2018](#)
- USGS topographic maps: [North Olmsted, 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	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.



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B. Typical year assessment(s): The subject parcel's latitude/longitude was entered into the Antecedent Precipitation Tool (APT) which was used to determine average precipitation, total precipitation over the 90 days preceding the site visit, and whether the June 17, 2020 site visit was conducted under dry, normal or wet conditions. The APT pulled precipitation data from the nearest weather station – Cleveland. The APT shows that normal precipitation at the location of the site is between the 30th (2.5") and 70th (4.4") percentiles. The APT indicates that 0-30 days prior to the visit precipitation was 1.6" which is below the 30th percentile of 2.5". Thirty to 60 days prior the APT indicates that precipitation was 7.1" which is above the 70th percentile of 4.1" and 60 to 90 days precipitation was 5.7" which is also above the 70th percentile. Therefore, two-three months prior to the Corps site visit rainfall was above 70th percentile typical precipitation and one month prior to the date of the site visit precipitation was considered to be dry for that time of year.

The APT, using a weighted approach, indicates that the site visit was conducted during a period of normal precipitation. This further confirms that the onsite stream channel is ephemeral as: 1) It was not flowing at the time of the site visit; and 2) There was no presence of groundwater influence. Based on the precipitation 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 dry periods and, thus, all stream channels are influenced ephemerally by precipitation only.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.