



**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): 7/27/2020
 ORM Number: LRB-2020-00077
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Madison County/Parish/Borough: Lake
 Center Coordinates of Review Area: Latitude 41.75779 Longitude -81.04219

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 B, C, D, E, F, G and H	1.5	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands B, C, D, E, F, G and H are located entirely onsite. They were circumnavigated and the only observed connection to an a(1-3) water is Streams 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).

Excluded waters ((b)(1) – (b)(12)): ⁶				
Exclusion Name	Exclusion Size		Exclusion ⁷	Rationale for Exclusion Determination
Stream 1	546	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 1 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. The channel was approximately 1-1.5' feet in width, with silt to sandy substrate – which can be evidence of infrequent flow. There was no observed flow (see Typical Year Assessment below), and the stream channel had no evidence of standing water nor saturation. While onsite, Corps staff walked the length of the stream channel looking for evidence of groundwater influence - none were observed. There were no observed seeps or springs. In addition, vegetation (i.e. skunk cabbage, royal fern) that are most commonly observed in areas of groundwater influence were not observed onsite. It appeared that the sole water source for the onsite portion of Stream 1 was precipitation runoff from an approximately 5-7-acre onsite watershed. Therefore, it was determined there is no groundwater influence and hydrology is strictly from precipitation. In addition, to confirm onsite observations the Madison & Thompson, OH 7.5 min USGS Quads and the Natural Resources Conservation Service (NRCS) historical Soils Map (1979) were reviewed to determine presence/absence of onsite stream

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
			channels. The USGS quads identify a small portion of Stream 1 along the far northern portion of the site, and the NRCS Soils Map does identify an ephemeral stream channel in the location of Stream 1. Thus, based on the onsite observations, and the resources reviewed, it was determined that Stream 1 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 And Waters of the US Report, Great Lakes Power Products-Madison, Ohio, Madison Township, Lake County, Ohio, by American Structure, Inc., November 20, 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 19, 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: [Historical Soils Map, 1979 Lake County Soil Survey](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Madison & Thompson, 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.

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 19, 2020 site visit was conducted under dry, normal or wet conditions. The APT pulled precipitation data from the nearest weather stations – Painesville, Madison, Ashtabula, Ashtabula County AP, and Chardon. The APT shows that normal precipitation at the location of the site is between the 30th (2.4”) and 70th (4.1”) percentiles. The APT indicates that 0-30 days prior to the visit precipitation was 1.7” which is below the 30th percentile of 2.4”. Thirty to 60 days prior the APT indicates that precipitation was 1.2” which is below the 70th percentile of 4.1” and 60 to 90 days prior



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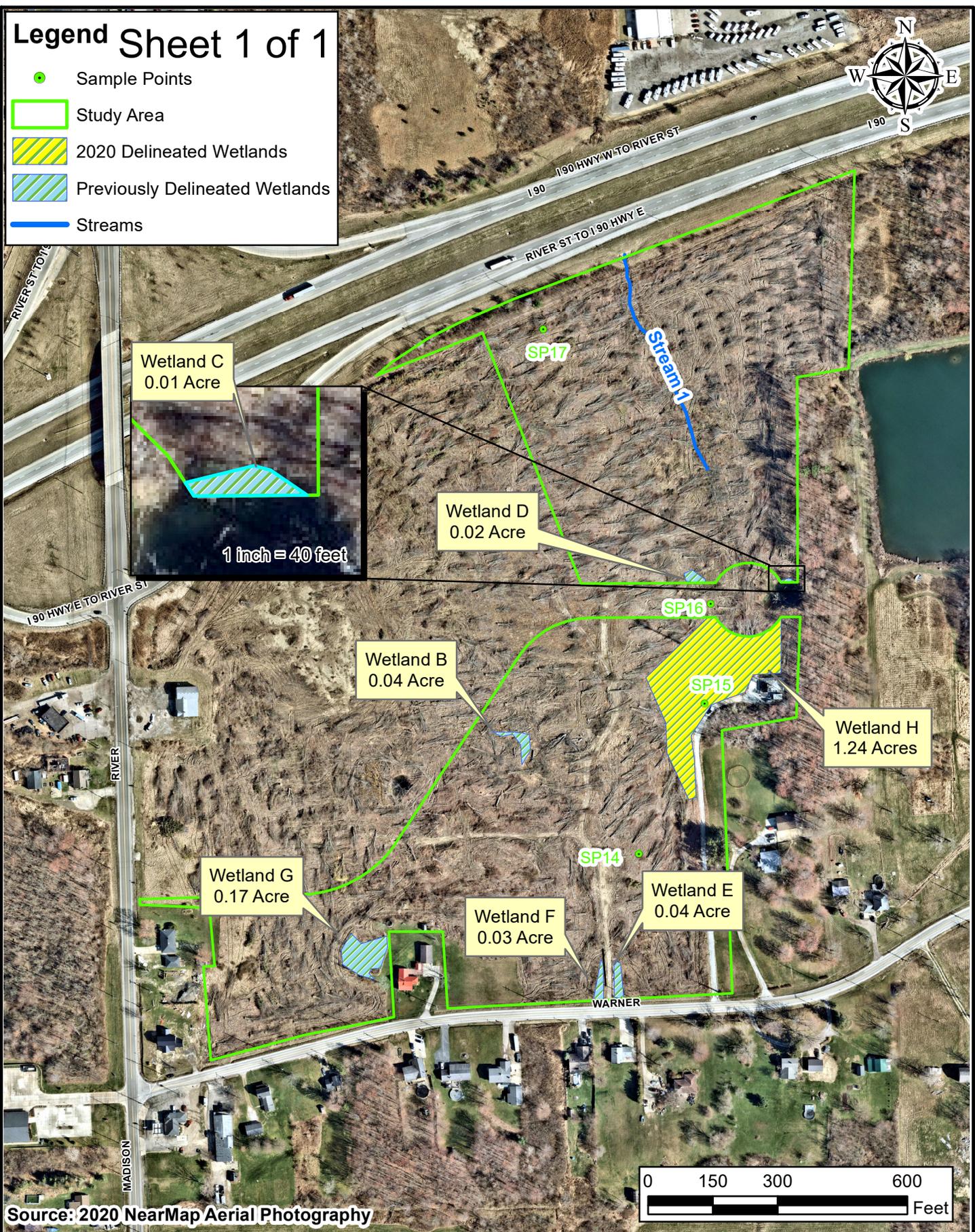
precipitation was 2.4" which is also below the 70th percentile. Therefore, the three months prior to the Corps site precipitation was drier than normal.

The APT, using a weighted approach, indicates that the site visit was conducted during a period of drier than normal precipitation. Based on this, additional resources (discussed above) were consulted in addition to the site visit in order to confirm Stream 1's flow regime.

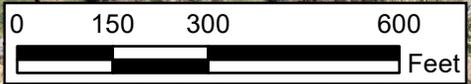
C. Additional comments to support AJD: N/A

Legend Sheet 1 of 1

- Sample Points
- Study Area
- 2020 Delineated Wetlands
- Previously Delineated Wetlands
- Streams



Source: 2020 NearMap Aerial Photography



Field Investigation Map

Client: Great Lakes Power Products
7455 Tyler Boulevard
Mentor, Ohio 44060

Great Lakes Power Products-Madison, Ohio

Location: Madison
Township: Madison
County: Lake
State: Ohio

Date: 07/06/2020