



**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): 7/8/2020
 ORM Number: LRB-2020-00750
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Painesville County/Parish/Borough: Lake
 Center Coordinates of Review Area: Latitude 41.670843 Longitude -81.165722

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
Aquatic Feature 1	564	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	See 3 C.

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 [Select.](#) sufficient for purposes of this AJD.
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Lake County, Ohio GIS Aerial Photographs 2000, 2004, 2007, 2011. Google Earth Aerial Photographs 2000, 2006, 2012, 2020. On-site photographs taken](#)
- Corps site visit(s) conducted on: [16-JUN-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: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [USGS Topographic Map 1971 and 2016](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	ORM2 Dataset
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	Maps and information available in the ORM database
State/Local/Tribal Sources	N/A.
Other Sources	Weather.com

B. Typical year assessment(s): The APT pulls precipitation data from NOAA's Daily Global Historical Climatology Network. The APT evaluates normal precipitation conditions based on the three 30-day periods preceding the observation date. For each period, a weighted condition value is assigned by determining whether the 30-day precipitation total falls within, above, or below the 70th and 30th percentiles for totals from the same date range over the preceding 30 years. The APT then makes a determination of "normal," "wetter than normal," or "drier than normal" based on the condition value sum. The APT also displays results generated via the Palmer Drought Severity Index and the University of Delaware WebWIMP.

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.



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An APT evaluation was run, associated with Google Earth Aerial photos for Jan 2001, Apr 2004, Apr 2006, May 2007, Apr 30 2012 and Jun 2020. The evaluation was run for six weather stations within the vicinity of the site. These stations are Chardon, Painesville 3.8 SSW, Kirtland Holden 2, Kirtland Holden, Montville 1.2 SSE and Painesville 4 NW. Results indicate various conditions; four years normal, two years wetter than normal and one year drier than normal conditions. Aerials for all years suggest no intermittent or perennial water flow within Aquatic Feature 1.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.670843	-81.165722	12/1/2000	1.88	Mild wetness	Wet Season	11	Normal Conditions
41.670843	-81.165722	4/30/2004	2.86	Moderate wetness	Wet Season	13	Normal Conditions
41.670843	-81.165722	4/25/2006	-1.35	Mild drought	Wet Season	8	Drier than Normal
41.670843	-81.165722	5/15/2007	2.34	Moderate wetness	Wet Season	15	Wetter than Normal
41.670843	-81.165722	5/30/2011	4.56	Extreme wetness	Wet Season	18	Wetter than Normal
41.670843	-81.165722	4/30/2012	-1.64	Mild drought	Wet Season	11	Normal Conditions
41.670843	-81.165722	6/15/2020	1.73	Mild wetness	Dry Season	12	Normal Conditions

C. Additional comments to support AJD: A site visit was performed on 16-JUN-2020 to assess if jurisdictional waters are present on-site. Prior to the site visit, weather.com was reviewed to determine the last significant rainfall event, which was 0.53-inches on 10-JUN-2020. During the site visit, the upper portion of Aquatic Feature 1 was walked. Two 12-inch PVC culverts are located in the stream channel, one is approximately 19 feet long and one is 10 feet long. Aquatic feature 1 originates along a roadside ditch located to the south of Girdled Road. Water flows to the north under Girdled Road through a 12-inch culvert and discharges onto the subject property. A review of aerial imagery and USGS Topographic Maps show that Aquatic Feature 1 is not a captured stream. Water in Aquatic Feature 1, when present, would then flow to the north and then to the northwest. A review of USGS Topographic maps shows that the water in Aquatic Feature 1 discharges into a perennial stream named East Creek. The day of the site visit, water was observed only in a plunge pool located directly below the culvert where water flows onto the subject property. Water was not observed flowing in the remainder of Aquatic Feature 1 that was located on the subject property. Aquatic Feature 1 has a defined bed and bank and an ordinary high water mark. Water was not observed flowing in Aquatic Feature 1 on the day of the site visit. Multiple aerial images from different years were reviewed that were obtained from Lake County, Ohio GIS and Google Earth Pro (See Section 3. A). Water was not observed flowing within Aquatic Feature 1 in any of the aerial images that were reviewed. A review of USGS topographic mapping does not depict a stream channel in the review area. Based upon the Antecedant Precipitation Tool (APT) for the observation date of 16-JUN-2020, the wetness condition was considered to be dry being below the APT 30th percentile. However, the 30 and 60 days prior to the APT calculation determine that the wetness condition was above the 70th percentile. Overall the APT determined that the area was under normal wetness conditions at the time of the site visit. Since data indicates that the site visit was conducted during under normal wetness conditions and no water was observed in Aquatic Feature 1, and after an evaluation of on-site observations, a review of aerial imagery, USGS Topographic maps, and information extrapolated Antecedent Precipitation Tool, Aquatic Feature 1 is indicative of an ephemeral stream. Ephemeral streams are excluded features under the Navigable Protection Water Rule.