



**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): 8/5/2020
 ORM Number: LRB 2019-01405
 Associated JDs: LRB 2019-01405 Pre-JD
 Review Area Location¹: State/Territory: Ohio City: Montville Township County/Parish/Borough: Medina
 Center Coordinates of Review Area: Latitude 41.134197 Longitude -81.83637

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
Wetland 1	0.096	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not have a connection to an a(1-3) water. Wetland 1 extends offsite in an area where there are no mapped a(1 to 3) waters and no other mapped tributaries.
Wetland 4	0.022	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 is connected to Stream 2 an ephemeral excluded water. Stream 2 did not contain flowing water during the 16 June 2020 site visit. The submitted photographs from September 2019 depicted Stream 2 as having a dry channel that contained fallen leaves.
Wetland 5	0.015	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 does not have a connection to an a(1-3) water. Wetland 5 is a depressional wetland located approximately 400 feet south of Stream 2 which is the nearest tributary.
Wetland 6	0.064	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6 does not have a connection to an a(1-3) water is a depressional wetland located south of Wetland 5 and there are no a1 to a3 waters in this area.
Wetland 7	0.542	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 7 does not have a connection to an a(1-3) water. Wetland 6 is located along the southern property boundary and does not adjacent to an a1 to a3 water. Wetland 7 extends offsite in an area where there are no mapped a(1 to 3) waters and no other mapped waters.
Stream 2	341	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 2 is an ephemeral tributary. Stream 2 did not contain flowing water during the 16 June 2020 site visit. The submitted photographs from September 2019 depicted Stream 2 as having a dry channel bottom that contained fallen leaves.

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 Report 16 October 2019](#)

This information is sufficient for purposes of this AJD.

Rationale: [Informatin is sufficient](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Google Earth – 1994, 2000, 2003-2007, 2009-2010, 2012, 2014-2019 and Site Photos provided by applicant 19 September 2019](#)

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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- Corps site visit(s) conducted on: 16 June 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: USDA/NRCS Web Soil Survey - 9 July 2020
- USFWS NWI maps: USFWS Medina, Ohio – 9 July 2020
- USGS topographic maps: Medina Ohio 1:24,000 2019 and 2010

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 Antecedent Precipitation Tool determined on the date the Corps conducted a site visit on 16 June 2020 the precipitation was 4.267717 between 30% (2.475984) and 70% (4.786614) which is considered normal precipitation. The model also indicates that 30 days prior to the visit the precipitation was 2.444882 which is below the 30% of 2.705512. Sixty days prior the tool estimated precipitation was 3.905512 which was above the 70% of 3.605512. Therefore, three months prior to the Corps site visit rainfall was above 70% typical precipitation, two months prior it was below typical precipitation and the date of the site visit precipitation was considered to be typical for that time of year.

C. Additional comments to support AJD: The Approved JD covers Area A north of Timber Trail and Area C south Stream 1. Wetlands 1 and 7 extend offsite but are not adjacent or contribute flow to an A(1-3) water. Based upon a review of aerial photographs and maps there is only one tributary, Stream 1, in the immediate vicinity of this property. Wetland 4 abuts Stream 2, which is an ephemeral excluded water. Stream 2 was not flowing when the wetland delineation was completed on 19 September 2019 and during the Corps site visit in 16 June 2020. Wetlands 5 and 6 are located south Stream 2 (excluded water), these wetlands are depressional and are not adjacent to an a(1to3) water. Wetlands 1, 5, 6 and 7 do not meet any of the four criteria that would make an (a)(4) adjacent water subject to jurisdiction under Section 404 of the Clean Water Act. Based upon the Corps site visit there are no defined channels/tributaries/ditches were observed flowing from these wetlands to any (a)(1-3) water and no evidence (i.e. debris, leaf wracking) that any a(1-3) water would flow to these wetlands at least once during a typical year.