



**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): 9/22/2020
 ORM Number: LRB-2019-01300-MWS
 Associated JDs: PJD, LRB-2019-01300- JEK
 Review Area Location¹: State/Territory: Ohio City: Westlake County/Parish/Borough: Cuyahoga
 Center Coordinates of Review Area: Latitude 41.472284 Longitude -81.948234

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.



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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.008	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is entirely onsite. This wetland was circumnavigated and there was no connection to any jurisdictional water, therefore it is not an adjacent wetland and is excluded under b(1). In addition there is no indication that any jurisdictional water floods into this wetland at least once in a typical year or that it is separated by man-made or natural berms or barriers from an a(1-3) water. There are no streams of any kind on the site. The closest stream indicated in the vicinity on mapping is located along the I-90 ramp at Crocker Road, approximately 500 feet south of the southwest corner of the area of investigation. This stream is at least intermittent based on aerials and USGS interpretation. This stream flows to the west from Crocker road into a culvert and where the culvert outlets is unknown due to development in the area. No clear route for drainage from the wetland to any intermittent or perennial stream could be ascertained.
Wetland B	7.609	acre(s)	(b)(1) Non-adjacent wetland	This wetland is entirely onsite. This wetland was circumnavigated and there was no connection to any jurisdictional water, therefore it is not an adjacent wetland and is excluded under b(1). In addition there is no indication that any jurisdictional water floods into this wetland at least once in a typical year or that it is separated by man-made or natural berms or barriers from an a(1-3) water. Two grated drop inlet drains were found in the vicinity of the wetland but there were no field indications that the wetland flows to the drains at least once in a typical year. Whether the drains are functioning could not be determined. Following a review of a storm sewer map of Westlake, it could not be determined where the drains flow. The drains are not indicated on the storm sewer map. There are no streams of any kind on the site. The closest stream indicated in the vicinity on mapping is located along the I-90 ramp at Crocker Road, approximately 500 feet south of the southwest

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.



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

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			corner of the area of investigation. This stream is at least intermittent based on aerials and USGS interpretation. This stream flows to the west from Crocker road into a culvert and where the culvert outlets is unknown due to development in the area. No clear route for drainage from the wetland to any intermittent or perennial stream could be ascertained.
Wetland C	0.116	acre(s)	(b)(1) Non-adjacent wetland This wetland is entirely onsite. This wetland was circumnavigated and there was no connection to any jurisdictional water, therefore it is not an adjacent wetland and is excluded under b(1). In addition there is no indication that any jurisdictional water floods into this wetland at least once in a typical year or that it is separated by man-made or natural berms or barriers from an a(1-3) water. There are no streams of any kind on the site. The closest stream indicated in the vicinity on mapping is located along the I-90 ramp at Crocker Road, approximately 500 feet south of the southwest corner of the area of investigation. This stream is at least intermittent based on aerials and USGS interpretation. This stream flows to the west from Crocker road into a culvert and where the culvert outlets is unknown due to development in the area. No clear route for drainage from the wetland to any intermittent or perennial stream could be ascertained.
Stormwater Basin	.035	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. The basin appears in 2018 aerial photos adjacent to the parking lot expansion completed in 2016/2017. The feature has a rock-lined inlet channel from the parking lot. There does not appear to be an outlet. Langan Engineering & Environmental Services, Inc., stated that the feature is a designed stormwater retention basin.

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: [US Army Corps of Engineers Individual Section 404 Permit Application, Langan \(April 15, 2020\)](#)

This information is sufficient for purposes of this AJD.



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

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial: Google Earth \(6/14/2014, 4/6/2012, 2/28/2006\), HistoricAerials.com \(1994, 1970, 1952\), Soil Survey of Cuyahoga County \(12/1980\)](#)
- Corps site visit(s) conducted on: [August 26, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [PJD: LRB-2019-01300-JEK, November 27, 2019](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey](#)
- USFWS NWI maps: [ORM 2](#)
- USGS topographic maps: [North Olmstead \(1:24K\)](#)

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	City of Westlake Storm Sewer Map (undated); HistoricAerials.com USGS topos (2016, 2000, 1979, 1955)

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.

The APT tool was run for Google Earth Aerial photos for 2014, 2012, and 2006. In addition, APT's were run for the consultant delineation report data collection date of 4/10/2019 and the Corps site visit date of 8/26/2020. Antecedent Precipitation results indicate normal condition for all dates. Aerials for all years suggest no inundation to any of the non-jurisdictional wetlands from any a(1)-a(3) water. On the Corps site visit, the conditions were normal and within the lower part of the 30-70% range. On the consultant site visit, the conditions were also within the lower part of the 30-70% range. See below for a summary of the APT tool output and the attachment for the complete APT output.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	APT Condition
41.472284	-81.948234	8/26/2020	1.21	Mild wetness	ERROR	13	Normal
41.472284	-81.948234	4/10/2019	2.73	Moderate wetness	Wet Season	13	Normal
41.472284	-81.948234	6/14/2014	3.33	Severe wetness	Dry Season	12	Normal



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

41.472284	-81.948234	4/6/2012	-1.64	Mild drought	Wet Season	13	Normal
41.472284	-81.948234	2/28/2006	-0.29	Normal	Wet Season	11	Normal

C. Additional comments to support AJD: The Corp site visit confirmed the conditions and wetland boundaries described in the delineation report, this AJD, and support documents/maps.