



**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): 9/1/2020
 ORM Number: LRB-2019-01573
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Brunswick Hills Township
 County/Parish/Borough: Medina
 Center Coordinates of Review Area: Latitude 41.225823 Longitude -81.800167

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 A	0.54	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is not adjacent to an a(1)-(3) water, is not inundated by flooding from a (a)(1)-(3) water, and is not separated from an (a)(1)-(3) water only by a natural or artificial feature. The USGS map indicates an intermittent stream channel in this area upstream (east) and downstream of South Carpenter Road but, except for ephemeral Stream 1 (see below), a channel was not observed on the Corp's June 17, 2020, site visit, or the applicant's November 6, 2019, site visit. The APT output for both dates show normal conditions. Google Earth aerial photographs dated April 6, 2012, and September 20, 2015, clearly indicate a channel in the area, while July 6, 2018, and September 17, 2019, aerial photos do not. The APT outputs for April 6, 2012, and September 20, 2015, indicate normal conditions. The APT output for July 6, 2018, shows wetter than normal conditions, and the APT for the September 17, 2019, indicates normal conditions. Downstream (west) of South Carpenter Road, HistoricAerials.com (accessed on July 30, 2020) aerial photos indicate the stream is present on the 1951, 1952, 1962, and 1970, aerial photos. On the 1982 and later photos, with residential development of the area, the channel is no longer present on the aerials. The Soil Survey of Medina County (November 1977) does not indicate a stream either up or downstream of South Carpenter Road. In conclusion, Wetland A may have had a previous connection to an a(2) water at one time, but a connection is no longer present.
Stream 1	64.5	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	There was no water in the channel on the Corp's June 17, 2020, site visit, or the applicant's November 6, 2019, site visit. The APT output for both dates show normal conditions. See discussion above.
Farm Pond	0.52	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in	The pond was man-made between 1970 and 1982 based on HistoricAerials.com aerial photos. The pond is located on a farm where hay is produced. Aerial photos from 1951, 1952,

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	1962, and 1970 were reviewed and there are no obvious wetland or stream signatures in the area although contours indicate a valley/swale area. Ellsworth silt loam, 6 to 12 percent slopes and Ellsworth silt loam, 2 to 6 percent slopes are the mapped soils in the pond area which are both moderately well drained soils. The hydric rating for Ellsworth silt loam, 6 to 12 percent slopes is 0% hydric and for the Ellsworth silt loam, 2 to 6 percent slopes the rating is 5% hydric. There was a small culvert in the berm for the pond but there was no channel or wetland formed at the outlet. Based on the above discussion, this artificial farm pond is a non-jurisdictional water.

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-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: [Aerial: Wetland Delineation HZW Environmental Consultants \(December 2019\), HistoricAerials.com \(1951, 1952, 1962, 1970\), Soil Survey of Medina County \(1977\)](#)
- 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: [Web Soil Survey \(accessed on 7/29/2020\)](#)
- USFWS NWI maps: [ORM2](#)
- USGS topographic maps: [Medina \(1:24K\)](#)

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 information (specify)	HistoricAerials.com (USGS topos: 1941, 1955, 1964, 1974, 2016)

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



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also displays results generated via the Palmer Drought Severity Index and the University of Delaware WebWIMP.

The APT was run for Google Earth Aerial photos for 2012, 2015, 2018, and 2019. In addition, APT's were run for the consultant delineation report data collection date of 11/06/2019 and the Corps site visit on 6/17/2020. Antecedent Precipitation results indicate various conditions; five years normal, and one year wetter than normal. 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 but below the 30-70% range. On the consultant site visit, the conditions were also normal and in the middle of the 30-70% range.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition	Related to
41.225823	-81.800167	4/6/2012	-1.64	Mild drought	Wet Season	13	Normal Conditions	Google Earth map
41.225823	-81.800167	9/20/2015	-0.89	Incipient drought	Dry Season	14	Normal Conditions	Google Earth map
41.225823	-81.800167	7/6/2018	1.66	Mild wetness	Dry Season	17	Wetter than Normal	Google Earth map
41.225823	-81.800167	9/17/2019	2.93	Moderate wetness	Dry Season	11	Normal Conditions	Google Earth map
41.225823	-81.800167	11/6/2019	2.28	Moderate wetness	Wet Season	10	Normal Conditions	Consultant site visit
41.225823	-81.800167	6/17/2020	1.82	Mild wetness	Dry Season	12	Normal Conditions	Corps site visit

- C. Additional comments to support AJD:** [The site visit confirmed the conditions and wetland boundaries described in the delineation report and support documents/maps. A Corps site visit was conducted on June 17, 2020. Based on the information in this AJD, there are no federally regulated waters on the site.](#)