



**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): 10/6/2020  
 ORM Number: LRB 2018-01537  
 Associated JDs: LRB 2018-01537 Pre-JD  
 Review Area Location<sup>1</sup>: State/Territory: Ohio City: Swanton Township County/Parish/Borough: Lucas  
 Center Coordinates of Review Area: Latitude 41.63662 Longitude -83.81066

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
UNT to Drennan Ditch	1,860	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	<p>The UNT to Drennan Ditch is a linear feature that extends across the south side of an existing wooded area before turn north towards Prairie Ditch. Based upon a November 20, 2019 site visit the channel upstream (east) of approximately 41.636662/-83.810613 lacked an OHW (approximately 660 feet) and the approximately 1,860 downstream portion was determined to be intermittent. Flow to Drennan Ditch was partially blocked by woody debris and an old culvert. A man made earthen berm borders the ditch along the south and west sides.</p> <p>A review of USGS Topo maps from Historical Aerials.com from 1935, 1939, 1952, 1961, 1968 and 1982 depict a channel draining west across the property. The first aerial that depicts a channel draining north to Drennan Ditch is from 1993.</p> <p>There is no indication that this ditch abuts or is adjacent to Wetlands 1 or 2.</p>

**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: [Information is sufficient](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Google Earth – 1994, 2000, 2003-2006, 2009-2011 and 2014-2016; Historical Aerials 1963, 1965, 1993, 2004, 2006, 2009, 2011, 2013 2015, and 2017 and Site Photos provided by applicant 19 September 2019](#)
- Corps site visit(s) conducted on: [20 November 2019](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

<sup>4</sup> 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.

<sup>5</sup> 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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- USDA NRCS Soil Survey: [Lucas County 1980 and NRCS Websoil Survey](#)
- USFWS NWI maps: [USFWS Medina, Ohio – 9 July 2020](#)
- USGS topographic maps: [Berkey Ohio 1:24,000 Historical Topos 1935, 1937, 1939, 1952, 1956, 1961, 1968 and 1982](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	N/A.

**B. Typical year assessment(s):** The Antecedent Precipitation Tool determined on the date of the Corps site visit of 20 November 2019 that precipitation was 3.446063 and considered above normal and exceed the 70 percentile (2.556693). The model also indicates that 30 days prior to the visit the precipitation was 2.854331 which between the 30% of 1.774803 and the 70% of 2.941732 and considered to be within the normal precipitation. Sixty days prior the tool estimated precipitation was 3.007874 which was also within the normal range between the 30% of 1.709449 and the 70% of 3.676378. Therefore, one and two months prior to the Corps site visit rainfall was considered to be typical for that time of year and the date of the site visit precipitation was considered to be wetter.

**C. Additional comments to support AJD:** USGS Topo maps from Historical Aerials.com were reviewed from 1935, 1939, 1952, 1961, and 1968 and 1982 and aerials photographs from 1963 and 1965. These maps and aerials depict a channel draining west across the property and then southeast along the Prairie Ditch. In the 1963 and 1965 aerials the eastern portion of the channel appears to be in a tree or shrub line between two agricultural areas. The 1965 depicts a second channel that extends north for approximately 300 feet towards a wooded area. The 1980 Lucas County Soil Survey depicts the channel in its current location extending west before making a right angle turn north extending approximately 1,250 feet north to Drennan Ditch. In the 1993 aerial the channel extending west towards Prairie is no longer visible.

Based upon a November 20, 2019 site visit the east to west portion of the channel is separated from the wooded area to the north and the agricultural area and Wetland 2 to the south by an earthen berm. The berm to the south is larger than the berm to the north. After the channel turns north the ditch is separated from the agricultural area to the west and Wetland 1 by a large berm. There is also a berm that separates the ditch from the wooded area to the east.

In the 1963, 1965, 1980 Lucas County Soil Survey and the 1993 aerial, the east to west segment of the ditch and the first approximate 300 feet of the south to north segment of the ditch are both border by agricultural lands. The 2004 aerial is the first depiction of the southern portions of the ditch being bordered to the north and east by a scrub-shrub/wooded habitat. At this time the Corps is unable to conclusively determine if the northern approximate 950 feet of ditch was constructed through wetlands between 1965 and 1980.