



**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): 10/16/2020
 ORM Number: LRB-2019-01427
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Brunswick County/Parish/Borough: Medina
 Center Coordinates of Review Area: Latitude 41.221855 Longitude -81.847052

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
Stream 9	1825	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Stream 9 is an unnamed tributary to the West Branch Rocky River which flows to the Rocky River which is a navigable water from the mouth at Lake Erie to 850 feet upstream of the Detroit Avenue bridge in the city of Rocky River. Stream 9 is indicated as an intermittent stream on the 2016 USGS map (historicaerials.com) and on the Soil Survey of Medina County map (1977). Stream 9 is also indicated on the NWI map and NHD map. The consultant determined Stream 9 is perennial. The APT indicated the area was in a drier than normal

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				period on the date of the consultant site visit on October 1, 2019, only receiving 1.07 inches of rain for the previous 30 day period with normal being between 3.09 and 4.48 inches. The area received only trace amounts of rainfall the previous two weeks. On the June 16, 2020, Corps site visit, the APT indicates wetter than normal conditions and the Corps observed Stream 9 to be flowing and the stream was flowing on the consultant site visit on October 1, 2019. In view of the above discussion, it is reasonable to call the stream perennial.
Stream 13	48	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 13 is an unnamed tributary to Stream 9 which flows to the West Branch Rocky River which flows to the Rocky River which is a navigable water from the mouth at Lake Erie to 850 feet upstream of the Detroit Avenue bridge in the city of Rocky River. Stream 13 is not indicated on any mapping reviewed. The consultant determined Stream 13 to be perennial. The APT indicated the area was in a drier than normal period on the date of the consultant site visit on October 1, 2019, only receiving 1.07 inches of rain for the previous 30 day period with normal being between 3.09 and 4.48 inches. The area received only trace amounts of rainfall the previous two weeks. Stream 13 was flowing on both the Corps site visit on June 16, 2020, and the consultant site visit. Therefore it is reasonable to call the stream perennial.

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A directly abuts Stream 9, an a(2) water.
Wetland D	.14	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland D directly abuts Stream 9, an a(2) water.

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetlands B, C, and F	.69	acre(s)	(b)(1) Non-adjacent wetland.	These wetlands do not abut an a(1) – a(3) water and there is no indication that any a(1) – a(3) water inundates these wetlands in a typical year. And the wetlands are not separated from an a(1) – a(3) water by a natural feature or artificial structure. Wetland B abuts ephemeral Stream 6, Wetland C abuts ephemeral Stream 14, and Wetland F abuts ephemeral Streams 1 and 2.
Streams 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, 14	4349	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	These streams are all ephemeral. The consultant determined them to be ephemeral based on their site visit on October 1, 2019, and this was confirmed on the Corps site visit of June 16, 2020. The APT for the Corps site visit indicates wetter than normal conditions while the APT for the consultant site visit indicates drier than normal conditions. There was no water flowing in any of these channels on the Corps site visit despite the wetter than normal conditions.

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: [Surface Water Delineation Report \(ECT Inc., October 8, 2019\) including Addendum \(ECT, Inc., July 10, 2020\)](#)

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 and Other: Surface Water Delineation Report \(ECT Inc., October 8, 2019\) including Addendum \(ECT, Inc., July 10, 2020\), Google Earth \(February 28, 2006, April 6, 2012, and September 17, 2019\), historicaerials.com \(1952, 1970\), Soil Survey of Medina County \(1977\)](#)

Corps site visit(s) conducted on: [June 16, 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: [Surface Water Delineation Report \(ECT Inc., October 8, 2019\) including Addendum \(ECT, Inc., July 10, 2020\)](#)

USFWS NWI maps: [Surface Water Delineation Report \(ECT Inc., October 8, 2019\) including Addendum \(ECT, Inc., July 10, 2020\)](#)

USGS topographic maps: [Surface Water Delineation Report \(ECT Inc., October 8, 2019\) including Addendum \(ECT, Inc., July 10, 2020\)](#)

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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Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS/WBD/NHD data/maps	NHD map-Surface Water Delineation Report (ECT Inc., October 8, 2019) including Addendum (ECT, Inc., July 10, 2020)
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	historicaerials.com for USGS topo maps (1960, 1997, 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 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 2006, 2012, and 2019. In addition, APT's were run for the consultant delineation report data collection date of 10/1/2019 and the Corps site visit date of on 6/16/2020. Antecedent Precipitation results indicate various conditions; three years normal, one year drier than 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 wetter than normal and within the lower part of the 30-70% range. On the consultant site visit, the conditions were drier than normal, well below the 30-70% range.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition	Relates to
41.221855	-81.847052	10/1/2019	2.66	Moderate wetness	Wet Season	9	Drier than Normal	Consultant site visit
41.221855	-81.847052	6/16/2020	1.73	Mild wetness	Dry Season	15	Wetter than Normal	Corps site visit
41.221855	-81.847052	9/17/2019	2.9	Moderate wetness	Dry Season	11	Normal Conditions	Google Earth map
41.221855	-81.847052	4/6/2012	-1.64	Mild drought	Wet Season	13	Normal Conditions	Google Earth map
41.221855	-81.847052	2/28/2006	-0.29	Normal	Wet Season	11	Normal Conditions	Google Earth map

C. Additional comments to support AJD: [The site visit confirmed the conditions and wetland boundaries described in the delineation report and support documents/maps.](#)

[Wetland B abuts Stream 8 which is an ephemeral excluded water. Wetland C abuts Stream 14 which is an ephemeral excluded water. Wetland F abuts Stream 1 and 2 which are both ephemeral excluded waters. Streams 1, 2, 8, and 14 were not flowing when the wetland delineation field work was completed on October 1, 2019, or during the Corps site visit on June 16, 2020. Wetlands B, C, and F do not meet any of the four criteria that would make an a\(4\) adjacent wetland subject to jurisdiction under Section 404 o the Clean Water Act. Based on the Corps site visit, there are no a\(1-3\) defined channels/tributaries/ditches flowing from Wetland B, C, and F, 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.](#)