



**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-2019-01433
 Associated JDs: LRB-2019-01433 - PJD
 Review Area Location¹: State/Territory: Ohio City: Concord County/Parish/Borough: Lake
 Center Coordinates of Review Area: Latitude 41.66003 Longitude -81.21241

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
Stream 1	484.1	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 1 was determined to be an ephemeral stream channel. The channel is approximately 1-2 feet in width, with sand/silt substrate – which can be evidence of infrequent flow as fine materials are not washed away by consistent flow. There were observed pools when HZW Environmental Consultants visited the site on September 15, 2020, but no flow was observed. However, that visit occurred a few days after approximately 3 inches of rain had fallen on the site (Despite the rain prior to the site visit, it was still within the normal precipitation range (see Typical Year Assessment below)). Therefore, the presence of water within the stream channel is not conclusive of greater than ephemeral flow. To further determine flow regime, the Painesville, OH 7.5 min quad and historic soil survey map for Lake County were reviewed. Neither showed a corresponding stream channel at this location. In addition, the USGS quad does not depict topography lines indicative of a stream channel at this location. Based on the above, it was determined that onsite Stream 1 is an excluded ephemeral stream.

Excluded waters ((b)(1) – (b)(12)): ⁶				
Exclusion Name	Exclusion Size		Exclusion ⁷	Rationale for Exclusion Determination
Wetland A	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A directly abuts Stream 1 an excluded b(3) ephemeral feature. Therefore, it is also an excluded feature. Onsite observation by HZW Environmental Consultants, the USGS 7.5 min quad, and historic soil survey of Lake County

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.

⁶ 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.

⁷ 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)): ⁶			
Exclusion Name	Exclusion Size	Exclusion ⁷	Rationale for Exclusion Determination
			indicate that Wetland A's only connection to the downstream a(1) water is through Stream 1.

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: [HZW Environmental Consultants on behalf of W.R. Dawson Homes](#)

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: [Other: HZW Environmental Consultants onsite photos, September 15, 2020](#)
- Corps site visit(s) conducted on: [Title\(s\) and/or date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRB-2019-01433-PJD, December 10, 2019](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Historic Soil Survey, Lake County](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Painesville, OH 7.5 min](#)

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 subject parcel's latitude/longitude was entered into the Antecedent Precipitation Tool (APT) which was used to determine average precipitation, total precipitation over the 90 days preceding the Corps' site visit, and whether the site visit was conducted under dry, normal or wet conditions. The APT pulled precipitation data from the nearest six weather stations – Chardon, Painesville 3.8 SSW, Kirtland-Holden 2, Kirtland-Holden, Kirtland 0.9 SW, and Painesville 4 NW. The APT shows that normal precipitation at the location of the site is between the 30th (2.9") and 70th (5.6") percentiles. The APT indicates that 0-30 days prior to the visit precipitation was 9.0" which is above the 70th percentile. Thirty to 60 days prior the APT indicates that precipitation was 2.9" which is between the 30th and 70th percentiles and 60 to 90 days prior precipitation was 5.2" which is also between the 30th and 70th percentiles. Therefore, two to three months prior to the site visit rainfall was within the normal range of precipitation, and one month prior to the date of the site visit precipitation was considered to be wet for that time of year.



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The APT, using a weighted approach, indicates that the site visit was conducted during a period of normal precipitation.

C. Additional comments to support AJD: N/A.