



**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): 11/24/2020  
 ORM Number: LRB 2020-01116  
 Associated JDs: LRB 2014-00987  
 Review Area Location<sup>1</sup>: State/Territory: Ohio City: Toledo County/Parish/Borough: Lucas  
 Center Coordinates of Review Area: Latitude 41.72114 Longitude -83.49626

**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
Wetland A	2.406	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wetland A is an emergent wetland that abuts Shantee Creek for the entire length of the wetland. Shantee Creek is a tributary to North Maumee Bay

<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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Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
			in the State of Michigan and is reported to be below 573.4 IGLD, 1985, the OHW of Lake Erie. Wetland A is reported to be within the 100-year floodplain of Shantee Creek with a flood elevation of 578.2.

**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
Ditch 1	211 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ditch 1 is located east of Suder Avenue in the maintained lawn of an existing church. The drainage feature has a bottom width of approximately 1 foot and lacks an ordinary high-water mark. The entire bottom of the ditch is vegetated and there is no indication of sediment separation or prolong flow as the grass clipping from the adjacent lawn are present in the bottom of the ditch.

**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: [Waters Resources Delineation Report – 13.3 Acres, 2032 East Harbor Drive, 21570 East Harbor Drive and 5649 Suder Avenue Toledo, Lucas County, Ohio – August 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Google Earth – 1993, 1999, 2000, 2003 to 2006, 2009 to 2011, 2014 to 2016 and 2018. Consultant Photographs July 14, 2020](#)

Corps site visit(s) conducted on: [28 October 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [LRB 2014-00987 – Approved JD for wetland located along the northside of Shantee Creek](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).

USFWS NWI maps: [Oregon](#)

USGS topographic maps: [Oregon – 1:24,000](#)

**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>	<a href="#">N/A.</a>

<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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Data Source (select)	Name and/or date and other relevant information
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 Antecedent Precipitation Tool determined precipitation were drier than normal and the areas was under mild drought conditions on the date of the the Consultants site visit of July 8, 2020 and the Corps site visit of October 28, 2020. On the July 8, 2020 site visit the Tool determined condition were dry as the observed at 1.685039 inches was below the 30 percentile of 1.696063 inches. The model also indicates that 30 days prior on June 8, 2020 that precipitation dry as the observed at 1.944882 inches was below the 30 percentile of 1.2.46378 inches. Sixty days prior the tool estimated precipitation was dry on May 9, 2020 as the observed precipitation was dry as the observed at 0.299213 inches was below the 30 percentile of 2.3874002inches. .

The Antecedent Precipitation Tool indicated that on October 28, 2020 that precipitation was observed at 2.16291 inches which is between the 30 perecntile of 1.67126 inches and the 70 percentile of 2.648425 inches. Thirty days prior on September 28, 2020, precipitation rate was considered to be dry as the observed rate of 0.937008 inches was below the 30 percentile of 1.66811 inches. Sixty days prior the tool reports conditions were dry as the observed rate of 1.948819 inches was below the 30 percentile of 1.997244 inches.

**C. Additional comments to support AJD:** An approved JD was completed for the portion of Wetland A along the northside of Shantee Creek and west of Suder Avenue (2014-00987). The previous Approved JD determined Shantee Creek and the wetland was part of a TNW (Lake Erie). Shantee Creek drains northeast into the State of Michigan, is reported to be belowt the OHW of Lake Erie but is not listed on Section Waters for the State of Ohio.

Ditch 1 is an ephemeral feature within a maintained lawn that has an approximate 12 inch bottom and lacks and ordinary highwater mark.