



**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): 11/5/2020
 ORM Number: LRB-1991-05017
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Willoughby County/Parish/Borough: Lake
 Center Coordinates of Review Area: Latitude 41.688025 Longitude -81.393040

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 C	0.40	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C meets the definition of a wetland and is located approximately 828 feet to the south of Stream 1, which appears to be an (a)(1) – (a)(3) water. A review of the Lake County GIS database (https://arcgis.lakecountyohio.gov/lakenavigator3/) shows that Wetland C lies within Flood Hazard Zone X-Area of Minimal Flood Hazard. Two site visits were performed, one on 6/16/2020 and on 9/30/2020. There was no evidence of wrack lines, sediment deposits or any other indication of flooding from Stream 1 into Wetland C. A review of Aerial Photos from Lake County GIS for 2016, 2014, 2011, 2007, and 2000 reveal no evidence of inundation from Stream 1 into Wetland C. A review of ConnectExplore aerial images 4/17/2019, 12/2/2017 and 4/21/2014 reveal no evidence of inundation from Stream 1 to Wetland C. The Antecedent Precipitation Tool (APT) condition for 6/16/2020 is within the dry season, had drier than normal precipitation and was experiencing mild wetness. The APT condition for 9/30/2020 is within the wet season, had normal precipitation condition and was experiencing mild wetness. The APT condition for 4/17/2019 is within the wet season, had normal precipitation conditions and was experiencing moderate wetness. The APT condition for 12/2/2017 is within the wet season, had normal precipitation conditions and was experiencing normal wetness. The APT condition for 4/4/2014 is within the wet season, had drier than normal precipitation conditions and was experiencing moderate wetness. Based upon a review of aerial imagery for multiple dates and a review of corresponding dates with the APT and on-site verification, it has been determined that Wetland C meets the Exclusion (b)(1) Non-adjacent wetland.

III. SUPPORTING INFORMATION

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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- 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 Lost Nation Property, Prepared by CT Consultants 12.5.2019 and revised 6.26.2020](#)
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: Photographs submitted with the waters delineation report, Lake County GIS 2019, 2014, 2011, 2007, 2000 and ConnectExplore 4/17/2019, 12/2/2017, 4/21/2014](#)
 - Corps site visit(s) conducted on: [Date\(s\).](#)
 - 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: [Title\(s\) and/or date\(s\).](#)
 - USFWS NWI maps: [USACE ORM2 Data Set](#)
 - USGS topographic maps: [USACE ORM2 Data set](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USACE ORM2 Data Set
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE ORM2 Data Set
State/Local/Tribal Sources	N/A.
Other Sources	Lake County, Ohio GIS Web Mapping Application

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. An APT evaluation was run, associated with the on-site field visit dates of 6.26.2020 and 9.30.2020 and ConnectExplore aerial imagery dates 4/17/2019, 12/2/17 and 4/21/14. The evaluation was run for Painesville 4 NW, Willoughy 2.9 SW, Wickliffe 0.6 E, Painesville 3.8 SSW, Kirtland-Holden, Kirtland-Holden 2, Kirtland 0.9 SW and Richmond Heights 0.4 NNE. Results indicates various results. June of 2020 had drier than normal conditions, September of 2020, April 2019 and December 2017 had normal precipitation conditions. April 2014 had drier than normal conditions. For the dates of the on-site visits, as well as aerial images for all years that were evaluated with the ATP, show no sign of inundation from on-site Stream 1, or Wetlands A, B, D and E, to Wetland C.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Cond
41.689339	-81.392797	6/16/2020	1.85	Mild wetness	Dry Season	7	Drier than Normal
41.689339	-81.392797	9/30/2020	1.5	Mild wetness	Wet Season	14	Normal Conditions
41.689339	-81.392797	4/17/2019	2.73	Moderate wetness	Wet Season	11	Normal Conditions



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41.689339	-81.392797	12/2/2017	0.34	Normal	Wet Season	13	Normal Conditions
41.689339	-81.392797	4/4/2014	2.97	Moderate wetness	Wet Season	9	Drier than Normal

C. Additional comments to support AJD: Wetland C does not directly abut or is located within the extent of inundation from flooding from Stream 1, which appears to be an (a)(1) – (a)(3) water, in a typical year. Wetland C is separate from Wetlands A, B, D and E. This assessment is based on the following information: 1.) Wetland C is located approximately 828 feet to the south of Stream 1, 2.) The wetland lies in Flood Hazard Zone X -area of minimal flood hazard, 3.) there was no evidence of wrack lines, sediment deposits or any other indication of flooding from Stream 1 in Wetland C, 4.) A Typical Years assessment was run to coincide with the date of the site visits and multiple aerial images from 2020-2014 obtained from Lake County, Ohio GIS and ConnectExplore Aerial images. The antecedent precipitation condition for each aerial image date shows that Wetland C is not inundated by flood water from Stream 1, which appears to be an (a)(1) – (a)(3) water, in a typical year. It has been determined that Wetland C is an excluded water feature, (b)(1) Non-adjacent wetland.