



**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-2018-00734
 Associated JDs: PJD and AJD, 2018-00734 (October 3, 2018)
 Review Area Location¹: State/Territory: Ohio City: Avon County/Parish/Borough: Lorain
 Center Coordinates of Review Area: Latitude 41.467195° Longitude -82.006193°

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 SE	.15	acre(s)	(b)(1) Non-adjacent wetland.	Wetland SE is approximately 100 feet to the south of a linear water feature that appears man-made, both on-site and offsite, and that is at least intermittent based on multiple aerial photos. This feature does not appear to be a relocated a tributary, constructed in a tributary, or constructed in an adjacent wetland. This feature is not within the JD area and flows to the north eventually reaching Heider Ditch which flows to Lake Erie. There were no discreet channels connecting Wetland SE to an a(1) thru a(3) water. Also there is no indication that any a(1) thru a(3) water backs up at least once in a typical year and inundates Wetland SE. Lastly from a review of aerial and ground level photographs, there are no indications of a natural berm, bank, dune or similar feature or of an artificial barrier separating Wetland SE from an a(1) thru a(3) water. The APT showed conditions were normal on the 6/24/2016 consultant site visit and wetter than normal on the remaining consultant site visits of June 13-14, 2018, and September 6, 2018.
Wetland U	.029	acre(s)	(b)(1) Non-adjacent wetland.	Wetland U is approximately 30 feet to the east of a linear water feature that appears man-made, both on-site and offsite, and that is at least intermittent based on multiple aerial photos. This feature does not appear to be a relocated a tributary, constructed in a tributary, or constructed in an adjacent wetland. This feature is not within the JD area and flows to the north eventually reaching Heider Ditch which flows to Lake Erie. There were no discreet channels connecting Wetland U to an a(1) thru a(3) water. Also there is no indication that any a(1) thru a(3) water backs up at least once in a typical year and inundates Wetland U. Lastly from a review of aerial and ground level photographs, there are no indications of a natural berm, bank, dune or similar feature or of an artificial barrier separating Wetland U from an a(1) thru a(3)

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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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland P	.04	acre(s)	(b)(1) Non-adjacent wetland.
			water. The APT showed conditions were normal on the 6/24/2016 consultant site visit and wetter than normal on the remaining consultant site visits of June 13-14, 2018, and September 6, 2018.
			Wetland P is approximately 300 feet to the east of a linear water feature that appears man-made, both on-site and offsite, and that is at least intermittent based on multiple aerial photos. This feature does not appear to be a relocated a tributary, constructed in a tributary, or constructed in an adjacent wetland. This feature is not within the JD area and flows to the north eventually reaching Heider Ditch which flows to Lake Erie. There were no discreet channels connecting Wetland P to an a(1) thru a(3) water. Also there is no indication that any a(1) thru a(3) water backs up at least once in a typical year and inundates Wetland P. Lastly from a review of aerial and ground level photographs, there are no indications of a natural berm, bank, dune or similar feature or of an artificial barrier separating Wetland P from an a(1) thru a(3) water. The APT showed conditions were normal on the June 24, 2016, consultant site visit and wetter than normal on the remaining consultant site visits of June 13-14, 2018, and September 6, 2018.

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: [Pre-Construction Notification-Chester Center \(Ramboll, July 2020\)](#)

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: Google Earth \(9/17/19, 5/14/17, 6/11/16, 4/6/12, 12/31/09./28/06\)](#), [Soil Survey of Lorain County \(Issued July 1976\)](#), [Historicaerials.com \(2017, 2011, 2006, 1970, 1952\)](#);
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [PJD and AJD, 2018-00734 \(October 3, 2018\)](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey – Accessed 11/3/2020](#)



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- USFWS NWI maps: [ORM2 – Accessed 11/3/2020](#)
- USGS topographic maps: [ORM2 – Accessed 11/3/2020](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Flood inundation mapping	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	Historicaerials.com USGS topos (2016, 1971, 1943)

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 the dates listed below and also for the consultant site visit dates listed below. Antecedent Precipitation results indicate various conditions: six years normal and four years wetter than normal. Aerials for all years suggest no inundation to any of the non-jurisdictional wetlands from any a(1)-a(3) water. The APT was within the 30 Year Normal Range for two of the consultant site visits and above it for two of the visits.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition	Relates To
41.46689	-82.00564	9/17/2019	2.6	Moderate wetness	Dry Season	11	Normal Conditions	Google Earth Aerial Photo
41.46689	-82.00564	5/14/2017	1.09	Mild wetness	Wet Season	15	Wetter than Normal	Google Earth Aerial Photo
41.46689	-82.00564	6/11/2016	-0.72	Incipient drought	Dry Season	10	Normal Conditions	Google Earth Aerial Photo
41.46689	-82.00564	4/6/2012	3.73	Severe wetness	Wet Season	13	Normal Conditions	Google Earth Aerial Photo
41.46689	-82.00564	12/31/2009	-0.94	Incipient drought	Wet Season	10	Normal Conditions	Google Earth Aerial Photo
41.46689	-82.00564	2/28/2006	0.78	Incipient wetness	Wet Season	14	Normal Conditions	Google Earth Aerial Photo
41.46689	-82.00564	9/6/2018	1.84	Mild wetness	Dry Season	15	Wetter than Normal	Consultant Site Visit
41.46689	-82.00564	6/14/2018	2.14	Moderate wetness	Dry Season	16	Wetter than Normal	Consultant Site Visit
41.46689	-82.00564	6/13/2018	2.14	Moderate wetness	Dry Season	17	Wetter than Normal	Consultant Site Visit
41.46689	-82.00564	6/24/2016	-0.72	Incipient drought	Dry Season	12	Normal Conditions	Consultant Site Visit

C. Additional comments to support AJD: [N/A](#)