



**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): 11/4/2020
 ORM Number: LRB-2020-00739
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Richfield County/Parish/Borough: Summit
 Center Coordinates of Review Area: Latitude 41.2737 Longitude -81.6270

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 1	157 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Water was observed flowing within Stream 1 during the applicant’s May 12, 2020 site visit. The site visit was conducted during a period of normal precipitation (see Typical Year Assessment below) and there had not been substantial rain prior to or during the site visit. This indicates that the flow regime is more than ephemeral. According to the historic Soil Survey of Summit County there is an intermittent stream channel located at this location. According to the delineation report, the stream channel at this location appears natural. Based on

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
			the fact that water was flowing at the time of the delineation, there was no substantial rain prior to or during the onsite delineation, and the location of the intermittent stream channel on the historic soil survey, it was determined that Stream 1 is an intermittent a(2) water.

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 2	0.05 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Onsite observations indicate that Wetland 2 directly abuts Stream 1, a Clean Water Act Section 404 a(2) tributary.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.14 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 does not meet any of the four criteria that would make an (a)(4) adjacent water subject to jurisdiction under Section 404 of the Clean Water Act. Wetland 1 was circumnavigated by the consultant during the delineation. There were no observed defined channels/tributaries/ditches flowing from Wetland 1. A review of the Broadview Heights and Northfield, OH USGS 7.5 min Quads do not show stream channels at this location. The historic Soil Survey for Summit County does identify an intermittent stream channel in close proximity to Wetland 1. However, the identified stream channel has been relocated and is no longer adjacent to Wetland 1. A review of photographs submitted with the delineation report confirm that there are no defined channels/tributaries/ditches from Wetland 1. There is a 15 inch reinforced concrete pipe located approximately 30 feet north of Wetland 1, which flows into a manmade stormwater detention basin. The presence of uplands between the features demonstrates that

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
				they are non-adjacent. Also, it is not expected that water from the nearest a(1-3) water does not inundate Wetland 1 in a typical year. The wetland is located approximately 275 linear feet southeast of the nearest a(2) water. This location is outside of the flood zone which further demonstrates water from the nearest a(2) water does not reach Wetland 1 in a typical year. Based on the above discussion, it has been determined that Wetland 1 is a b(1) non-adjacent, excluded wetland.

Excluded waters ((b)(1) – (b)(12)): ⁶				
Exclusion Name	Exclusion Size		Exclusion ⁷	Rationale for Exclusion Determination
Stormwater Basin and Stormwater Management Feature	0.1	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	These are stormwater features constructed in uplands for the express purpose of treating and conveying stormwater from the adjacent hardstand. A review of the Broadview Heights and Northfield, OH USGS 7.5 min Quads do not show stream channels at this location. The historic Soil Survey for Summit County does identify an intermittent stream channel in close proximity to these features. However, the identified stream channel has been historically relocated. It is inconclusive whether or not these features were constructed within the previously identified stream channel. Based on historic imagery it appears that the stream channel was relocated prior to construction of these features. Currently, these features flow into the identified stream channel, but are not constructed within the stream channel. Therefore, these features are b(10) stormwater exclusions.

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: [Wetland Delineation Report, Richfield Village and Richfield Township Parcels, Brecksville Road Industrial Park \(Reference LRB-2000-00599\), Richfield, Summit County, Prepared for: Union Sand & Gravel, LLC, 1037 Bank St., Painesville, OH 44077, April 2020, CVE Project No. 20066](#)

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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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: Select. Title(s) and/or date(s).
- Corps site visit(s) conducted on: Title(s) and/or 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: Summit County
- USFWS NWI maps: Title(s) and/or date(s).
- USGS topographic maps: Broadview Heights & Northfield, 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 eight weather stations – Ravenna 2 S, Brecksville 1.7 SE, Broadview Heights 1.5 NW, Macedonia 1.2 WNW, Parma 1.8 SE, Akron, Akron Fulton Intl AP, and Chippewa Lake. The APT shows that normal precipitation at the location of the site is between the 30th (2.1") and 70th (3.9") percentiles. The APT indicates that 0-30 and 60-90 days prior to the visit precipitation was 2.8" and 2.1", respectively, which 6.5" which is above the 70th percentile. Therefore, one and three months prior to the site visit precipitation was normal, and two months prior to the date of the site visit precipitation was considered to be above normal for that time of year.

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: Stream 1 flows southwest for approximately 3 miles into Furnace Run, an a(2) perennial tributary, which flows southeast approximately 20 miles until flowing into the Cuyahoga River, an a(1) navigable water