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): 12/22/2020
ORM Number: LRB-2020-00905
Associated JDs: N/A
Review Area Location[1]: State/Territory: Ohio City: Madison County/Parish/Borough: Lake
Center Coordinates of Review Area: Latitude 41.761009 Longitude -81.048254

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.	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.	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.	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.	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.	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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wetland 1	5.37	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is located approximately 0.3-miles south of an Unnamed Tributary to Arcola Creek. Wetland 1 does not abut an (a)(1) – (a)(3) water. Water flows from Wetland 1 to the Unnamed Tributary to Arcola Creek via a drainage swale that drains through a culvert under Tower Drive and a second culvert under a private drive. The drainage swale was dry on the date of the site visit, lacked a defined bed and bank and ordinary high water mark. A review of the Lake County, GIS viewer (https://arcgis.lakecountyohio.gov/lakenavigator3/) indicate that there is a 50-foot elevation difference between Wetland 1 and the Unnamed Tributary to Arcola Creek. Wetland 1 is in Flood Hazard Zone X-Area of Minimal Flood Hazard. During the date of the site visit, 30-SEP-2020, there was no evidence of wrack lines, sediment deposits or any other indication of flooding from the Unnamed Tributary to Arcola Creek to Wetland 1. There is no evidence of inundation from the Unnamed Tributary to Arcola Creek to wetland 1 based upon a review of Lake County GIS Aerial Imagery dates for Spring 2014, Spring 2011, Spring 2007, Spring 2004 and Aerial Imagery from ConnectExplore 28-APR-2019. The Antecedent Precipitation Condition (APC) the date of the site visit, 30-SEP-2020, was normal conditions with mild wetness. The APC for 28-APR-2019 was normal condition with moderate wetness. For spring 2014, 2007 and 2004, the APC was normal conditions with moderate to severe wetness. The APC for spring 2011 was wetter than normal with extreme wetness. Based upon an on-site review, a review of multiple aerial images and the assessment of corresponding APC for each aerial image date, it has been determined that Wetland 1 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 and Surface Water Study Madison, OH – Sheetz, June 26, 2020.

This information Select. 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: Site photographs submitted with delineation report, Corps on-site visit photos aerial photos Lake County GIS 2014, 2011, 2007, 2004 ConnectExplore 04/28/2019, 11/28/2017, 4/24/2014, 4/29/2007

☒ Corps site visit(s) conducted on: 9/30/2020

☐ 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 ORM 2 Data Set
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE ORM 2 Data Set
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth Pro, Lake County GIS, ConnectExplore

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 Lake County GIS and ConnectExplore Aerial Imagery for 30-SEP-2020, 28-APR-2019, 01-MAY-2014, 01-MAY-2011, 01-MAY-2007 and 01-MAY-2007. The evaluation was run for eight (8) weather stations: Painesville 4 NW, Madison 0.9 WSW, Madison 4.2 S, Painesville 3.8 SSW, Ashtabula, Montville 1.2 SSE, Ashtabula CO AP and Chardon.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.761009	-81.048254	9/30/2020	1.5	Mild wetness	Wet Season	14	Normal Conditions
41.761009	-81.048254	4/28/2019	2.73	Moderate wetness	Wet Season	14	Normal Conditions
41.761009	-81.048254	5/1/2014	2.62	Moderate wetness	Wet Season	14	Normal Conditions
41.761009	-81.048254	5/1/2011	4.56	Extreme wetness	Wet Season	18	Wetter than Normal
41.761009	-81.048254	5/1/2007	2.34	Moderate wetness	Wet Season	13	Normal Conditions
41.761009	-81.048254	5/1/2004	3.75	Severe wetness	Wet Season	13	Normal Conditions

Results indicate fairly consistent conditions. 9/30/2020, 4/28/19, 5/1/2014, 5/1/2007 and 5/1/2004 had normal Precipitation Conditions. 5/1/2011 had wetter than normal precipitation conditions. The corresponding site visit date and aerial images shows no inundation from Arcola Creek to Wetland 1.

C. Additional comments to support AJD: Wetland 1 does not abut an Unnamed Tributary to Arcola Creek, which appears to be an (a)(1) – (a)(3) water, or is located within the extent of inundation by flooding from an (a)(1) – (a)(3) water, in a typical year. This assessment is based on the following information: 1.) There is a 50-foot elevation difference from an (a)(1) - (a)(3) to Wetland 1. 2.) Wetland 1 is located approximatley 0.3-miles to the south from an (a)(1) – (a)(3) water. 3.) There is no evidence of wrack lines or sediment deposits on vegetation that would indicate that flood water from an Unnamed Tributary to Arcola Creek 4.) A Typical Year Assessment was run to coincide with multiple aerial images from 2020-2004 obtained from Google Earth Pro, Lake County GIS and ConnectExplore. The Antecedent Precipitation condition for each aerial image supports that flooding from Arcola Creek, which appears to be an (a)(1) – (a)(3) water, does not inundate Wetland 1 within a typical year. It has been determined that Wetland 1 meets the Exclusion (b)(1) Non-adjacent wetland.