



**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): 12/8/2020
 ORM Number: LRB-2020-01113
 Associated JDs: LRB-2020-00077 (July 27, 2020), adjacent parcel
 Review Area Location¹: State/Territory: Ohio City: Madison Township County/Parish/Borough: Lake
 Center Coordinates of Review Area: Latitude 41.757635 Longitude -81.045274

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
<i>Wetland W-1</i>	.142	acre(s)	(b)(1) Non-adjacent wetland.	<p>The closest stream is off-site Stream 1 (LRB-2020-00077) which is approximately 1130 linear feet away. Stream 1 is ephemeral and non-jurisdictional. Wetland W-1 is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features.</p> <p>Based on the above information, the wetland does not abut an (a)(1) through (a)(3) water, nor is the wetland inundated by flooding by an (a)(1) through (a)(3) water, is not separated from an (a)(1) through (a)(3) water via a natural berm or barrier, and is not separated from an (a)(1)-(a)(3) water via an artificial structure/feature. Therefore Wetland W-1 is a non-adjacent wetland.</p>
<i>Wetland W-2</i>	.043	acre(s)	(b)(1) Non-adjacent wetland.	<p>The closest stream is off-site Stream 1 (LRB-2020-00077) which is approximately 1070 linear feet away. Stream 1 is ephemeral and non-jurisdictional. Wetland W-2 is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features.</p> <p>Based on the above information, the wetland does not abut an (a)(1) through (a)(3) water, nor is the wetland inundated by flooding by an (a)(1) through (a)(3) water, is not separated from an (a)(1) through (a)(3) water via a natural berm or barrier, and is not separated from an (a)(1)-(a)(3) water via an artificial structure/feature. Therefore Wetland W-2 is a non-adjacent wetland.</p>
<i>Wetland W-3</i>	.14	acre(s)	(b)(1) Non-adjacent wetland.	<p>The closest stream is off-site Stream 1 (LRB-2020-00077) which is approximately 340 linear feet away. Stream 1 is ephemeral and non-jurisdictional. Wetland W-3 is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to</p>

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.



**U.S. ARMY CORPS OF ENGINEERS
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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				<p>any swales, ditches, streams or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features.</p> <p>Based on the above information, the wetland does not abut an (a)(1) through (a)(3) water, nor is the wetland inundated by flooding by an (a)(1) through (a)(3) water, is not separated from an (a)(1) through (a)(3) water via a natural berm or barrier, and is not separated from an a(1)-(a)(3) water via an artificial structure/feature. Therefore Wetland W-3 is a non-adjacent wetland.</p>
<i>Wetland W-4</i>	.041	acre(s)	(b)(1) Non-adjacent wetland.	<p>The closest stream is off-site Stream 1 (LRB-2020-00077) which is approximately 350 linear feet away. Stream 1 is ephemeral and non-jurisdictional. Wetland W-4 is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features.</p> <p>Based on the above information, the wetland does not abut an (a)(1) through (a)(3) water, nor is the wetland inundated by flooding by an (a)(1) through (a)(3) water, is not separated from an (a)(1) through (a)(3) water via a natural berm or barrier, and is not separated from an a(1)-(a)(3) water via an artificial structure/feature. Therefore Wetland W-4 is a non-adjacent wetland.</p>
<i>Wetland W-5</i>	.158	acre(s)	(b)(1) Non-adjacent wetland.	<p>The closest stream is off-site Stream 1 (LRB-2020-00077) which is approximately 860 linear feet away. Stream 1 is ephemeral and non-jurisdictional. Wetland W-5 is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features.</p> <p>Based on the above information, the wetland does not abut an (a)(1) through (a)(3) water, nor is the wetland inundated by flooding by an (a)(1) through (a)(3) water, is not separated from an (a)(1) through (a)(3) water via a natural berm or barrier, and is not separated from an a(1)-(a)(3) water via an artificial structure/feature. Therefore Wetland W-5 is a non-adjacent wetland.</p>



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland W-6	.068	acre(s)	(b)(1) Non-adjacent wetland.	<p>The closest stream is off-site Stream 1 (LRB-2020-00077) which is approximately 460 linear feet away. Stream 1 is ephemeral and non-jurisdictional. Wetland W-6 extends off-site to the east. The entire perimeter was observed and no connection to any swales, ditches, streams or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features.</p> <p>Based on the above information, the wetland does not abut an (a)(1) through (a)(3) water, nor is the wetland inundated by flooding by an (a)(1) through (a)(3) water, is not separated from an (a)(1) through (a)(3) water via a natural berm or barrier, and is not separated from an (a)(1)-(a)(3) water via an artificial structure/feature. Therefore Wetland W-6 is a non-adjacent wetland.</p>
N/A.	N/A.	acre(s)	N/A.	N/A.

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: [Natural Resources Technical Report \(CESO, Inc., July 7, 2020\)](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [The Corps agrees with the wetland boundaries provided by the consultant but does not agree with the Cowardin type assigned to the wetlands. The area was recently cleared in 2020 and prior to the clearing the wetlands were forested.](#)

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

Photographs: [Aerial: Natural Resources Technical Report \(CESO, Inc., 7/7/20\), Google Earth \(4/5/12, 2/28/06, HistoricAerials.com \(1994, 1970, 1052\)](#)

Corps site visit(s) conducted on: [8/27/20](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [LRB-2020-00077 \(July 27, 2020\), adjacent parcel](#)

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

USDA NRCS Soil Survey: [Natural Resources Technical Report \(CESO, Inc., 7/7/20\)](#)

USFWS NWI maps: [Natural Resources Technical Report \(CESO, Inc., 7/7/20\)](#)

USGS topographic maps: [Natural Resources Technical Report \(CESO, Inc., 7/7/20\) HistoricAerials.com \(2016, 1997, 1943\)](#)

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.



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REGULATORY PROGRAM
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NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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 4/5/2012 and 2/28/2006. In addition, APT's were run for the consultant delineation report data collection dates of 8/6/2020, 6/30/2020, and 6/26/2020, and the Corps site visit date of on 8/27/2020. Antecedent Precipitation results indicate various conditions: four years normal and two years drier than normal. Aerials for all years suggest no inundation to any of the non-jurisdictional wetlands from any a(1)-a(3) water. On the Corps site visit, the conditions were normal and just below the 30 year normal range with the immediate 30 days prior being dry. On the consultant site visit of 8/6/2020, the condition was normal with the immediate 30 days being wet. On the consultant site visits of 6/26/20 and 6/30/20, the conditions were drier than normal and below the 30 year normal range with the immediate 30 days being on the dry side. The APT's are attached.

Latitude: 41.757635
Longitude: -81.045274

Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition	Relates to
8/6/2020	1.31	Mild wetness	Dry Season	12	Normal Conditions	Consultant visit
8/27/2020	1.31	Mild wetness	Dry Season	11	Normal Conditions	Corps visit
6/26/2020	1.85	Mild wetness	Dry Season	6	Drier than Normal	Consultant visit
6/30/2020	1.85	Mild wetness	Dry Season	6	Drier than Normal	Consultant visit
4/5/2012	-1.64	Mild drought	Wet Season	13	Normal Conditions	Google Aerial
2/28/2006	-0.29	Normal	Wet Season	14	Normal Conditions	Google Aerial

C. Additional comments to support AJD: [The Corp site visit confirmed the conditions and wetland boundaries described in the delineation report and support documents/maps.](#)

[The Corps agrees with the wetland boundaries provided by the consultant but does not agree with the Cowardin type assigned to the wetlands. The area was recently cleared in 2020 and prior to the clearing the wetlands were forested.](#)