



**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): 12/07/2020
 ORM Number: LRB-2020-01219
 Associated JDs: NA
 Review Area Location¹: State/Territory: Ohio City: Medina County/Parish/Borough: Medina
 Center Coordinates of Review Area: Latitude 41.207381 Longitude -81.962619

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
Culverts within intermittent stream	27 linear feet		(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	This feature is an existing set of culverts within an intermittent stream. It is not a TNW, tributary, lake/pond/impoundment of jurisdictional waters, or an adjacent wetland. It is not a surface water channel that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. 33 CFR 328.3(b)(6) indirectly refers to culverts as an example of non-jurisdictional features (also see 85FR22303). The requester provided photographs of the existing culverts within the stream and the crossing can be seen on several aerial photographs.
Two 4" overflow lines	35 linear feet		(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	This feature is an existing set of culverts that provide overflow drainage from the pond to an intermittent stream. It is not in-line with a stream. It is not a TNW, tributary, lake/pond/impoundment of jurisdictional waters, or an adjacent wetland. It is not a surface water channel that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. 33 CFR 328.3(b)(6) indirectly refers to culverts as an example of non-jurisdictional features (also see 85FR22303). The requester provided photographs of the existing culvert and several aerial photographs do not depict any visible surface aquatic resources.
6" corrugated plastic line	195	linear feet	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) subcategories.	This feature is a culvert that goes from a roadside ditch to an intermittent stream. It is not a TNW, tributary, lake/pond/impoundment of jurisdictional waters, or an adjacent wetland. It is not a surface water channel that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. 33 CFR 328.3(b)(6) indirectly refers to culverts as an example of non-jurisdictional features (also see 85FR22303). The requester provided photographs of the existing culvert and several aerial photographs (See IIIA below) do not depict any visible surface aquatic resources.

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: [Information provided with the application package on 10 November 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [Photographs of the project location were provided.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial: GoogleEarth Pro April 2006, May 2010, April 2012, and September 2019](#)
- 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: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

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): [NA](#)

C. Additional comments to support AJD: [Based on a review of aerial photographs, the area of streambank proposed to be excavated as well as the proposed “dump area” are comprised entirely of dry land. The excavated streambank is above the ordinary high water mark of the stream and the “dump area” does not exhibit any wet signatures or other indicators that an aquatic resource may be present in that area.](#)