



**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): 12/21/2020
 ORM Number: LRB 2020-01246
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).
 Review Area Location¹: State/Territory: Ohio City: Florence Township County/Parish/Borough: Williams
 Center Coordinates of Review Area: Latitude 41.516915 Longitude -707923

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 1	0.050	acre(s)	(b)(6) Prior converted cropland.	Wetland 1 on the subject property is within an agricultural area that has been mapped by the USDA as prior converted cropland with the designation of T:1835 3A 3.55-acre PC.
Wetland 2	0.102	acre(s)	(b)(6) Prior converted cropland.	Wetland 2 is within an agricultural area that has been mapped by the USDA as prior converted cropland with the designation of T:1835 3A 3.55-acre PC
Wetland 3	0.605	acre(s)	(b)(6) Prior converted cropland.	Wetland 3 on the subject property is within an agricultural area that has been mapped by the USDA as prior converted cropland with the designation of T:1835 5B 1.28-acre PC and T:1835 1D 3.39-acre PC.
Wetland 4	0.083	acre(s)	(b)(6) Prior converted cropland.	Wetland 4 is within an agricultural area that has been mapped by the USDA as prior converted cropland with the designation of T:1835 1B 0.45-acre PC.
Wetland 5	0.364	acre(s)	(b)(6) Prior converted cropland.	Wetland 5 on the subject property is within an agricultural area that has been mapped by the USDA as prior converted cropland with the designation of T:1835 1C 0.69-acre PC.
Wetland 6	0.388	acre(s)	(b)(6) Prior converted cropland.	Wetland 3 on the subject property is within an agricultural area that has been mapped by the USDA as prior converted cropland with the designation of T:18351D 3.39 acre PC.
Stream 1	1,644	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Stream 1 is an intermittent ditch within an agricultural area. The southern 766 linear feet of Stream 1 appears in a 1951 aerial photograph as a linear ditch bordered on both sides by agricultural areas. There does appear to be wet or saturated area in the adjacent agricultural field to the northwest of this ditch. The northern 878 linear feet of ditch first appears in a 1958 aerial photograph in an area that appeared wet or saturated in the 1951 aerial. The ditch appears to have been extended to the northwest in a 1960 aerial. The northern segment of the ditch is an area mapped as T:1835 5B 1.28-acre PC.

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.

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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- Information submitted by, or on behalf of, the applicant/consultant: [Wetland Delineation Report September 25, 2020](#)
This information is sufficient for purposes of this AJD.
Rationale: [Information is sufficient](#)
- Data sheets prepared by the Corps:
- Photographs: [Aerial and Other: Google Earth – 1994, 2004-2006, 2009-2011, 2013 and 2015. HistoricAerials.com – 1951, 1958, 1960 and 1990 Site Photos provided by applicant July 7 and 8 2020](#)
- Corps site visit(s) conducted on:
- 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: [USDA/NRCS Web Soil Survey](#)
- USFWS NWI maps: [USFWS Blakeslee, Ohio](#)
- USGS topographic maps: [Blakeslee, Ohio 1:24,000](#)

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): [N/A](#)

C. Additional comments to support AJD: [The Approved JD covers the agricultural portions of a property which includes Wetlands 1, 2, 3, 4, 5, and 6 and Stream 1 within the 100-year floodplain of the St Joseph River. The wetland areas and Stream 1 are within an agricultural area that was designated PCC by the Williams County USDA/NRCS and is part of an active agricultural production. Per the NWPR Wetland 1 to 6 are excluded waters. Stream 1 is an intermittent agricultural ditch in the southeast corner of the property. The southern segment of Stream 1 appears in a 1951 aerial photograph as a linear ditch bordered on both sides by agricultural areas. There does appear to be wet or saturated area in the adjacent agricultural field to the northwest of this ditch in the 1951 aerial. The northern 878 linear feet of ditch first appears in a 1958 aerial photograph in an area that appeared wet or saturated in the 1951 aerial. The ditch appears to have been extended to the northwest in a 1960 aerial. The northern segment of the ditch is an area mapped as T:1835 5B 1.28-acre PC. The southern segment of Stream 1 is not a relocated tributary and therefore does not meet the criteria of an \(a\)\(3\) water under the 2020 NWPR.](#)