



**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): 1/7/2021
 ORM Number: LRB-2016-00399 (KOPF Builders, Inc)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Avon Lake County/Parish/Borough: Lorian
 Center Coordinates of Review Area: Latitude 41.491954 Longitude -82.031269

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
LRB-2016-00399-Wetland A	5.54 acre(s)	(b)(1) Non-adjacent wetland.	Onsite observations indicate that LRB-2016-00399-Wetland A is a non-adjacent b(1) water. This wetland 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. The northern, western, and southern boundary of the wetland was circumnavigated during the site visit on Oct 20, 2020. A thicket ran along the eastern property boundary and review of aerials indicates that residential lawns boarder the eastern property boundary. Based on the site visit and review of aerial photographs, LRB-2016-00399-Wetland A was observed to be a physically isolated wetland with no surface water connection to any (a)(1-3) water. We did not observe evidence of any artificial or natural barrier that separated the subject wetland from an a1-3 water. The USGS Topographic Map indicates the nearest a(1-3) water is an off-site Unnamed Tributary to Heider Ditch (an a(2) tributary), which is located north of Walker Road and upslope of LRB-2016-00399-Wetland A (approximately 2,085-linear feet to the northeast). A review of historic aerials and USGS topographic Maps indicate that off-site Unnamed Tributary to Heider Ditch was historically located approximately 600-linear feet to the east of LRB-2016-00399-Wetland A; however, between 2006-2007 off-site Unnamed Tributary to Heider Ditch was filled/culverted during construction of a residential subdivision. LRB-2016-00399-Wetland A is not located within the 100-year FEMA flood zone and no tributaries are located near the wetland that could inundate 2016-00399-Wetland A at least once in a typical year. Thus, it has been determined that LRB-2016-00399-Wetland A is a b(1) excluded water.
LRB-2016-00399-Ditch 1	446 Linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of	LRB-2016-00399-Ditch 1 flows south into LRB-2016-00399-Wetland A (b)(1) Non-adjacent wetland. LRB-2016-00399-Ditch 1 did not have a discernable bed and bank and tree appeared

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
		a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	to be rooted in it in several locations. This is an excluded ditch that was constructed in uplands, it does not capture a stream, and it is not an adjacent wetland. Based on data contained in the wetland delineation report, site visit observations and a review of remote tools, the ditch is not an (a)(1) nor is it an (a)(2) as the ditch did not relocate a tributary, was not constructed in a tributary, or was not constructed in an adjacent wetland (a)(4). The ditch is situated in a forested area containing old furrows. The ditch flows downslope into LRB-2016-00399 Wetland A and does not flow through the wetland. Review of historic aerials (1950-1962-1970) indicate the ditch was located in an area that was previously agricultural field. LRB-2016-00399-Ditch 1 appears to have been historically manmade to improve drainage on the site. Based on site visit observations, the ditch has ephemeral flow into LRB-2016-00390 Wetland A. Review of remote tools including USGS topographical maps and aerial imagery and soils data show no evidence that the ditch is a tributary or had been a tributary that was relocated or constructed in a wetland. Therefore, LRB-2016-00399-Ditch 1 is an excluded water.

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: [ATYPICAL WETLAND DELINEATION PARCEL NUMBERS 0400008101009 & 0400008101047 CITY OF AVON LAKE LORAIN COUNTY, OHIO August 2020](#)

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: [Aerial: Connect Explorer EV: 4-11-2020, 11-17-2019, 7-20-2019, 4-7-2018, 6-22-2017, 3-24-2015, 4-25-2015, 11-25-2013, 11-25-2011 – OSIP County Aerials 2006, 2011, 2017 , historic aerials 1950, 1962, 1970, USGS 1994](#)

Corps site visit(s) conducted on: [October 20, 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: <https://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>



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- USFWS NWI maps: <https://www.fws.gov/wetlands/data/mapper.html>
- USGS topographic maps: [Lorain](#)

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	FEMA panels 39093C0131D and 39093C0132D

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)