



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): February 18, 2021

ORM Number: LRB-2001-00087

Associated JDs: N/A

State/Territory: OH City: Brecksville County/Parish/Borough: Cuyahoga County

Center Coordinates of Review Area: Latitude 41.293185 Longitude -81.635464

**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)<sup>2</sup>**

| § 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)<sup>3</sup>

| (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                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|------------------------------|-------------|-----------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Stream A (2001-00087) - NWPR | 2042 feet   | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year | Stream A flows from the southwest portion of the property northeasterly off-site. Stream A then continues northwest to Chippewa Creek and then east to the Cuyahoga River, an (a)(1) water listed on the LRB Section 10 list. The lateral extent of the stream was delineated by identifying the ordinary high water mark. There are no known natural or artificial non-jurisdictional features (e.g., channelized non-jurisdictional surface water features, culverts, tunnels, debris piles, boulder fields, etc.) along the flow path within the review area. The southern portion of Stream A is in a natural condition whereas the northern portion of Stream A is within a concrete-lined channel. Flow |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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|--|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  | <p>was observed during past Corps site visits on 5 May 2010 (normal conditions during the wet season) and 24 June 2010 (wetter than normal conditions during the dry season). Stream A was determined to be perennial in the 12 January 2011 Approved Jurisdictional Determination. Flow was depicted in the photos taken by the consultant on 29 May 2020 (normal conditions during the wet season) and 11 December 2020 (wetter than normal during the wet season). A review of aerial photographs depicts water/flow within the channel (ConnectExplorer 7 November 2016, 12 November 2018, 23 December 2019, and 12 November 2020 – all under normal or wetter than normal conditions during the wet season) and no resources reviewed showed a lack of water/flow within the channel. The Cuyahoga County Web Mapping Application provides numerous aerial photographs which all show water in the channel (2019 Fall, 2019 Spring, 2017 Fall, 2017 Spring, 2016 Fall, 2016 Spring, 2015, 2013, 2011, 2008, 2006, 2002, and 1993). While these aerial photographs don't have specific dates associated with them, they all support the conclusion that Stream A is perennial. Based on a review of both on-site observations and in-office resources, Stream A has been determined to be a perennial stream that contributes flow indirectly to an (a)(1) water in a typical year.</p> |
|--|--|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

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                                                                 |
|-------------------------------|-------------|---------------------------------------------|----------------------------------------------------------------------------------------------------|
| Wetland 1 (2001-00087) - NWPR | 0.08 acres  | (a)(4) Wetland abuts an (a)(1)-(a)(3) water | Wetland 1 is directly connected to the north side of Stream A, an (a)(2) water as discussed above. |

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

| Exclusion Name              | Exclusion Size | Exclusion <sup>5</sup>                                                                                                                                        | Rationale for Exclusion Determination                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Ditch 1 (2001-00087) - NWPR | 296 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) | Ditch 1 is a constructed or excavated channel used to convey water, is not an (a)(1) or (a)(2) water and was not constructed in an (a)(4) water. Historic topographic maps (historicaerials.com 1939, 1971, and 1997) do not depict a pre-existing stream in the location of Ditch 1 supporting that it is not a relocated tributary. Additionally, no streams or wetlands were identified in the location of Ditch 1 during the previous delineation by Davey in 2010, and the associated 2010 AJD. Ditch 1 appears to have ephemeral flow and flows into Ditch 2 and then Pond 2 (an excluded stormwater pond – see |

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<sup>4</sup> 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.

<sup>5</sup> 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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|-----------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |          |                                                                                                                                                               | discussion below). Photos of Ditch 1 were provided from the May 29, 2020 site visit showing a constructed channel within a regraded area that was proposed as a mixed-use development for the previous permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Ditch 2 (2001-00087) - NWPR | 304 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) | Ditch 2 is a constructed or excavated channel used to convey water, is not an (a)(1) or (a)(2) water, and was not constructed in an (a)(4) water. Historic topographic maps (historicaerials.com 1939, 1971, and 1997) do not depict a pre-existing stream in the location of Ditch 2 supporting that it is not a relocated tributary. Additionally, no streams or wetlands were identified in the location of Ditch 2 during the previous delineation by Davey in 2010, and the associated 2010 AJD. Ditch 2 appears to have ephemeral flow and flows into Pond 2 (an excluded stormwater pond – see discussion below). Photos of Ditch 2 were provided from the May 29, 2020 site visit showing a constructed channel within a regraded area that was proposed as a mixed-use development for the previous permit.                                                         |
| Ditch 3 (2001-00087) - NWPR | 320 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.                                                                         | Ditch 3 is an ephemeral feature that is located in a similar footprint as Ephemeral Stream 4 in the 2010 delineation/AJD. Photos from the 29 May 2020 delineation some standing water and a poorly defined channel. APT data shows that precipitation occurred within a few days of that site visit and flow had ceased, supporting an ephemeral flow regime. The 2015 Corps permit authorized the filling of 350 linear feet of Ephemeral Stream 4 and it appears that some regrading and/or filling was done. Based on the lack of flow following recent precipitation, the Corps has determined that Ditch 3 is a (b)(3) ephemeral feature.                                                                                                                                                                                                                               |
| Swale 1 (2001-00087) - NWPR | 163 feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.                                                                         | Swale 1 is an ephemeral stream. It was title EPH-2 in the 2010 delineation/AJD. It has a defined channel with bed and bank as shown in the 29 May 2020 photos provided in the delineation. Flow is observed in these photos; however, recent precipitation occurred and flow appears to be minimal. Photos from the 24 June 2010 Corps site visit, a wetter than normal period with recent precipitation according to the APT evaluation, show little to no flow within the channel. This supports an ephemeral flow regime. The Cuyahoga County Web Mapping Application provides numerous aerial photographs which show a lack of water in the channel (2019 Fall, 2019 Spring, 2017 Fall, 2017 Spring, 2016 Fall, 2016 Spring, 2015, 2013, 2011, 2008, 2006, 2002, and 1993). Back on these resources, the Corps has determined that Swale 1 is a (b)(3) ephemeral stream. |
| Ditch 5 (2001-00087) - NWPR | 261 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) | Ditch 5 is a constructed or excavated channel used to convey water, is not an (a)(1) or (a)(2) water, and was not constructed in an (a)(4) water. Historic topographic maps (historicaerials.com 1939, 1971, and 1997) do not depict a pre-existing stream in the location of Ditch 5 supporting that it is not a relocated tributary.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|-----------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             |          |                                                                                                                                                               | <p>Additionally, no streams or wetlands were identified in the location of Ditch 5 during the previous delineation by Davey in 2010, and the associated 2010 AJD, indicating that it is recently excavated. The Cuyahoga County Web Mapping Application provides numerous aerial photographs which all show the constructed ditch since the re-grading of the site in 2015 (2019 Fall, 2019 Spring, 2017 Fall, 2017 Spring, 2016 Fall, 2016).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Ditch 6 (2001-00087) - NWPR | 507 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) | <p>Ditch 6 is a constructed or excavated channel used to convey water, is not an (a)(1) or (a)(2) water, and was not constructed in an (a)(4) water. Historic topographic maps (historicaerials.com 1939, 1971, and 1997) do not depict a pre-existing stream in the location of Ditch 6 supporting that it is not a relocated tributary. Additionally, no streams were identified in the location of Ditch 6 during the previous delineation by Davey in 2010, and the associated 2010 AJD. The northern portion of Ditch 6 aligns with a previously delineated wetland (Wetland FFF) that connected Wetland K and Wetland L (now Wetland 4) in the 2010 delineation/AJD. It meets the current definition of a ditch and is more appropriately classified as a ditch under the NWPR. Wetland FFF would not have been considered an (a)(4) water as it did not abut an (a)(1)-(a)(3) water. The southern portion of Ditch 6 appears to have been excavated more recently within an area not mapped as wetland on the 2010 delineation/AJD. The Cuyahoga County Web Mapping Application provides numerous aerial photographs which all show the constructed southern part of the ditch since the re-grading of the site in 2015 (2019 Fall, 2019 Spring, 2017 Fall, 2017 Spring, 2016 Fall, 2016).</p> |
| Ditch 7 (2001-00087) - NWPR | 138 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) | <p>Ditch 7 is a constructed or excavated channel used to convey water, is not an (a)(1) or (a)(2) water, and was not constructed in an (a)(4) water. Historic topographic maps (historicaerials.com 1939, 1971, and 1997) do not depict a pre-existing stream in the location of Ditch 7 supporting that it is not a relocated tributary. Additionally, no streams or wetlands were identified in the location of Ditch 7 during the previous delineation by Davey in 2010, and the associated 2010 AJD, indicating that it is recently excavated. The Cuyahoga County Web Mapping Application provides numerous aerial photographs which all show the constructed ditch since the re-grading of the site in 2015 (2019 Fall, 2019 Spring, 2017 Fall, 2017 Spring, 2016 Fall, 2016).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Ditch 8 (2001-00087) - NWPR | 242 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) | <p>Ditch 8 is a constructed or excavated channel used to convey water, is not an (a)(1) or (a)(2) water, and was not constructed in an (a)(4) water. Historic topographic maps (historicaerials.com 1939, 1971, and 1997) do not depict a pre-existing stream in the location of Ditch 8 supporting that it is not a relocated tributary. Additionally, no streams or wetlands were identified in</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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|-------------------------------|------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               |            |                                                                                                                                                                 | the location of Ditch 8 during the previous delineation by Davey in 2010, and the associated 2010 AJD, indicating that it is recently excavated. The Cuyahoga County Web Mapping Application provides numerous aerial photographs which all show the constructed ditch since the re-grading of the site in 2015 (2019 Fall, 2019 Spring, 2017 Fall, 2017 Spring, 2016 Fall, 2016).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Ditch 9 (2001-00087) - NWPR   | 449 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)   | Ditch 9 is a constructed or excavated channel used to convey water, is not an (a)(1) or (a)(2) water, and was not constructed in an (a)(4) water. Historic topographic maps (historicaerials.com 1939, 1971, and 1997) do not depict a pre-existing stream in the location of Ditch 9 supporting that it is not a relocated tributary. Additionally, no streams were identified in the location of Ditch 9 during the previous delineation by Davey in 2010, and the associated 2010 AJD. Ditch 9 aligns with a previously delineated wetland (Wetland BBB) in the 2010 delineation/AJD. It meets the current definition of a ditch and is more appropriately classified as a ditch under the NWPR. Wetland BBB would not have been considered an (a)(4) water as it did not about an (a)(1)-(a)(3) water. The eastern portion of Ditch 9 runs through Wetland 2. The Cuyahoga County Web Mapping Application provides numerous aerial photographs which all show the ditch (2019 Fall, 2019 Spring, 2017 Fall, 2017 Spring, 2016 Fall, 2016). |
| Pond 1 (2001-00087) - NWPR    | 0.13 acres | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff | Pond 1 is an excavated stormwater control feature that was constructed in uplands in association with a previously planned mixed-use development project. It was constructed in an upland area that did not contain any previously identified streams and/or wetlands according to the 2010 delineation and associated AJD.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Pond 2 (2001-00087) - NWPR    | 0.4 acres  | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff | Pond 2 is an excavated stormwater control feature that was constructed in uplands in association with a previously planned mixed-use development project. It was constructed in an upland area that did not contain any previously identified streams and/or wetlands according to the 2010 delineation and associated AJD.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Wetland 2 (2001-00087) - NWPR | 0.4 acres  | (b)(1) Non-adjacent wetland                                                                                                                                     | Wetland 2 meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not about an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream B (on-site but outside of the review area) located approximately 840 linear feet west of this wetland. Stream B was identified as a perennial stream in the 2010 delineation and 2011                                                                                                                                                                                                         |

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|---------------------------------------|------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                       |            |                             | AJD. The December 2020 delineation shows that Wetland 2 is surrounded by uplands and only connected to Stream B by Ditch 9. No evidence of flooding from Stream B entering Wetland 2 is apparent. Wetland 2 is located at an approximate elevation of 1096 ft while Stream B is at approximately 1094 ft, or 2 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream B. Based on the above information, it has been determined that Wetland 2 is excluded (b)(1) non-adjacent wetland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Wetland 3.1<br>(2001-00087) -<br>NWPR | 0.44 acres | (b)(1) Non-adjacent wetland | Wetland 3.1 meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 150 linear feet east of this wetland. The December 2020 delineation shows that Wetland 3.1 is surrounded by uplands with no surface water connections observed. No evidence of flooding from Stream A entering Wetland 3.1 is apparent. Wetland 3.1 is located at an approximate elevation of 1098 ft while Stream A is at approximately 1088 ft, or 10 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland 3.1 is excluded (b)(1) non-adjacent wetland. |
| Wetland 3.2<br>(2001-00087) -<br>NWPR | 0.02 acres | (b)(1) Non-adjacent wetland | Wetland 3.2 meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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|------------------------------------------------|-------------------|------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                |                   |                                    | <p>(a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 500 linear feet east of this wetland. The December 2020 delineation shows that Wetland 3.2 is surrounded by uplands with no surface water connections observed. No evidence of flooding from Stream A entering Wetland 3.2 is apparent. Wetland 3.2 is located at an approximate elevation of 1098 ft while Stream A is at approximately 1088 ft, or 10 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland 3.2 is excluded (b)(1) non-adjacent wetland.</p> |
| <p>Wetland 3.3<br/>(2001-00087) -<br/>NWPR</p> | <p>0.03 acres</p> | <p>(b)(1) Non-adjacent wetland</p> | <p>Wetland 3.3 meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 500 linear feet east of this wetland. The December 2020 delineation shows that Wetland 3.3 is surrounded by uplands with no surface water connections observed. No evidence of flooding from Stream A entering Wetland 3.3 is apparent. Wetland 3.3 is located at an approximate elevation of 1098 ft while Stream A is at approximately 1088 ft, or 10 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping</p>                 |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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|-----------------------------------|------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   |            |                             | Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland 3.3 is excluded (b)(1) non-adjacent wetland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Wetland 4 (2001-00087) - NWPR     | 0.32 acres | (b)(1) Non-adjacent wetland | Wetland 4 meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 80 linear feet south of this wetland. The December 2020 delineation shows that Wetland 4 is surrounded by uplands and only connected to Stream A by Ditch 6. No evidence of flooding from Stream A entering Wetland 4 is apparent. Wetland 4 is located at an approximate elevation of 1098 ft while Stream A is at approximately 1092 ft, or 6 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland 4 is excluded (b)(1) non-adjacent wetland. |
| Wetland 6a-6g (2001-00087) - NWPR | 0.06 acres | (b)(1) Non-adjacent wetland | Wetlands 6a-6g are small wetland pockets located very close to each other so they were grouped together when delineated. Wetlands 6a-6g meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but do not meet the requirements of an (a)(4) water. They do not abut an (a)(1)-(a)(3) water, are not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, are not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and are not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 150 linear feet east of this wetland. The December 2020 delineation shows that Wetlands 6a-6g is surrounded by uplands with no surface water connections                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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|-------------------------------|------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               |            |                             | observed. No evidence of flooding from Stream A entering Wetlands 6a-6g is apparent. Wetlands 6a-6g are located at an approximate elevation of 1098 ft while Stream A is at approximately 1088 ft, or 10 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetlands 6a-6g are excluded (b)(1) non-adjacent wetlands.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Wetland 7 (2001-00087) - NWPR | 0.08 acres | (b)(1) Non-adjacent wetland | Wetland 7 meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 200 linear feet southeast of this wetland. The December 2020 delineation shows that Wetland 7 is surrounded by uplands with no surface water connections observed. No evidence of flooding from Stream A entering Wetland 7 is apparent. Wetland 7 is located at an approximate elevation of 1094 ft while Stream A is at approximately 1088 ft, or 6 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland 7 is excluded (b)(1) non-adjacent wetland. |
| Wetland 8 (2001-00087) - NWPR | 0.3 acres  | (b)(1) Non-adjacent wetland | Wetland 8 meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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|-------------------------------|------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               |            |                             | <p>surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 200 linear feet south of this wetland. The December 2020 delineation shows that Wetland 8 is surrounded by uplands with no surface water connections observed. No evidence of flooding from Stream A entering Wetland 8 is apparent. Wetland 8 is located at an approximate elevation of 1096 ft while Stream A is at approximately 1088 ft, or 8 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland 8 is excluded (b)(1) non-adjacent wetland.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Wetland 9 (2001-00087) - NWPR | 0.01 acres | (b)(1) Non-adjacent wetland | <p>Wetland 9 meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 415 linear feet east of this wetland. The December 2020 delineation shows that Wetland 9 is surrounded by uplands with no surface water connections observed. No evidence of flooding from Stream A entering Wetland 9 is apparent. Wetland 9 is located at an approximate elevation of 1098 ft while Stream A is at approximately 1088 ft, or 10 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland 9 is excluded (b)(1) non-adjacent wetland.</p> |
| Wetland 10                    | 0.11 acres | (b)(1) Non-adjacent wetland | <p>Wetland 10 meets the definition of a wetland as per the</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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| (2001-00087) - NWPR           |           |                             | <p>1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 250 linear feet east of this wetland. The December 2020 delineation shows that Wetland 10 is surrounded by uplands with no surface water connections observed. No evidence of flooding from Stream A entering Wetland 10 is apparent. Wetland 10 is located at an approximate elevation of 1100 ft while Stream A is at approximately 1088 ft, or 12 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland 10 is excluded (b)(1) non-adjacent wetland.</p> |
| Wetland J (2001-00087) - NWPR | 0.73 acre | (b)(1) Non-adjacent wetland | <p>Wetland J meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 250 linear feet south of this wetland. The December 2020 delineation shows that Wetland J is surrounded by uplands and only connected to Stream A by Ditch 5. No evidence of flooding from Stream A entering Wetland J is apparent. Wetland J is located at an approximate elevation of 1098 ft while Stream A is at approximately 1092 ft, or 6 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year.</p>                                                                                                                                                                                                                                               |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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|-------------------------------|------|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                               |      |                             | Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland J is excluded (b)(1) non-adjacent wetland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Wetland K (2001-00087) - NWPR | 0.11 | (b)(1) Non-adjacent wetland | Wetland K meets the definition of a wetland as per the 1987 COE Wetlands Delineation Manual and NCNE Regional Supplement but does not meet the requirements of an (a)(4) water. It does not abut an (a)(1)-(a)(3) water, is not separated from an (a)(1)-(a)(3) water by a natural feature such as a berm or barrier, is not separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year, and it is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. The nearest (a)(2) tributary is Stream A located approximately 250 linear feet east of this wetland. The December 2020 delineation shows that Wetland K is surrounded by uplands with and only connected to Stream A by Ditch 6. No evidence of flooding from Stream A entering Wetland K is apparent. Wetland K is located at an approximate elevation of 1096 ft while Stream A is at approximately 1092 ft, or 4 ft below the wetland elevation. According to NRCS Web Soil Survey, flooding is not probable. The chance of flooding is nearly 0 percent in any year. Flooding occurs less than once in 500 years. Ponding is not probable as well. The chance of ponding is nearly 0 percent in any year. Topographic mapping and aerial imagery from the Cuyahoga County Web Mapping Application do not depict any natural or artificial berms/barriers between the wetland and Stream A. Based on the above information, it has been determined that Wetland K is excluded (b)(1) non-adjacent wetland. |

**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: *BUILDING OUR FUTURE R&D FACILITY Investigation of Waters of the U.S. The Sherwin-Williams Company Revised February 15, 2021 and Original Submittal dated December 23, 2020.*

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

Rationale: The flow regime determination of intermittent for Stream A was not adequate to support the Corps' determination and therefore was only partially relied upon.

Data sheets prepared by the Corps: *Title(s) and/or date(s).*

Photographs: *(NA, aerial, other, aerial and other) ConnectExplorer Aerials dated 11/7/2016,*

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

11/12/2018, 12/23/2019, and 11/12/2020

- Corps Site visit(s) conducted on: *May 5, 2010 and June 24, 2010.*
- Previous Jurisdictional Determinations (AJDs or PJDs): *LRB-2001-00087 AJD dated January 12, 2011.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Web Soil Survey accessed 11FEB2021, <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>*
- USFWS NWI maps: *Title(s) and/or date(s).*
- USGS topographic maps: *1939, 1971, 1997 (through [historicaerials.com](http://historicaerials.com) accessed 16FEB2021).*

**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.                                                                                                                 |
| Cuyahoga County Web Mapping Application | 2019 Fall, 2019 Spring, 2017 Fall, 2017 Spring, 2016 Fall, 2016 Spring, 2015, 2013, 2011, 2008, 2006, 2002, and 1993 |

**B. Typical year assessment(s):** 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 (PDSI) and the University of Delaware WebWIMP.

**Inputs/Data Sources:**

- Weather Stations: Akron Fulton INTL AP, Cuyahoga Falls 1.1 ESE, Akron, Ravenna 2S, Cleveland.

| Latitude  | Longitude | Date      | PDSI Value | PDSI Class        | Season     | ARC Score | Antecedent Precip Condition | Resource                |
|-----------|-----------|-----------|------------|-------------------|------------|-----------|-----------------------------|-------------------------|
| 41.293185 | -81.6355  | 5/5/2010  | 0.12       | Normal            | Wet Season | 10        | Normal Conditions           | Corps Site Visit        |
| 41.293185 | -81.6355  | 6/24/2010 | 0.61       | Incipient wetness | Dry Season | 16        | Wetter than Normal          | Corps Site Visit        |
| 41.293185 | -81.6355  | 10/1/2010 | 0.04       | Normal            | Wet Season | 8         | Drier than Normal           | Davey Delineation Photo |
| 41.293185 | -81.6355  | 11/7/2016 | -0.77      | Incipient         | Wet        | 16        | Wetter than                 | ConnectExplorer         |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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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NAVIGABLE WATERS PROTECTION RULE

|           |          |            |      | drought          | Season     |    | Normal             | Aerial                  |
|-----------|----------|------------|------|------------------|------------|----|--------------------|-------------------------|
| 41.293185 | -81.6355 | 11/12/2018 | 3.13 | Severe wetness   | Wet Season | 15 | Wetter than Normal | ConnectExplorer Aerial  |
| 41.293185 | -81.6355 | 12/23/2019 | 2.37 | Moderate wetness | Wet Season | 13 | Normal Conditions  | ConnectExplorer Aerial  |
| 41.293185 | -81.6355 | 5/29/2020  | 2.38 | Moderate wetness | Wet Season | 13 | Normal Conditions  | ERM Delineation Photo   |
| 41.293185 | -81.6355 | 11/12/2020 | 1.99 | Mild wetness     | Wet Season | 14 | Normal Conditions  | ConnectExplorer Aerial  |
| 41.293185 | -81.6355 | 12/11/2020 | 2.05 | Moderate wetness | Wet Season | 16 | Wetter than Normal | EMH&T Delineation Photo |

**C. Additional comments to support AJD:** Based on the discussions above, Stream A and Wetland 1 were determined to be jurisdictional waters while all other waters and potential waters within the review area were determined to be excluded and non-jurisdictional.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

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