**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): 3/1/2021
ORM Number: LRB-2020-00939
Associated JDs: N/A
Review Area Location[1]: State/Territory: Ohio City: Twinsburg Township County/Parish/Borough: Summit
Center Coordinates of Review Area: Latitude 41.3094 Longitude -81.4548

## II. FINDINGS

**A. Summary:** Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- ☐ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- ☒ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- ☒ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

### B. Rivers and Harbors Act of 1899 Section 10 (§ 10)[2]

| § 10 Name | § 10 Size | | § 10 Criteria | Rationale for § 10 Determination |
|---|---|---|---|---|
| N/A. | N/A. | N/A | N/A. | N/A. |

### C. Clean Water Act Section 404

| Territorial Seas and Traditional Navigable Waters ((a)(1) waters):[3] | | | | |
|---|---|---|---|---|
| (a)(1) Name | (a)(1) Size | | (a)(1) Criteria | Rationale for (a)(1) Determination |
| N/A. | N/A. | N/A. | N/A. | N/A. |

| Tributaries ((a)(2) waters): | | | | |
|---|---|---|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| Stream 1 | 773 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 1 flows to Stream 6 which flows offsite under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions, as per the Antecedent Precipitation Tool (attached), on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on |

[1] Map(s)/figure(s) are attached to the AJD provided to the requestor.
[2] If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.
[3] A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.

| Tributaries ((a)(2) waters): | | | | |
|---|---|---|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| | | | | 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and 9/4/2020 under drier than normal conditions. |
| Stream 2 | 247 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 2 flows to Stream 1 which flows to Stream 6 which goes offsite under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 3-perennial | 695 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 3 (perennial) flows to Stream 6 which flows offsite under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 4 - perennial | 1335 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 4 flows through Wetland G to Stream 5, to Stream 16 which flows offsite under the freeway, to a tributary of Tinkers Creek, to Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on |

| Tributaries ((a)(2) waters): | | | | |
|---|---|---|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| | | | | 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 5 | 2177 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 5 flows to Stream 6 which flows under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 6 | 798 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 6 flows under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 7 | 98 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 7 flows to Stream 6 which flows under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had pools of water along its length. The consultant called the stream intermittent based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 8 | 875 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an | Stream 8 flows to Stream 5 which flows to Stream 16, then under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site |

| Tributaries ((a)(2) waters): | | | | |
|---|---|---|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| | | | (a)(1) water in a typical year. | visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 9 | 425 | linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 9 flows to Stream 5 which flows to Stream 16, then under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had pools of water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 10 | 442 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 10 flows to Stream 5 which flows to Stream 16, then under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 11 | 173 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 11 flows to Stream 17 which flows to Stream 5 which flows to Stream 16, then under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on |

| Tributaries ((a)(2) waters): | | | | |
|---|---|---|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| | | | | 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 12 | 821 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 12 flows to Stream 17 which flows to Stream 5, then to Stream 16, then under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 13 | 512 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 13 flows to Stream 5 which flows to Stream 16, then under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 14 | 460 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 14 flows to Stream 16, then under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |

| Tributaries ((a)(2) waters): | | | | |
|---|---|---|---|---|
| (a)(2) Name | (a)(2) Size | | (a)(2) Criteria | Rationale for (a)(2) Determination |
| Stream 15 | 623 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 15 flows to Stream 16, then under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 16 | 122 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 16 flows under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| Stream 17 | 1204 | linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | Stream 17 flows to Stream 5 to Stream 16 under the freeway to an unnamed tributary of Tinkers Creek, to the Cuyahoga River, an (a)(1) Section 10 water. Water in this stream is apparent on Google Earth leaf off aerial photos under normal conditions on 4/9/2005 and 4/6/2012, and drier than normal conditions on 2/28/2006. On the Corps site visit on 8/27/2020 under normal conditions this stream had flowing water along its length. The consultant called the stream perennial based on their site visits on 8/13/2019 under wetter than normal conditions, on 9/17/2019 and 3/11/2019 under normal conditions, and on 9/4/2020 under drier than normal conditions. |
| N/A. | N/A. | N/A. | N/A. | N/A. |

| Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters): | | | | |
|---|---|---|---|---|
| (a)(3) Name | (a)(3) Size | | (a)(3) Criteria | Rationale for (a)(3) Determination |
| N/A. | N/A. | N/A. | N/A. | N/A. |

| Adjacent wetlands ((a)(4) waters): | | | | |
|---|---|---|---|---|
| (a)(4) Name | (a)(4) Size | | (a)(4) Criteria | Rationale for (a)(4) Determination |
| Wetland A | .023 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland A physically abuts Stream 1, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland B-abutting | .042 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland B (abutting) physically abuts Stream 1, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland C | .428 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland C physically abuts Stream 1, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland F | 3.006 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland F physically abuts Stream 1, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland G-abutting | 9.087 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland G (abutting) physically abuts Stream 4, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland K | .385 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland K physically abuts Stream 6, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland N | .037 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland N physically abuts Stream 6, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland O | .471 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland O physically abuts Stream 6, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland R | .353 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland R physically abuts Stream 11, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland S-abutting | 0.07 | Acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland S physically abuts Stream 8, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland T | .315 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland T physically abuts Stream 12, an a(2) water with no natural or artificial barriers between the wetland and the stream. |
| Wetland V | .039 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | Wetland V physically abuts Stream 13, an a(2) water with no natural or artificial barriers between the wetland and the stream. |

## D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| Stormwater Basin | .05 | acre(s) | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | The stormwater basin was man-made in 2018/2019 in association with a new commercial structure to the west. There is a water control structure within the pond and an outlet structure on the east side of the pond. The mapped soil in the area is Holly silt loam which is a hydric soil however a review of aerial photos indicates the area was filled starting after 1994 and the aerial photos show no indication there was any aquatic resource present at this location. |
| Stream 3-ephemeral | 368 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | This stream had bedrock and gravel as the primary substrates. Water in this stream is not apparent on Google Earth leaf off aerial photos under normal conditions on 4/5/2005 and 4/6/2012 and during the wet season. On the consultant site visit on 8/6/2020, there was no water in the channel under normal conditions. On the Corps site visit on 8/27/2020 under normal conditions this stream had no water. The stream was dry on both site visits even though the Palmer Draught Severity Index indicated a period of Mild Wetness. |
| Stream 4-ephemeral | 121 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | This stream had bedrock and gravel as the primary substrates. Water in this stream is not apparent on Google Earth leaf off aerial photos under normal conditions on 4/5/2005 and 4/6/2012 and during the wet season. On the consultant site visit on 8/6/2020, there was no water in the channel under normal conditions. On the Corps site visit on 8/27/2020 under normal conditions this stream had no water. The stream was dry on both site visits even though the Palmer Draught Severity Index indicated a period of Mild Wetness. |
| Wetland B-non-adjacent | .425 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland B (non-adjacent) is jurisdictional Stream 1 which is approximately 50 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 8 linear feet higher in elevation than Stream 1. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in |

[4] Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.
[5] Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | | a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed." Therefore, this wetland is non-adjacent. |
| Wetland D | .015 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland D is jurisdictional Stream 2 which is approximately 25 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 5 linear feet higher in elevation than Stream 2. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland E | .262 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland E is jurisdictional Stream 3 which is approximately 25 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 12 linear feet higher in elevation than Stream 3. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland G-non-adjacent | .111 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland G (non-adjacent) is jurisdictional Stream 4 which is approximately 40 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 13 linear feet higher in |

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | | elevation than Stream 4. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland H | .108 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland H is jurisdictional Stream 4 which is approximately 400 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 4 linear feet higher in elevation than Stream 4. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore this wetland is non-adjacent. |
| Wetland I | .119 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland I is jurisdictional Stream 4 which is approximately 200 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 22 linear feet higher in elevation than Stream 4. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland J | .733 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland J is jurisdictional Stream 5 which is approximately 40 linear feet |

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | | away. According to the topographic maps provided by the consultant, this wetland is located approximately 5 linear feet higher in elevation than Stream 5. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland L | .102 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland L is jurisdictional Stream 6 which is approximately 40 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 7 linear feet higher in elevation than Stream 6. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland M | .104 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland M is jurisdictional Stream 6 which is approximately 40 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 4 linear feet higher in elevation than Stream 6. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore this |

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | | wetland is non-adjacent. |
| Wetland P | .063 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland P is jurisdictional Stream 5 which is approximately 300 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 12 linear feet higher in elevation than Stream 5. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland Q | .061 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland Q is jurisdictional Stream 11 which is approximately 800 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 33 linear feet higher in elevation than Stream 11. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland S-non-adjacent | .027 | Acre(s) | (b)(1) Non-adjacent wetland | The closest stream to Wetland S (non-adjacent) is jurisdictional Stream 8 which is approximately 40 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 5 linear feet higher in elevation than Stream 8. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands |

| Excluded waters ((b)(1) – (b)(12)):[4] | | | | |
|---|---|---|---|---|
| Exclusion Name | Exclusion Size | | Exclusion[5] | Rationale for Exclusion Determination |
| | | | | were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |
| Wetland U | .365 | acre(s) | (b)(1) Non-adjacent wetland. | The closest stream to Wetland U is jurisdictional Stream 5 which is approximately 80 linear feet away. According to the topographic maps provided by the consultant, this wetland is located approximately 22 linear feet higher in elevation than Stream 5. Based on the horizontal and vertical distance from the stream, this wetland will not be flooded by the stream in a typical year. This wetland is surrounded by upland and is entirely on-site. The entire perimeter was observed and no connection to any swales, ditches, streams, or other wetlands were identified nor were there any natural berms or barriers or artificial structure/features between the wetland and stream observed. Therefore, this wetland is non-adjacent. |

## 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: Water Resource Delineation Report (Davey Resource Group, July 2020)

This information is sufficient for purposes of this AJD.
Rationale: N/A

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

☒ Photographs: Aerial: Water Resource Delineation Report (Davey Resource Group, July 2020), Google Earth aerials (9/1/2019, 4/6/2012, 2/28/2006, 4/9/2005), HistoricAerials.com (1982, 1952), Soils Survey of Summit County (issued 11/1974), Summitmaps.summitoh.net (undated)

☒ Corps site visit(s) conducted on: 8/27/2020

☐ Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).

☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: Water Resource Delineation Report (Davey Resource Group, July 2020)

☐ USFWS NWI maps: Water Resource Delineation Report (Davey Resource Group, July 2020)

☒ USGS topographic maps: Water Resource Delineation Report (Davey Resource Group, July 2020)

**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. |

| Data Source (select) | Name and/or date and other relevant information |
|---|---|
| NOAA Sources | N/A. |
| USACE Sources | N/A. |
| State/Local/Tribal Sources | N/A. |
| Other Sources | HistoricAerials.com (USGS topos: 2016, 2000, 1955, 1939) |

**B. Typical year assessment(s):** The APT pulls precipitation data from NOAA's Daily Global Historical Climatology Network. The APT evaluates normal precipitation conditions based on the three 30-day periods preceding the observation date. For each period, a weighted condition value is assigned by determining whether the 30-day precipitation total falls within, above, or below the 70th and 30th percentiles for totals from the same date range over the preceding 30 years. The APT then makes a determination of "normal," "wetter than normal," or "drier than normal" based on the condition value sum. The APT also displays results generated via the Palmer Drought Severity Index and the University of Delaware WebWIMP.

The APT was run for Google Earth Aerial photos listed below. In addition, an APT was run for the consultant site visits listed below and the Corps site visit. Antecedent Precipitation results indicate various conditions; five years normal and two years drier than normal. Aerials for all years suggest no inundation to any of the non-jurisdictional wetlands from any a(1)-a(3) water.

| Latitude | Longitude | Date | PDSI Value | PDSI Class | Season | ARC Score | Antecedent Precip Condition | Relates to: |
|---|---|---|---|---|---|---|---|---|
| 41.3094 | -81.4548 | 9/1/2019 | 2.93 | Moderate wetness | Wet Season | 12 | Normal Conditions | Google Earth aerial |
| 41.3094 | -81.4548 | 4/6/2012 | -1.64 | Mild drought | Wet Season | 13 | Normal Conditions | Google Earth aerial |
| 41.3094 | -81.4548 | 2/28/2006 | -0.29 | Normal | Wet Season | 8 | Drier than Normal | Google Earth aerial |
| 41.3094 | -81.4548 | 4/5/2005 | 4.21 | Extreme wetness | Wet Season | 13 | Normal Conditions | Google Earth aerial |
| 41.3094 | -81.4548 | 3/11/2020 | 2.82 | Moderate wetness | Wet Season | 14 | Normal Conditions | Consultant site visit |
| 41.3094 | -81.4548 | 8/27/2020 | 1.3 | Mild wetness | Dry Season | 9 | Drier than Normal | Corps/Consultant site visit |
| 41.3094 | -81.4548 | 8/6/2020 | 1.3 | Mild wetness | Dry Season | 12 | Normal Conditions | Consultant site visit |

**C. Additional comments to support AJD:** Based on an analysis of remote tools identified above and as well as observations from a site visit conducted on August 27, 2020, the waters listed above as "Tributaries((a)(2) waters)" and "Adjacent wetlands ((a)(4) waters)" meet the criteria for waters of the U.S. under the NWPR and are jurisdictional waters of the U.S. In addition, waters listed above as "Excluded waters ((b)(1) – (b)(12))" do not meet any of the four criteria set forth in 33CFR328.3(a) and therefore are excluded waters and not jurisdictional waters of the U.S.