



**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): 3/4/2021  
 ORM Number: LRB 2020-01393  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Ohio City: Celina County/Parish/Borough: Mercer  
 Center Coordinates of Review Area: Latitude 40.5687 Longitude -84.5829

**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
Blierdofer Ditch	180 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Blierdofer Ditch is a tributary to Twelve Mile Creek and the St. Mary’s River, an a2 water that flows northwest to Fort Wayne Indiana before combining with the St. Joseph River to for the Maumee River a documented as Section 10 water in the State of Ohio on the LRB List of Section 10 waters. At the time of the site visit on November 10, 2020 the tributary was flowing to the east at the confluence with the UNT to Blierdofer Ditch but no water was observed in the channel approximately 0.7 miles downstream of the project area near the intersection

<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 upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			of US 127 and Miller Road. The NWI and USGS have mapped this tributary as being an intermittent tributary (R4SBC). A review of Google Earth aerial depicts water in the channel immediately upstream of the project area on February 28, 2006, on June 4, 2009, April 6, 2012, September 23, 2014, April 13, 2016, November 26, 2017, May 7, 2018. According to the APT tool the site was under normal conditions on the dates the aerial photos were taken and the date of the Corps site visit, except for June 4, 2009. The APT Tool reports that area was wetter than normal on June 4, 2009.
Unnamed Tributary (UNT) to Blierdofer Ditch	1,520	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.  The UNT to Blierdofer Ditch is located between two former railbeds and flows north through the approximate center of the site into Blierdofer Ditch which is a tributary to Twelve Mile Creek and the St. Mary's River an a2 water that flows northwest to Fort Wayne Indiana before combining with the St. Joseph River to for the Maumee River a documented as Section 10 water in the State of Ohio on the LRB List of Section 10 waters. The width of the UNT to Blierdofer Ditch at the ordinary high-water mark is approximately 3.4 feet. There is one approximate 20-foot culvert near the northern limits of the project area where the West and East Railroad Ditches combine with UNT to Blierdofer Ditch. At the time of the site visit on November 10, 2020 the tributary was flowing north. Flow was depicted in photos taken by the Mercer County SWCD on October 28, 2020. The SWCD also provided photographs that depicted flow in March 2019, but it was uncertain what date the photographs were taken. The applicant also provided information that a drainage project was completed circa 1978 the routed two streams located south of the project site into this tributary. Also, a captured stream reported on the USGS Map in the approximate center of the adjacent subdivision to the west was culverted into this tributary. The NWI and USGS maps have this tributary mapped this tributary as being an intermittent tributary (R4SBC). A review of Google Earth aerial depicts water in the channel immediately upstream of the project area on February 28, 2006, April 13, 2016, November 26, 2017, May 7, 2018, and no water apparent in the channel on June 4, 2009, April 6, 2012 and September 23, 2014. According to the APT tool on the dates in which the stream appeared dry in the aerial photographs on June 14, 2009, April



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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			6, 2012 and September 23, 2014 site conditions were wetter than normal during the dry season, under mild drought but normal conditions in the wet season and moderate wetness during the dry season, respectively.

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

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

**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
West Railroad Ditch	1,325	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The West Railroad Ditch originates at a culvert just north of an existing subdivision that reportedly contains run off from the subdivision and nearby agricultural properties. At the time of the site visit on November 10, 2020 water was observed flowing from the culvert and segments of the ditch were pond and other areas were dry. There were also areas of leaf litter and trash (plastic bottles) in the bottom of the stream that indicate a relatively low flowing stream. According to the applicant the culvert only flows after rain events and the feature is an ephemeral gully but based upon site observations the ditch had a defined bed and bank and evidence of a defined channel. The ditch is a linear feature that abuts the west side of a former railroad bed and bordered by agricultural properties. Per the Mercer County SWCD a tributary noted on the 1914 and 1940 USGS Maps was culverted and relocated into UNT to Blierdofer Ditch. The feature is not identified on the 1979 Mercer County Soil Survey. There are no aerials that depict this ditch and photographs provided by the applicant depict ponding within the ditch in March 2019 (no date provided on the

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			photographs). According to the APT tool at the time of the October 2020 photographs the under normal conditions, was considered wet 30 days prior and dry 60 days prior but over all normal conditions. At the time of the site visit the APT tool reported conditions as normal being wet, dry 30 days prior and wet 60 days prior.
East Railroad Ditch	1,644	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).  The East Railroad Ditch originates at the southern limits of the property. At the time of the site visit on November 10, 2020 water was not observed flowing in the ditch, much of the ditch bottom was dry and contain leaves from recently fallen leaves and leaf litter from past year along with various form of trash (plastic bottles). There are no aerials that depict this ditch and photographs provided by the applicant depict the ditch being dry in March 2019 (no date provided on the photographs). According to the APT tool at the time of the October 2020 photographs the under normal conditions, was considered wet 30 days prior and dry 60 days prior but overall normal conditions. At the time of the site visit the APT tool reported normal conditions being wet, dry 30 days prior and wet 60 days prior.
Wetland A	3.55	acre(s)	(b)(1) Non-adjacent wetland.  Wetland A is a 1.3-acre forested wetland that abuts the East Railroad Ditch approximately 700 feet upstream of where the East Railroad Ditch drains into UNT to Blierdofer Ditch. The portion of Wetland A that abuts the East Railroad Ditch is separated from the intermittent UNT to Blierdofer Ditch by an existing railroad bed and there no culverts observed during the Corps site visit indicating the wetland flowed directly into UNT to Blierdofer Ditch. The area to the north of the wetland is mapped as forested upland and agricultural lands mapped as Zone X Area of Minimal Flood on the FEMA map which is higher than the 0.2-percent-annual-chance (or 500-year) flood.

**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: [Wetland Delineation Report January 7, 2021](#)

This information is sufficient for purposes of this AJD.



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Rationale: [Informatin is sufficient](#)

- Data sheets prepared by the Corps:
- Photographs: [Aerial and Other: Google Earth – 2006, 2009, 2012, 2014 and 2016-2018 and 1990 Site Photos provided by applicant March 2019](#)
- Corps site visit(s) conducted on:
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [USDA/NRCS Web Soil Survey](#)
- USFWS NWI maps: [USFWS Celina, Ohio](#)
- USGS topographic maps: [Celiina, Ohio 1:24,000](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	

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

Inputs/Data Sources

Weather Stations: [Celina 3 NE](#) and [St Marys 3 W](#)

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
40.5687	-84.5829	11/10/2020	1.87	Mild wetness	Wet	14	Normal Conditions
40.5687	-84.5829	10/27/2020	2.03	Moderate wetness	Wet	13	Normal Conditions
40.5687	-84.5829	5/7/2018	2.41	Moderate wetness	Wet	12	Normal Conditions
40.5687	-84.5829	11/26/2017	3.04	Severe wetness	Wet	14	Normal Conditions
40.5687	-84.5829	4/13/2016	-0.22	Normal	Wet	13	Normal Conditions
40.5687	-84.5829	9/23/2014	2.17	Moderate wetness	Dry	11	Normal Conditions
40.5687	-84.5829	4/6/2012	-1.86	Mild drought	Wet	10	Normal Conditions
40.5687	-84.5829	6/4/2009	-0.31	Normal	Dry	15	Wetter than Normal
40.5687	-84.5829	2/28/2006	0.91	Incipient wetness	Wet	12	Normal Conditions

**C. Additional comments to support AJD:**