



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): 28-APR-2021
ORM Number: LRB-2020-01593
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: OH City: Peninsula County/Parish/Borough: Summit
Center Coordinates of Review Area: Latitude 41.2083 Longitude -81.5001

II. FINDINGS

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

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

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

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 1	288 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The Peninsula and Hudson USGS Quads identify Stream 1 as intermittent. However, the stream was flowing during the April 20, 2021 site visit which was conducted during a period of drier than normal precipitation (See Typical Year Assessment in Section III B). In addition,

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

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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 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.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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			Davey Resource Group conducted their initial delineation on October 12, 2020 and also observed flow within Stream 1. Precipitation at that time was normal for that time of year. Since Stream 1 was documented to be flowing at various times during the year it has been determined that Stream 1 is a perennial tributary.
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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 A	0.569 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A was observed to directly abut Stream 1.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland B	0.267 acres	(b)(1) Non-adjacent wetland	This wetland does not meet any of the four criteria that would make an (a)(4) adjacent water subject to jurisdiction under Section 404 of the Clean Water Act. This wetland was circumnavigated during the Corps' April 21, 2021 site visit. This wetland was observed to be isolated, disconnected from any (a)(1-3) water. Additionally, no defined channels/tributaries/ditches were observed connecting this wetland to

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			<p>any (a)(1-3) water. Based on site observations, the nearest a(1-3) water would not flood this wetland at least once during a typical year. Upland was observed between Wetland A and Wetland B. There were no other onsite connections observed to any tributary other than through Wetland A. Also, no natural berms or the like were observed located between the nearest a(1-3) water and this wetland.</p>
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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, 2.39 acres, Geoppert Road, Peninsula, Summit County, Ohio, prepared for Paul Berghold, prepared by Davey Resource Group, Inc., November 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: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).*

Corps Site visit(s) conducted on: *April 21, 2021.*

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: *Title(s) and/or date(s).*

USFWS NWI maps: *Title(s) and/or date(s).*

USGS topographic maps: *Peninsula and Hudson 7.5 min .*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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B. Typical year assessment(s): The subject parcel's latitude/longitude was entered into the Antecedent Precipitation Tool (APT) which was used to determine average precipitation, total precipitation over the 90 days preceding the Corps' April 2021 site visit and Davey Resource Group's October 2020 delineation visit, and whether the site visits were conducted under dry, normal or wet conditions. The APT pulled precipitation data from the nearest five weather stations – Ravenna 2 S, Cuyahoga Falls 0.7 NE, Cuyahoga Falls 1.1 ESE, Akron, and Akron Fulton INTL AP. The APT shows that normal precipitation is between the 30th (2.8") and 70th (5.4") percentiles. The APT indicates that 0-30 days prior to the Corps' site visit precipitation was 1.0" which is below the 30th percentile. Thirty to 60 days prior to the visit the APT indicates that precipitation was 0.9" which is below the 30th percentile, and 60 to 90 days prior precipitation was 0.8" which is also below the 30th percentile. Therefore, one to three months prior to the Corps' site visit precipitation was considered below normal for that time of year.

The APT indicates that 0-30 days prior to Davey's delineation visit precipitation was 2.3" which is below the 30th percentile. Thirty to 60 days prior to the visit the APT indicates that precipitation was 6.0" which is above the 70th percentile, and 60 to 90 days prior precipitation was 3.1" which is also between the 30th and 70th percentiles. Therefore, one month prior to Davey's delineation visit precipitation was drier than normal, two months prior precipitation was wetter than normal, and three months prior precipitation was considered normal for that time of year.

The APT, using a weighted approach, indicates that the Corps' site visit was conducted during a period of below normal precipitation and that Davey's delineation visit was conducted during a period of normal precipitation.

C. Additional comments to support AJD: Stream 1 flows north into Salt Run, which flows west into the Cuyahoga River, an a(1) navigable water.

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