



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): April 9, 2021

ORM Number: LRB-2021-00173

Associated JDs: N/A

Review Area Location¹:

State/Territory: OH City: Huron County/Parish/Borough: Erie County

Center Coordinates of Review Area: Latitude 41.395407 Longitude -82.575521

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	1407 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 1 is a naturally occurring surface water channel that contributes surface water flow to a water identified in paragraph (a)(1) of 33CFR328.3 in a typical year either directly or through one or more waters identified in paragraph (a) of 33CFR328.3. Stream 1 is perennial in a typical year. 33CFR328.3 states that the alteration or relocation of a tributary does not modify its jurisdictional status as long as it continues to satisfy the flow conditions of this definition. Based on a review of aerials photos and historic mapping, it appears that Stream 1 has been

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			<p>channelized and somewhat straightened along its path for agricultural purposes over the years.</p> <p>A review of available photography (refer to Section IIIC) indicates that flow is evident in the channel in all aerial photographs, Google StreetView, and photographs provided by the consultant (this does not include any photographs that were not relied upon due to vegetation obscuring the channel and thereby precluding the ability to determine presence of flow). The aerial photographs documented cover normal, wetter than normal, and drier than normal conditions. The aerial photographs also cover a range of months, seasons, and both leaf-on and leaf off-conditions. No resources consulted indicate a lack of flow in the channel at any time. The delineation report indicates that Stream 1 is perennial. The OhioEPA Primary Headwater Habitat Evaluation Form contained in the delineation report indicates the bankfull width of the channel is between 3-6 feet in width with pool depths up to 30cm, and a review of aerial photography indicates that the channel is approximately 10 feet wide on average from top of bank to bank. Stream 1 is mapped on the USGS Topographic maps (dotted blue line stream), NHDPlus datasets, soil surveys, and historic atlases. Based on all available evidence, it has been determined that Stream 1 has continuous perennial flow year-round in a typical year.</p> <p>Flow Path: Stream 1 flows northeast through the review area and continues off-site via a culver under State Route 2. Stream 1 then turns east and flows along the south side of the U.S. Route 6, enters a culvert under U.S. Route 6, and flows north/northeast. Stream 1 then outlets and continues until it flows into Lake Erie, a navigable water on the Buffalo District Section 10 List (a paragraph (a)(1) water as per 33CFR328.3). As discussed in Section IIIC, flow is evident upstream and downstream of the off-site culverts in all aerial photographs where observations are not obscured by vegetation thereby indicating contribution of flow at least once in a typical year through all culverts present along Stream 1.</p> <p>No constructed or man-made breaks exist along Stream 1 within the review area. As per 33CFR328.3, a tributary does not lose its jurisdictional status if it contributes surface water flow to a downstream jurisdictional water in a typical year through a channelized non-jurisdictional surface water feature, through a subterranean river, through a culvert, dam, tunnel, or similar artificial feature, or through a debris pile, boulder field, or similar natural feature. Stream 1</p>
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		<p>enters and exits the review area via culverts. Additionally, there is one culverted section of Stream 1 within the review area (approximately 22 feet in length) however, this culvert allows for a continuation of flow from upstream to downstream as per a review of aerial photographs as discussed in Section IIIC.</p> <p>The ordinary high water mark of Stream 1 corresponds with destruction of terrestrial vegetation, bed and banks, change in plant community, and a line impressed on the bank.</p>
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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
N/A	N/A	N/A	N/A

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch 1	1796 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>As per a review of remote tools (aerial photographs, topographic maps, and historic atlases) which are documented in Section IIIA and Section IIIC, Ditch 1 has been determined to be a ditch (constructed channel). The ditch is not a naturally occurring surface water channel.</p> <p>33CFR328.3(b)(5) excludes ditches that are not waters identified in paragraph (a)(1) or (a)(2), and those portions of ditches constructed in waters identified in paragraph (a)(4) that do not satisfy the conditions of paragraph (c)(1).</p> <p>(a)(1) Assessment: The ditch is not an (a)(1) traditional navigable water or a water subject to the ebb and flow of the tide. The ditch is not on the Buffalo District Section 10 list, has not been determined by a Federal Court to be navigable under Federal law, and does not meet the legal definition of navigable-in-fact. The ditch has not been used, is not currently being used, and is not susceptible of being used (with or without reasonable improvements), as a highway for commerce over which trade and travel are, or may be conducted in the customary modes of trade and travel on water. The ditch varies from approximately 8-17 feet wide and is hundreds of miles from the nearest tidal water.</p>

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			<p>(a)(2) Assessment: The term tributary includes a ditch that either relocates a tributary, is constructed in a tributary, or is constructed in an adjacent wetland as long as the ditch satisfies the flow conditions of the tributary definition.</p> <p>Available evidence (historic aerials, historic topographic maps, and historic soil surveys) indicates that the ditch was not constructed in and did not relocate a tributary. All but one resource indicates that the only stream/tributary that has existed within the immediate vicinity of the ditch is Stream 1 (documented above) which is mapped and visible on resources back to the late 1920's and still persists today. The 1971 Soil Survey depicted a second stream in/near the review area however, that stream does not coincide with the location of the ditch and was not visible on any other resources. The ditch was constructed in an agricultural field.</p> <p>Available evidence does not indicate that the ditch was constructed in a wetland meeting the definition of adjacent at 33CFR328.3(c)(1). The NRCS Web Soil Survey does indicate that the soils around the ditch are somewhat poorly and very poorly drained and the 1971 Soil Survey indicated that the majority of the soils mapped around the ditch had poor permeability. No wetland features are mapped on any of the historic topographic maps or historic soil survey maps in the immediate area around the ditch. The 1969 aerial photograph from historicaerials.com and the March 11, 1977 aerial photograph from USGS, taken prior to the ditch being constructed, do not depict any clear saturation or inundation within the immediate vicinity of the current location of the ditch prior to the construction of the ditch. It cannot be conclusively determined that the ditch was constructed in an (a)(4) adjacent wetland as historic topographic, atlases, and soil survey maps do not indicate wetlands surrounding Ditch 1; aerial photographs do not indicate saturation or inundation signatures; and while poor drainage may be indicative of wetland presence, it is not in and of itself conclusive. Therefore, it cannot be confirmed that the ditch was constructed in an (a)(4) adjacent wetland.</p> <p>Ditch 1 is excluded under 33CFR328.3(b)(5) as it is a ditch that is not a water identified in paragraph (a)(1) or (2) and was not constructed in a water identified in paragraph (a)(4).</p> <p>For the purposes of this determination, flow regime and contribution of flow are not relevant and are therefore</p>
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Ditch 2	924 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>not discussed further herein.</p> <p>As per a review of remote tools (aerial photographs, topographic maps, and historic atlases) which are documented in Section IIIA and Section IIIC, Ditch 2 has been determined to be a ditch (constructed channel). The ditch is not a naturally occurring surface water channel.</p> <p>33CFR328.3(b)(5) excludes ditches that are not waters identified in paragraph (a)(1) or (a)(2), and those portions of ditches constructed in waters identified in paragraph (a)(4) that do not satisfy the conditions of paragraph (c)(1).</p> <p>(a)(1) Assessment: The ditch is not an (a)(1) traditional navigable water or a water subject to the ebb and flow of the tide. The ditch is not on the Buffalo District Section 10 list, has not been determined by a Federal Court to be navigable under Federal law, and does not meet the legal definition of navigable-in-fact. The ditch has not been used, is not currently being used, and is not susceptible of being used (with or without reasonable improvements), as a highway for commerce over which trade and travel are, or may be conducted in the customary modes of trade and travel on water. Ditch 2 varies from approximately 7-13 feet wide and is hundreds of miles from the nearest tidal water.</p> <p>(a)(2) Assessment: The term tributary includes a ditch that either relocates a tributary, is constructed in a tributary, or is constructed in an adjacent wetland as long as the ditch satisfies the flow conditions of the tributary definition.</p> <p>Available evidence (historic aerials, historic topographic maps, and historic soil surveys) indicates that the ditch was not constructed in and did not relocate a tributary. All but one resource indicates that the only stream/tributary that has existed within the immediate vicinity of the ditch is Stream 1 (documented above) which is mapped and visible on resources back to the late 1920's and still persists today. The 1971 Soil Survey depicted a second stream in/near the review area however, that stream does not coincide with the location of the ditch and was not visible on any other resources. The ditch was constructed in an agricultural field.</p> <p>Available evidence does not indicate that the ditch was constructed in a wetland meeting the definition of adjacent at 33CFR328.3(c)(1). The NRCS Web Soil Survey does indicate that the soils around the ditch are somewhat poorly and very poorly drained and the 1971</p>
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			<p>Soil Survey indicated that the majority of the soils mapped around the ditch had poor permeability. No wetland features are mapped on any of the historic topographic maps or historic soil survey maps in the immediate area around the ditch. The 1969 aerial photograph from historicaerials.com and the March 11, 1977 aerial photograph from USGS, taken prior to the ditch being constructed, do not depict any clear saturation or inundation within the immediate vicinity of the current location of the ditch prior to the construction of the ditch. It cannot be conclusively determined that the ditch was constructed in an (a)(4) adjacent wetland as historic topographic, atlases, and soil survey maps do not indicate wetlands surrounding Ditch 1; aerial photographs do not indicate saturation or inundation signatures; and while poor drainage may be indicative of wetland presence, it is not in and of itself conclusive. Therefore, it cannot be confirmed that the ditch was constructed in an (a)(4) adjacent wetland.</p> <p>Ditch 2 is excluded under 33CFR328.3(b)(5) as it is a ditch that is not a water identified in paragraph (a)(1) or (2) and was not constructed in a water identified in paragraph (a)(4).</p> <p>For the purposes of this determination, flow regime and contribution of flow are not relevant and are therefore not discussed further herein.</p>
PCC Wetland	N/A	(b)(6) Prior converted cropland	<p>33CFR328.3(c)(9) states that, "The term prior converted cropland means any area that, prior to December 23, 1985, was drained or otherwise manipulated for the purpose, or having the effect, of making production of an agricultural product possible. EPA and the Corps will recognize designations of prior converted cropland made by the Secretary of Agriculture." The wetland delineation identified one wetland area within the review area. Aerial photographs indicate a number of areas with repeat saturation signatures in the fields suggesting that additional wetland areas may persist within the agricultural fields.</p> <p>The review area contains two fields designated as prior converted cropland by USDA NRCS on April 1, 1991. Fields 1 and 2 (Tract number 8375, formerly Tract number 751) were designated as prior converted cropland and based upon information provided by the consultant along with a review of aerial imagery, these fields continue to be farmed today. Fields 1 and 2 are not considered abandoned as they have been used for, or in support of, agricultural purposes (row crops) at least once in the immediately preceding five years. With the exception of two areas that have been developed (parking area in the west-central portion of the property</p>

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		<p>and Sawmill Parkway in the west-central portion of the property), Ditch 1 and 2, and Stream 1, the prior converted cropland exclusion applies to any wetlands that persist within the remainder of the review area.</p> <p>While the limits of wetlands within the review area have not been verified, it has been determined that any wetlands within the agricultural fields that are designated prior converted cropland within the review area are excluded under 33CFR328.3(b)(6).</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.

X Information submitted by, or on behalf of, the applicant/consultant:

- *Surface Water Delineation Report, 1608 Sawmill Parkway, Huron, Erie County, Ohio, Prepared For: Gem, Inc. 6842 Commodore Drive, Walbridge, Ohio 43465; Prepared by The Mannik & Smith Group, Inc. and dated December 2020*
- *Jurisdictional Determination Request, Ardagh Metal Beverage USA Inc., 1608 Sawmill Parkway, Huron, Erie County, Ohio, File No. 1690020101; prepared by Ramboll Americas Engineering Solutions, Inc. and dated January 29, 2021*
- *Emails from Michael Waligura (Ramboll Americas Engineering Solutions, Inc.) to Susan Baker (USACE LRB) dated February 10, 2021, February 11, 2021, and March 22, 2021*

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

Rationale: Absent a site visit, the Corps cannot verify the limits of wetlands presented in the delineation report. Aerial photographs indicate a number of areas of saturation within the agricultural fields that were not sampled or mapped. The Corps does concur that Stream 1 is a perennial tributary and that Ditches 1 and 2 are not waters of the U.S.

Data sheets prepared by the Corps: *N/A*

X Photographs:

- Photographs provided in December 2020 Surface Water Delineation Report (described above)
- Photographs provided in February 2010 email from Michael Waligura to Susan Baker
- Google Earth Pro Aerial Photographs- 2/28/2006 and 10/25/2015
- ConnectExplorer Aerial and Eagleview Photographs- 4/22/19, 4/20/2017, 4/19/2015, 3/20/2013, 4/30/2011, 4/26/2009, and 4/17/2007
- Erie County Ohio Parcel Viewer Aerial Photographs obtained from <http://www.erie.iviewtaxmaps.com/>- 2013, 2015, 2017, 2019, and 2020
- Historicaerials.com Aerial Photographs- 1969, 1997
- 1977 USGS Aerial Photograph obtained via EarthExplorer.com

___ Corps Site visit(s) conducted on: *Date(s)*.

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- 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, <https://websoilsurvey.nrcs.usda.gov/> accessed 3/22/2021
- USFWS NWI maps: USFWS National Wetland Inventory: Surface Waters and Wetlands, <https://www.fws.gov/wetlands/data/mapper.html> accessed 3/22/2021
- USGS topographic maps: 1941, 1961, 1971, 2016 topographic maps obtained from historicaerials.com

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS The National Map Viewer, https://apps.nationalmap.gov/viewer/ accessed 3/22/2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Erie County Auditor's website (parcel data) https://erieoh-auditor-classic.ddti.net/Data.aspx?ParcelID=42-02021.000 , accessed 3/22/2021
Other Sources	USEPA WATERS GeoViewer, https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=ada349b90c26496ea52aab66a092593b accessed 3/22/2021 Erie County 1896 Atlas (Atlas Publishing Co.), obtained from historicmapworks.com Erie County 1874 Atlas (Stewart & Page), obtained from historicmapworks.com

B. Typical year assessment(s):

The Corps Antecedent Precipitation Tool was used to complete typical year assessments. 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 (PDSI) and the University of Delaware WebWIMP. The latitude/longitude for the subject parcel was input into the APT and "single" point was chosen for the geographic area. A "single point" geographic area was used, using the center coordinates of the review area (41.395407, -82.575521). Results and assessments are provided below:

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Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition	Resource
2/28/2006	0.78	Incipient wetness	Wet Season	13	Normal Conditions	Google Earth aerial photo
Assessment	Aerial photograph represents typical year (normal climatic) conditions. Flow visible in Stream 1, Ditch 1, and Ditch 2 represents normal expected conditions during the wet season. Minimal precipitation (less than 0.5") for nearly two weeks prior to observation date indicates that flow is occurring more than in direct response to precipitation (i.e. at least intermittent).					
12/31/2009	-0.94	Incipient drought	Wet Season	10	Normal Conditions	Google Earth aerial photo
Assessment	Aerial photograph represents typical year (normal climatic) conditions. Flow visible in Stream 1 represents normal expected conditions during the wet season. No precipitation was recorded for several days prior to the observation day and minimal rain (less than 0.25") was reported on the observation date; this indicates that flow occurred more than in direct response to precipitation (i.e. at least intermittent).					
5/18/2012	2.79	Moderate wetness	Wet Season	14	Normal Conditions	Google Earth aerial photo
Assessment	Aerial photograph represents typical year (normal climatic) conditions in Stream 1. Flow visible channel represents normal expected conditions during the wet season. Minimal precipitation (less than 0.25") was recorded for several days prior to the observation date which indicates that flow is occurring more than in direct response to precipitation (i.e. at least intermittent).					
10/25/2015	2.04	Moderate wetness	Wet Season	9	Drier than Normal	Google Earth aerial photo
Assessment	Aerial photograph was taken during drier than normal conditions during the typically wet season. Evident flow during drier than normal conditions is indicative that Stream 1, Ditch 1, and Ditch 2 carry at least intermittent flow (flow observed in all channels). Minimal precipitation was recorded in all channels for at least 30 days prior to the observation date (less than 0.5") and one small precipitation event was recorded a few days prior to observation date (less than 0.25"). This further supports that the flow regime in Stream 1, Ditch 1, and Ditch 2 are at least intermittent in nature due to flow occurring during dry periods and more than in direct response to precipitation.					
4/22/2019	3.31	Severe wetness	Wet Season	14	Normal Conditions	ConnectExplorer aerial photo

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Assessment		Aerial photograph represents typical year (normal climatic) conditions. Flow visible in Stream 1, Ditch 1, and Ditch 2 represents normal expected conditions during the wet season. Several rain events over 0.5" were recorded over the two weeks prior to the observation date but no precipitation was recorded the day or two preceding the observation date.				
4/20/2017	0.26	Normal	Wet Season	16	Wetter than Normal	ConnectExplorer aerial photo
Assessment		Aerial photograph represents wetter than normal conditions during the wet season. Nearly 1" of precipitation was recorded on and immediately before the observation date.				
4/19/2015	1.1	Mild wetness	Wet Season	12	Normal Conditions	ConnectExplorer aerial photo
Assessment		Aerial photograph represents typical year (normal climatic) conditions. Flow visible in Stream 1, Ditch 1, and Ditch 2 represents normal expected conditions during the wet season. Minimal rain events (less than 0.25" inches total) occurred on the day of and a few days prior to the observation date. Evident flow during normal conditions with minimal rain prior to the observation date supports that Stream 1, Ditch 1, and Ditch 2 carry at least intermittent flow.				
3/20/2013	2.26	Moderate wetness	Wet Season	14	Normal Conditions	ConnectExplorer aerial photo
Assessment		Aerial photograph represents typical year (normal climatic) conditions. Flow visible in Stream 1, Ditch 1, and Ditch 2 represents normal expected conditions during the wet season. No precipitation was recorded on the few days leading up to the observation date and a few small precipitation events (less than 0.25") preceded those days. Evident flow during normal conditions with minimal rain prior to the observation date supports that Stream 1, Ditch 1, and Ditch 2 carry at least intermittent flow.				
4/30/2011	2.7	Moderate wetness	Wet Season	18	Wetter than Normal	ConnectExplorer aerial photo
Assessment		Aerial photograph represents wetter than normal conditions during the wet season. Approximately 1" of rain was recorded on and immediately before the observation date and several events of nearly 1" of rain preceded that.				
4/26/2009	0.03	Normal	Wet Season	18	Wetter than Normal	ConnectExplorer aerial photo
Assessment		Aerial photograph was taken during wetter than normal conditions during the wet season however, no precipitation was recorded for a few days prior to the observation data. This indicates that even though conditions were wetter than normal, the Stream 1, Ditch 1, and Ditch 2 were still documented to flow more than in direct response to precipitation (i.e. at least intermittent flow).				

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4/17/2007	3.63	Severe wetness	Wet Season	11	Normal Conditions	ConnectExplorer aerial photo
Assessment		Aerial photograph represents typical year (normal climatic) conditions. Flow visible in Stream 1, Ditch 1, and Ditch 2 represents normal expected conditions during the wet season. No precipitation was recorded for several days prior to the observation day indicating that the channels flow more than in direct response to precipitation (i.e. at least intermittent flow).				
1/27/2021	0.6	Incipient wetness	Wet Season	12	Normal Conditions	Photos provided in delineation report and from consultant
Assessment		Aerial photograph represents typical year (normal climatic) conditions. Flow visible in Stream 1, Ditch 1, and Ditch 2 represents normal expected conditions during the wet season. One small precipitation event was documented a day or two before the observation date (less than 0.25") and the week prior to that had a total of less than 0.25" of precipitation. Evident flow during normal conditions with minimal rain prior to the observation date supports that Stream 1, Ditch 1, and Ditch 2 carry at least intermittent flow.				
12/11/2020	0.85	Incipient wetness	Wet Season	17	Wetter than Normal	Wetland delineation photographs from delineation report
Assessment		Aerial photographs were taken during wetter than normal conditions during the wet season however, no precipitation was recorded for a few days prior to the observation data and only one small precipitation event (less than 0.25") was recorded in the week prior to the observation date. This indicates that even though conditions were wetter than normal, Stream 1, Ditch 1, and Ditch 2 were still documented to flow more than in direct response to precipitation (i.e. at least intermittent flow).				

C. Additional comments to support AJD:

- Ditches 1 and 2 were not visible on the 1969 aerial photograph from historicaerials.com or the March 11, 1977 aerial photograph from USGS. Both of these aerial photographs depict the present location of the ditches as active agricultural field. Saturation signatures are not evident on the aerial photographs in the immediate location of the ditches and the industrial facility that now exists west of the ditches is not constructed as of the dates of the aerial photographs. Stream 1 is visible on these aerial photographs.
- The USFWS Wetlands Mapper identifies a feature coincident with Stream 1 extending through the review area as a linear emergent wetland and also depicts the woodlot to the east of Stream 1 as a forested wetland.

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- The USEPA WATERS Geoviewer and the USGS National Map identify Stream 1 flowing in a northerly direction through the review area (NHD Plus dataset).
- The 1961 and 2016 USGS topographic maps identify Stream 1 as an intermittent stream flowing through the review area. The 2016 USGS topographic map identifies a wetland feature to the east of Stream 1 which coincides with the location of the wooded area depicted on the 1961 topographic map.
- The 1971 NRCS Soil Survey identifies the review area as an agricultural field with two intermittent streams flowing through the review area. The stream to the east coincides with Stream 1 however, the second stream depicted is not visible on the aerial photograph underneath the stream symbology. No ditches are visible on the aerial photograph. The second stream is not shown on any other resources. Soils mapped within the vicinity of the ditches were: Lenawee (La- water table high most of the year, permeability moderately slow), Rimer (Rg- water table seasonally high, somewhat poorly drained soils), Haskins (HsA- seasonally high water table, moderate permeability), and Metea (MrA- permeability rapid in upper part and slow in lower part).
- The Erie County 1896 Atlas (Atlas Publishing Co.) and the Erie County 1874 Atlas (Stewart & Page) depict Stream 1 flowing through the general vicinity of the review area.
- The 1997 aerial photograph from historicaerials.com depicts Stream 1, Ditch 1, and Ditch 2 on the review area. In this aerial photograph, the industrial facility to the west is constructed.
- According to the Erie County Auditor's website (<https://erieoh-auditor-classic.ddti.net/Data.aspx?ParcelID=42-02021.000>), the facility to the west of the review area was largely constructed in 1989 with additions in 1993 and 2004.
- Flow is visible in both ditches on the following aerials: Google Earth- 2/28/2006 and 10/25/2015; ConnectExplorer- 4/22/19, 4/20/2017, 4/19/2015, 3/20/2013, 4/30/2011, 4/26/2009, and 4/17/2007; Erie County, Ohio Parcel Viewer- 2013 Aerials, 2015 Aerials, 2017 Aerials, 2019 Aerials, and 2020 Aerials. It is important to note that the ditches are visible on many other aerial photographs however, presence of flow cannot be readily discerned as the channels are obscured by vegetation.
- Flow is visible in Stream 1 on the following: Google Earth aerials- 2/28/2006, 12/31/2009, 5/18/2012, and 10/25/2015; Google Earth StreetView- August 2019; ConnectExplorer aerials- 4/22/19, 4/20/2017, 4/19/2015, 3/20/2013, 4/30/2011, 4/26/2009, and 4/17/2007; Erie County, Ohio Parcel Viewer- 2013 Aerials, 2015 Aerials, 2017 Aerials, 2019 Aerials, and 2020 Aerials. All of these aerial photographs confirm that Stream 1 enters and exits the review area via culverts and flow is visible upstream and downstream of these culverts in all photographs where flow is not obstructed by vegetation. This indicates that the culverts allow for contribution of flow at least once in a typical year, though likely perennially as lack of flow was never observed. Additionally, approximately 22 feet of Stream 1 is culverted along its length within the review area; flow is visible upstream and downstream of the culvert which is indicative that

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the culvert allows for contribution of flow at least once in a typical year, though likely perennially as lack of flow was never observed.

- NRCS Web Soil Survey identifies three soil types within the vicinity of Ditches 1 and 2- Haskins loam, 0 to 2 percent slopes (somewhat poorly drained, flooding and ponding frequency- none), Kibbie fine sandy loam, 0 to 2 percent slopes (somewhat poorly drained, flooding and ponding frequency- none), and Milford silty clay loam, 0 to 1 percent slopes (very poorly drained, frequent ponding, no flooding frequency).

Stream 1 Flow Path Map:



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