



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): 25-MAY-2021

ORM Number: LRB-2002-01151

Associated JDs: LRB-2002-01151 (Dated September 20, 2002)

Review Area Location¹:

State/Territory: OH City: Pepper Pike County/Parish/Borough: Cuyahoga County

Center Coordinates of Review Area: Latitude 41.4761 Longitude -81.4857

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
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

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

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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.

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2002-01151 Wetland C	0.118 acres	(b)(1) Non-adjacent wetland	<p>The subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> • (i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the April 19, 2021 site visit. The nearest potential (a)(1), (2), or (3) waters are 300+ feet away (See Section IIIC) from the wetland by development, roads and a maintained grass lawn. • (ii) The wetland is not inundated by flooding from a water identified in paragraph (a)(1), (2), or (3) in a typical year. The wetland is located within FEMA Flood Zone X (area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level). The wetland is surrounded by upland on all sides as verified by the Corps in the field during the April 19, 2021 site visit. The nearest potential (a)(1), (2), or (3) waters are 300+ feet away (See Section IIIC) from the wetland by development and a maintained grass lawn. Because the nearest potential (a)(1), (2), or (3) water is located at such a distance away, the wetland is within a designated FEMA zone with minimal flooding potential, and any flooding from the (a)(1), (2), or (3) water would have to extend over elevated yard and development, it is unlikely that the wetland would be inundated by flooding from an (a)(1), (2) or (3) water in a typical year. No evidence of inundation by flooding was observed during the April 19, 2021 site visit, nor on any aerial photographs which included drier than normal, normal and wetter than normal precipitation conditions. • (iii) The wetland is not physically separated from a water identified in paragraph (a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the April 19, 2021 site visit. No berms, banks, dunes, or other natural features persist along the wetland boundary. The nearest potential (a)(1), (2), or (3) waters are 300+ feet away (See Section IIIC) from the wetland by roads and development. • (iv) The wetland is not physically separated from a water identified in paragraph (a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure. The wetland is surrounded by upland on all sides as

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			verified by the Corps in the field during April 19, 2021 site visit. No artificial dike, barrier, or similar artificial structure persist immediately along the wetland boundary. The nearest potential (a)(1), (2), or (3) waters are 300+ feet away (See Section 111C) from the wetland by artificial structures (lawn, roads and development). While the wetland does drain into a storm drain which ultimately routes through a storm sewer and outlets into an (a)(2) water by several manmade barriers (roads, development, fills/features) thereby not meeting the adjacency criteria. The wetland is not part of a larger wetland divided by a road or similar artificial structure.
2002-01151 Wetland D	0.219 acres	(b)(1) Non-adjacent wetland	See rationale for Wetland C.

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 – 23.89 Acres, Shaker Boulevard, Pepper Pike, Ohio – September 2020 – Prepared by Davey Resource Group and revised April 19, 2021.*

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: Corps site visit photographs from April 19, 2021; Google Earth Aerial Photographs dated 9/17/2019, 4/6/2012, 5/31/2007, 11/15/2005, 3/10/2005 Connect Explorer aerial photographs dated 1/14/2021, 11/14/2021, 12/25/2019, 9/17/2019

Corps Site visit(s) conducted on: *April 19, 2021.*

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s). 2002-01151 dated 20 SEP 2002*

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

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, accessed 20MAY2021, https://apps.nationalmap.gov/viewer/
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE ORM Database (Regulatory – ORM Project Locations and ORM Aquatic Resources accessed 20MAY2021
State/Local/Tribal Sources	Cuyahoga County Web Mapping Application, accessed 20MAY2021

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	https://gis.cuyahogacounty.us/html5viewer/?viewer=cegis *2006 2-foot Elevation Contours
FEMA/FIRM Maps	FEMA's National Flood Hazard Layer (NFHL) Viewer accessed 20MAY2021, https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html

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 (41.4761, -81.4857). Results and assessments are provided below:

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Conditions
41.4716	-81.4857	04/19/2021	-1.94	Mild Drought	Wet Season	9	Drier than Normal
Assessment: The 4/19/2021 site visit was conducted during drier than normal conditions. A small amount of precipitation <0.25" fell immediately preceding the date of the site visit.							
41.4761	-81.4857	01/14/2021	-0.29	Normal	Wet Season	12	Normal Conditions
Assessment: The 1/14/2021 aerial photograph was taken during normal precipitation conditions. No precipitation was recorded preceding the immediate date of the aerial photograph.							
41.4761	-81.4857	11/14/2020	2	Moderate Wetness	Wet Season	14	Normal Conditions
Assessment: The 11/14/2020 aerial photograph was taken during normal precipitation conditions. No precipitation was recorded preceding the immediate date of the aerial photograph.							
41.4761	-81.4857	12/25/2019	2.37	Moderate Wetness	Wet Season	11	Normal Conditions
Assessment: The 12/25/2019 aerial photograph was taken during normal precipitation conditions. No precipitation was recorded preceding the immediate date of the aerial photograph.							
41.4761	-81.4857	09/17/2019	2.93	Moderate Wetness	Wet Season	12	Normal Conditions
Assessment: The 09/17/2019 aerial photograph was taken during normal precipitation conditions. Approximately 1.9" of rain fell immediately preceding the date of the aerial photograph.							
41.4761	-81.4857	04/06/2012	-1.64	Mild Drought	Wet Season	13	Normal Condition
Assessment: The 4/06/2012 aerial photograph was taken during normal precipitation conditions. No precipitation was recorded preceding the immediate date of the aerial photograph.							

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41.4761	-81.4857	05/31/2007	2.34	Moderate Wetness	Wet Season	11	Normal Conditions
Assessment: The 05/31/2007 aerial photograph was taken during normal precipitation conditions. A small amount of precipitation <0.25" fell immediately preceding the date of the aerial photograph.							
41.4761	-81.4857	03/10/2005	3.92	Severe Wetness	Wet Season	16	Wetter than Normal
Assessment: The 3/10/2005 aerial photograph was taken during normal wetter than normal precipitation conditions. No precipitation was recorded preceding the immediate date of the aerial photograph.							
41.4761	-81.4857	01/15/2005	5.43	Extreme Wetness	Wet Season	15	Wetter than Normal
Assessment: The 1/15/2005 aerial photograph was taken during wetter than normal precipitation conditions. A small amount of precipitation, 0.25" fell immediately preceding the date of the aerial photograph.							

C. Additional comments to support AJD:

- The Corps Antecedent Precipitation Condition for the date of the site visit, 19 APR 2019, shows that the site visit was conducted during drier than normal conditions. 0.25-inches of rain fell the date preceding the site visit. The Antecedent Precipitation Conditions for multiple aerial images reviewed shows that the images were taken during drier than normal, normal and wetter than normal precipitation conditions. Inundation from the nearest (a)(1-3) water into Wetlands C and D was not observed.
- A previous Approved Jurisdictional Determination that was completed for this site dated 20 SEP 2002. The AJD determined that Wetlands C and D identified and being considered in this AJD were determined to be isolated wetlands.
- The nearest (a)(1-3) water located approximately 300 linear feet to the south of Wetlands C and D. The USGS topographic map depicts the stream as an intermittent tributary. Water was observed flowing in the nearest (a)(1-3) water on 19 APR 2021, and a review of aerial imagery from the sources noted in Section IIIA shows that the (a)(1-3) water has consistent water flow.
- A review of the Cuyahoga County Web Mapping Application 2-foot contours shows that there is a rise in elevation of 8 feet from the nearest (a)(1-3) water and Wetland C and D.

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