



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): 21-MAY-2021  
ORM Number: LRB-2020-00116  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: OH City: County/Parish/Borough: Medina County  
Center Coordinates of Review Area: Latitude 41.109066 Longitude -82.124465

**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
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
Wetland 1 AJD	0.68 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 is an emergent wetland that abuts an Unnamed Tributary (UNT) to the East Branch of the

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<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 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.

<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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			<p>Black River. There is a stream channel located upstream and downstream of Wetland 1. The stream directly connects to the UNT east of the project area. It has been determined the UNT is an (a)(2) intermittent tributary based upon the Corps' onsite observations of 27 Jan 2020, APT analysis, and in-office resources review. The UNT is identified as an intermittent water on Topo maps from 1904, 1961 and 2013. In the 1952 1960 and 1983 aerials the UNT appears to be an open water channel extending across the site. In the 1994 aerial the UNT appears downstream of Wetland 1. It has been determined that Wetland 1 is an a(4) water that abuts an (a)(2) intermittent tributary. The UNT flows northeast to the East Branch of the Black River which drains north, combining with the West Branch of the Black River in Elyria Ohio to form the Black River. The Black River is a tributary to Lake Erie and is identified as a (a)(1) water which is listed as a Section 10 water on the Buffalo District's List of Navigable Waterways from its mouth to the Norfolk and Western Railroad Bridge, Lorain, Ohio, about 6.0 miles upstream.</p>
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**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
Wetland 2 AJD	0.1 acres	(b)(1) Non-adjacent wetland	<p>Wetland 2 is located approximately 40 feet west of Wetland 1 and approximately 150 feet southwest of the UNT to the East Branch of the Black River within an agricultural field. This wetland is contained within a depressional area and there is no apparent discrete connection to the (a)(2) UNT (described above under the Wetland 1 rationale) and there is no evidence that water from the UNT floods into Wetland 2 during a typical year. The Web Soil Survey (<a href="https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm">https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm</a>) reports the soils in the area of Wetland 2 and the UNT to the East Branch of the Black River are Mahoning silt loam, 0 to 2% slopes (MgA) and Mahoning silt loam, 2 to 6% slopes (MgB) both which have a flood frequency rating of "none". The wetland is located in a depressional area and is not separated from the (a)(2) UNT by any type of berm. Wetland 2 is an excluded water under the 2020 NWPR. There are no apparent connections between Wetland 2 and the UNT to the East Branch of the Rocky River on any of the reviewed aerial photographs. It has been determined the wetland is a (b)(1) non-adjacent wetland.</p>

**III. SUPPORTING INFORMATION**

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**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, LMRE Facility, Spencer Township, Medina County, Ohio – January 2020*  
This information *is* sufficient for purposes of this AJD.  
Rationale: *N/A or describe rationale for insufficiency (including partial insufficiency).*  
Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *Connect Explorer: 4 and 19 MAR 2021; 8 and 27 JAN 2020; 27 JUL 2019; 2 JUL 2017; 19 JUN 2013; 3 AUG 2009; 23 APR 2008; and 2 SEP 2007; Google Earth: 25 OCT 2015, 15 May 2015; 16 JUL 2006; 20 JUN 2005 and 3 JUN 2004: HistoricAerials.com 1952, 1960, 1983, 1994*
- Corps Site visit(s) conducted on: *Date(s). 27 JAN 2020*
- Previous Jurisdictional Determinations: *PJD 9 MAR 2020 LRB-2020-00116*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *USDA Web Soil Survey -18 MAY 2021.*
- USFWS NWI maps: *USFWS Wetland Mapper – 18 MAY 2021*
- USGS topographic maps: *2013 and 1961 Lodi and Sullivan Quads 1:24000 and 1904 Wellington 1 to 62500.*

**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.

**B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD. 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: Chippewa Lake, Elyria 4 S, Huntington, Lagrange 1 NE, Oberlin, Penfield 1 SE, Sullivan 1.1 NNE, and Wellington 5.5 SW

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Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.109066	-82.124465	3/19/2021	-1.77	Mild drought	Wet Season	8	Drier than Normal
41.109066	-82.124465	3/4/2020	2.83	Moderate wetness	Wet Season	13	Normal Conditions
41.109066	-82.124465	1/27/2020	2.49	Moderate wetness	Wet Season	13	Normal Conditions
41.109066	-82.124465	1/8/2020	2.49	Moderate wetness	Wet Season	7	Drier than Normal
41.109066	-82.124465	7/27/2019	4.02	Extreme wetness	Dry Season	14	Normal Conditions
41.109066	-82.124465	7/1/2017	-0.07	Normal	Dry Season	15	Wetter than Normal
41.109066	-82.124465	10/25/2015	-0.8	Incipient drought	Wet Season	10	Normal Conditions
41.109066	-82.124465	5/15/2015	1.71	Mild wetness	Wet Season	8	Drier than Normal
41.109066	-82.124465	6/19/2013	2.22	Moderate wetness	Dry Season	13	Normal Conditions
41.109066	-82.124465	8/3/2009	2.47	Moderate wetness	Dry Season	12	Normal Conditions
41.109066	-82.124465	4/23/2008	3.72	Severe wetness	Wet Season	12	Normal Conditions
41.109066	-82.124465	9/2/2007	1.52	Mild wetness	Dry Season	14	Normal Conditions
41.109066	-82.124465	6/16/2006	1.43	Mild wetness	Dry Season	8	Drier than Normal
41.109066	-82.124465	5/20/2005	-0.33	Normal	Wet Season	13	Normal Conditions
41.109066	-82.124465	6/3/2004	3.57	Severe wetness	Dry Season	18	Wetter than Normal

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- C. Additional comments to support AJD:** Representative of the USACE Buffalo District visited the site on 27 JAN 2020 and observed water in the UNT downstream of Wetland 1 and that Wetland 1 extended to the UNT. At the time of the site visit the UNT contained a defined channel with an OHW and flowing water. The sides of the channel were dominated by wetland vegetation. A stream channel was also observed upstream of Wetland 1.

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