



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): 20-MAY-2021

ORM Number: LRB-2021-00409

Associated JDs: N/A

Review Area Location<sup>1</sup>: Packer Creek at Nissen Road in Benton Township

State/Territory: OH City: County/Parish/Borough: Ottawa County

Center Coordinates of Review Area: Latitude 41.542836 Longitude -83.300231

**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
Packer Creek	70 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Packer Creek is identified as a perennial tributary on the USGS Topo Maps from 1900, 1935, 1952, 1966 and 2013. In addition, water is present in the channel in aerial photographs from 2010, 2011, 2014, 2015, 2016 and 2018. Packer Creek flows to the northeast and combines with Toussaint Creek at a reported elevation below the 573.4 International Great Lakes Datum IGLD, the OHW of Lake Erie forming the Toussaint River. The Toussaint River flows east to Lake Erie an (a)(1) water which is listed as a Section 10 water on the Buffalo District’s List of Navigable Waterways.

<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 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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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
N/A	N/A	N/A	N/A

**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: *Title(s) and date(s)*.  
This information (*is/is not/is and is not*) 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)*.
- X** Photographs: *Google Earth 2010 OCT 6, 2011 OCT 27, 2011 SEPT (roadside photos) 2014 MAY29, 2015 OCT 10, 2016 APR 22 and 2018 APR 29.*
- \_\_\_ Corps Site visit(s) conducted on: *Date(s)*.
- \_\_\_ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- X** Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- \_\_\_ USDA NRCS Soil Survey: *Title(s) and/or date(s)*.
- X** USFWS NWI maps: *NWI Wetland Mapper 19 May 2021*
- X** USGS topographic maps: *1900 Maumee Bay 1:62500; Genoa 1:24000 -1935, 1952, 1966, 2013*

**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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<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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**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**

Weather Stations: Bowling Green WWTP, Elmore 5, Fremont, Genoa 1.1, Ottawa NWR, Toledo Blade and Toledo Metcalf FLD.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.5429	-83.3006	4/29/2018	2.83	Moderate wetness	Wet Season	10	Normal Conditions
41.5429	-83.3006	4/22/2016	1.84	Mild wetness	Wet Season	16	Wetter than Normal
41.5429	-83.3006	10/10/2015	2.04	Moderate wetness	Wet Season	14	Normal Conditions
41.5429	-83.3006	5/29/2014	3.08	Severe wetness	Wet Season	8	Drier than Normal
41.5429	-83.3006	10/27/2011	5.85	Extreme wetness	Wet Season	17	Wetter than Normal
41.5429	-83.3006	10/6/2010	-1.01	Mild drought	Wet Season	12	Normal Conditions

**C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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