



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): 11 May 2021

ORM Number: LRB-2021-00421

Associated JDs: N/A or ORM numbers and identifiers: LRB 2018-01142 (AJD), 2018-00964 (AJD), 2014-01295 (Pre-JD), and 2013-00992 (AJD)

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.2514 Longitude -84.3236

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

² If the navigable water is not subject to the ebb and flow of the tide and 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.

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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N/A	N/A	N/A	N/A
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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
UNT to Preston Run	560 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)	The feature was previously determined to be an intermittent tributary to Preston Run upstream of this project location for LRB 2018-01142 (AJD), 2018-00964 (AJD), 2014-01295 (Pre-JD), and 2013-00992 (AJD). The project is a straight-line feature along the east side of Dohoney Road and is visible on aerials as far back as 1959 (Historic Aerials.com). The feature does not appear on USGS Maps for the Defiance East (Quad) from 1959, 1959 (revised 1979) and 2019. A previous JD determined approximately 200 feet north of Slusser Drive a culvert enters the ditch from the west at which time an OHW could be observed and the ditch became intermittent (LRB 2013-00992). Based upon a review of aerials from Google Earth and Explorer Connect water is not apparently visible in the ditch on November 28, 2020 October 25, 2015 and June 2, 2013. Water is apparent in the aerials from March 14, 2021, November 19, 2019, April 17, 2016, and October 27, 2011. Based upon a review of the NRCS Soil Survey the area of which is the focus of this JD, the soils primarily consist of Roselms loam, 0 to 3% slopes (RrA) and Sloan silty clay loam, frequently flooded at the downstream portion of the review area has a hydric rating of 90. which has a hydric rating of 3 and The roadside ditch is not an (a)(2) water as it is not a natural tributary or captured stream and is does not convey water from a water of the US. Based upon a review this feature is an excluded b(5) water.

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 October 25, 2015, June 2, 2013, and October 27, 2011; Connect Explorer March 14, 2021, November 28, 2020, November 29, 2019 and April 17, 2016 and site photographs October 30, 2013*
- ___ Corps Site visit(s) conducted on: *Date(s)*.
- X** Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s). LRB 2018-01142, LRB 2018-00964, LRB 2014-1295 and LRB 2013-00992*

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- X Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- X USDA NRCS Soil Survey: USDA Web Soil Survey 3 May 2021
- X USFWS NWI maps: *Defiance East, Ohio 3 May 2021*
- X USGS topographic maps: *Title(s) and/or date(s). Defiance East 1:24000 – 2019, 1959 (revised 1979) and 1959*

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): 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: Defiance 0.9, Defiance MEM AP, Defiance and Napoleon.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition	Water Observed in Aerials
41.2514	-84.3236	3/14/2021	-2.33	Moderate drought	Wet Season	10	Normal Conditions	Yes
41.2514	-84.3236	11/28/2020	-1.47	Mild drought	Wet Season	14	Normal Conditions	No
41.2514	-84.3236	11/29/2019	3.72	Severe wetness	Wet Season	10	Normal Conditions	Yes
41.2514	-84.3236	4/17/2016	0.74	Incipient wetness	Wet Season	14	Normal Conditions	Yes
41.2514	-84.3236	10/25/2015	-0.4	Normal	Wet Season	7	Drier than Normal	No
41.2514	-84.3236	3/2/2013	0.07	Normal	Wet Season	17	Wetter than Normal	No

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41.2514	-84.3236	10/27/2011	3.56	Severe wetness	Wet Season	17	Wetter than Normal	Yes
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C. Additional comments to support AJD: The feature is a man-made roadside ditch that was excavated in soils considered to be hydric and non-hydric. A review of aerial photographs and the APT Tool support an intermittent flow regime as water is present during the wet season under moderate drought conditions and absent during the wet season under normal conditions.

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