



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): 19-MAY-2021
ORM Number: LRB-2021-00436
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)
Review Area Location¹:
State/Territory: OH City: County/Parish/Borough: Fulton County
Center Coordinates of Review Area: Latitude 41.660464 Longitude -83.878514

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

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.

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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
Langendorfer Ditch	70 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 ditch west of Fulton Lucas County Road is a linear ditch that extends east across an agricultural field and then extends along the west side of the road before making a right angle turn. The project location is the approximate 70 feet at which the ditch makes a right angle turn and crosses through a culvert under Lucas Fulton County Road. The ditch extends east from Fulton Lucas County Road for approximately 900 feet east before reaching a mapped contour line that depicts what would be the natural stream channel of Langendorfer Ditch. Langendorfer Ditch is present on the 1911, 1914, 1937, 1956, 4960 and 2013 Quads (refer to Section III A). The ditch at Fulton Lucas County Road is intermittent that drains into the captured stream segment of Langendorfer Road. The NWI map identifies the ditch as a unknown perennial water (R5UBH) downstream of the project area and does not identify the ditch west of the road. The ditch at Fulton County Road is not a navigable water, not an intermittent or perennial stream, does not drain wetlands and is not a captured stream.

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)*.
- Photographs: *Google Earth: 2003 FEB 28; 2004 MAY 12; 2005 JUN 20; 2006 FEB 28; 2006 JUL 26; 2009 JUN 4; 2009 DEC 31; 2010 OCT 10; 2011 OCT 27; 2014 MAY 27 2015 OCT 10; 2016 APR 22; and 2018 APR 29; Connect Explorer: 2004 MAR 10 2005 APR 14; 2007 APR 20; 2008 DEC 3; 2009 APR 9; 2011 MAY 2; 2016 NOV 29; 2019 APR 6 and 2020 NOV 7: Site Photographs from the Lucas County Engineers 2021 March 3.*
- ___ Corps Site visit(s) conducted on: *Date(s)*.
- ___ 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: *Web Soils Survey – 19 May 2021*
- USFWS NWI maps: *NWI Wetland Mapper 19 May 2021*
- USGS topographic maps: *1911 and 1914 Swanton, Ohio 1:62,500, 1937 and 1956*

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HistoricAerials.com; 1960 and 2013 Assumption, Ohio 1:24,000

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.

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

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score
41.660464	-83.878514	3/3/2021	-2.41	Moderate drought	Wet Season	9
41.660464	-83.878514	11/7/2020	-1.5	Mild drought	Wet Season	10
41.660464	-83.878514	4/6/2019	3.59	Severe wetness	Wet Season	15
41.660464	-83.878514	4/29/2018	2.51	Moderate wetness	Wet Season	15
41.660464	-83.878514	11/29/2016	-0.74	Incipient drought	Wet Season	9
41.660464	-83.878514	4/22/2016	0.74	Incipient wetness	Wet Season	14
41.660464	-83.878514	10/10/2015	-0.4	Normal	Wet Season	8

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41.660464	-83.878514	5/29/2014	1.25	Mild wetness	Dry Season	8
41.660464	-83.878514	10/27/2011	3.56	Severe wetness	Wet Season	17
41.660464	-83.878514	5/2/2011	3.52	Severe wetness	Dry Season	18
41.660464	-83.878514	10/6/2010	-1.89	Mild drought	Wet Season	10
41.660464	-83.878514	12/31/2009	-0.43	Normal	Wet Season	10
41.660464	-83.878514	5/9/2009	-0.12	Normal	Dry Season	14
41.660464	-83.878514	4/9/2009	3.16	Severe wetness	Wet Season	11
41.660464	-83.878514	12/3/2008	2.73	Moderate wetness	Wet Season	11
41.660464	-83.878514	4/20/2007	3.51	Severe wetness	Wet Season	8
41.660464	-83.878514	7/26/2006	1.79	Mild wetness	Dry Season	16
41.660464	-83.878514	2/28/2006	-0.76	Incipient drought	Wet Season	14
41.660464	-83.878514	6/20/2005	-2.3	Moderate drought	Dry Season	8
41.660464	-83.878514	4/14/2005	-0.68	Incipient drought	Wet Season	9
41.660464	-83.878514	5/12/2004	1.78	Mild wetness	Dry Season	9
41.660464	-83.878514	3/10/2004	2.37	Moderate wetness	Wet Season	7
41.660464	-83.878514	2/28/2003	-3.19	Severe drought	Wet Season	12

C. Additional comments to support AJD: Based upon the APT the ditch at Lucas Fulton County Road contains water under normal, drier than normal and wetter than normal precipitation conditions. It also lacks water under normal and drier than normal conditions supporting the determination the feature is intermittent.

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