



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-JUNE-2021

ORM Number: LRB-2019-00422

Associated JDs: AJD issued for a portion of the site on 28 May 2019

Review Area Location¹:

State/Territory: Ohio City: Willoughby County/Parish/Borough: Lake

Center Coordinates of Review Area: Latitude: 41.6232 Longitude: -81.4513

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.19 acres	(b)(1) Non-adjacent wetland	<p>(a)(1) Assessment: The wetland is not an (a)(1) traditional navigable water or a water subject to the ebb and flow of the tide. The wetland is not on the Buffalo District Section 10 list, has not been determined by a Federal Court to be navigable under Federal law, and does not meet the legal definition of navigable-in-fact. The wetland has not been used, is not currently being used, and is not susceptible of being used (with or without reasonable improvements), as a highway for commerce over which trade and travel are, or may be conducted in the customary modes of trade and travel on water. The wetland does not support navigation of any sort and is hundreds of miles from the nearest tidal water.</p> <p>(a)(2) Assessment: The wetland is not a naturally occurring surface water channel, or a constructed or excavated channel used to convey water and therefore, is not an (a)(2) water.</p> <p>(a)(3) Assessment: The wetland does not meet the definition of an (a)(3) water as it is not a lake, pond, or impoundment of a jurisdictional water. The wetland is not a standing body of open water. Mapping resources do not indicate that a water of the U.S. previously existed in this location.</p> <p>(a)(4) Assessment: The wetland does not meet the definition of an (a)(4) adjacent wetland as it does not meet any of the four adjacency criteria set forth in 33CFR328.3(c)(1) as described below.</p> <ul style="list-style-type: none"> • The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or on any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the May 20, 2021 site visit. The nearest potential (a)(1), (2), or (3) waters are 600+ feet away (see Section IIIC) from the wetland and are separated via overland flow and through a created ditch. • 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 May 20, 2021 site visit. The nearest potential (a)(1), (2), or (3) waters are 600+ feet away (see Section

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			<p>IIIC) from the wetland and are separated from the wetland a created rail way drainage ditch. As 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 upstream of the railway ditch over 600 feet away, it is highly 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 May 20, 2021 site visit nor on any aerial photographs.</p> <ul style="list-style-type: none"> • 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 May 20, 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 600+ feet away (see Section IIIC) from the wetland and are separated via overland flow and through a created ditch. • 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 verified by the Corps in the field during the May 20, 2021 site visit. No artificial dike, barrier, or similar artificial structure persist immediately along to the wetland boundary. The nearest potential (a)(1), (2), or (3) waters are 600+ feet away (see Section IIIC) from the wetland and are separated via overland flow and through a created ditch. No culvert, flood or tide gate, pump, or similar artificial feature provides direct hydrologic connection between the wetland a water identified in paragraph (a)(1), (2), or (3). The wetland drains downslope via discrete overland sheet flow to a constructed rail way ditch. The ditch drains into a tributary however, this alone does not satisfy adjacency criteria. The wetland is not part of a larger wetland divided by a road or similar artificial structure.
Stormwater Basin	0.17 acres	(b)(10) Stormwater control features	<p>(b)(10) Stormwater control features: Feature was constructed in upland areas on site for the purpose of stormwater management. Upland area where the stormwater basin was constructed was verified by an approved jurisdictional determination on 28 May 2019.</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 Parcel Number 27-A-010-0-00-013-0 City of Willoughby, Lake County, Ohio, April 2021 submitted to USACE LRB via email on May 3, 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: *ConnectExplorer aerial photographs dated 4-16-2020, 10-2-2020, 10-8-2020, 11-28-2020, 12-13-2020.*
- Corps Site visit(s) conducted on: *May 20, 2021*
- Previous Jurisdictional Determinations (AJDs or PJDs): *LRB-2019-00422, May 28, 2019 Approved Jurisdictional Determination*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *USDA NRCS Web Soil Survey, <https://websoilsurvey.nrcs.usda.gov/> accessed 6/3/2021*
- USFWS NWI maps: *USFWS National Wetland Inventory: Surface Waters and Wetlands, <https://www.fws.gov/wetlands/data/mapper.html> accessed 6/3/2021*
- USGS topographic maps:

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, https://apps.nationalmap.gov/viewer/ accessed 3/22/2021
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	USACE ORM Database (Regulatory- ORM Project Locations and ORM Aquatic Resources)
State/Local/Tribal Sources	Cuyahoga County Web Mapping Application (https://gis.lakecountyoiohio.gov/lakenavigator3/)
Other Sources	USEPA WATERS feature layers, Google Earth

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.

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Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.62419	81.45139	4/6/2012	-1.64	Mild drought	Wet Season	13	Normal Conditions
41.62419	81.45139	5/14/2017	1.66	Mild wetness	Wet Season	14	Normal Conditions
41.62419	81.45139	4/16/2020	2.52	Moderate wetness	Wet Season	10	Normal Conditions
41.62419	81.45139	10/2/2020	2.28	Moderate wetness	Wet Season	15	Wetter than Normal
41.62419	81.45139	10/8/2020	2.28	Moderate wetness	Wet Season	12	Normal Conditions
41.62419	81.45139	11/28/2020	2	Moderate wetness	Wet Season	11	Normal Conditions
41.62419	81.45139	12/13/2020	2.1	Moderate wetness	Wet Season	16	Wetter than Normal

C. Additional comments to support AJD:

- May 28, 2019 Approved Jurisdictional Determination (AJD) identified no Waters of the US present on the site. The previous AJD did not cover the entire site, as of 2020, the site was merged with the property to the east, increasing its size. A new AJD was requested that covers the entire new site.
- May 20, 2021 site visit and delineation verification determined that the wetland on site (Wetland A) is not adjacent to any other waters on site or off site. The nearest waterway is a railroad constructed drainage ditch, north of the site that is only connected to the wetland via overland flow. The constructed ditch flows to the north east for 600+ feet. The ditch then flows into a potentially re-directed and ditched stream channel at 41.6252, -81.4497. The ditch that the wetland is connected to via overland flow, is not jurisdictional by rule as a (b)(5) water.
- A review of aerial imagery was performed, and those dates were included in the APT review. All reviewed aerial images showed no connection of the wetland to downstream waters and were either under normal or wetter than normal conditions.
- Taking into consideration, all of the above reviewed material, Wetland A was determined to be isolated.

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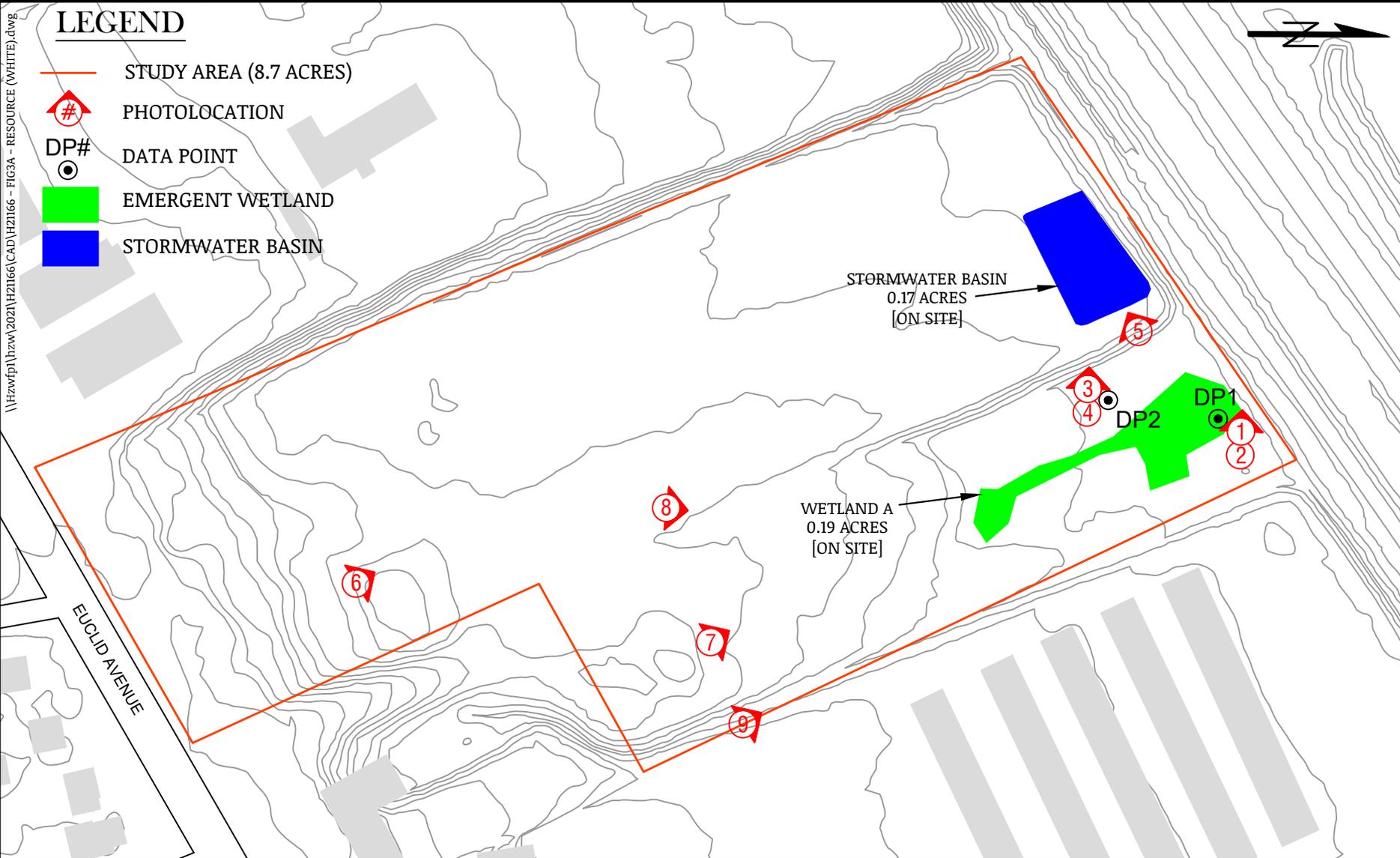
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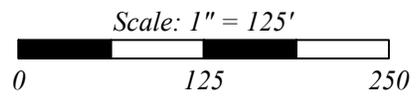
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LEGEND

-  STUDY AREA (8.7 ACRES)
-  PHOTOLOCATION
-  DATA POINT
-  EMERGENT WETLAND
-  STORMWATER BASIN



HZW Environmental Consultants



30817 Euclid Ave
 No. 2019-00422
 Lake County, Ohio
 Quad: Mayfield Heights
 Sheet 1 of 2

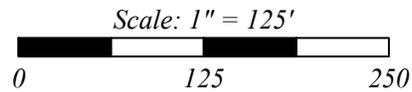
\\hzwfpl\hzw\2021\H21166\CAD\H21166 - FIG3B - RESOURCE (AERIAL).dwg

LEGEND

- STUDY AREA (8.7 ACRES)
- EMERGENT WETLAND
- STORMWATER BASIN



HZW Environmental
Consultants



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No. 2019-00422
Lake County, Ohio
Quad: Mayfield Heights
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