



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): 08-JUN-2021

ORM Number: LRB-2021-00405

Associated JDs: N/A)

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.5161 Longitude -83.1293

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.

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.3 acres	(b)(1) Non-adjacent wetland	Wetland 1 is located in a residential subdivision approximate 2,700 feet north of the Portage River an (a)(1) water which is the nearest (a)(1-2) water. Wetland 1 is bordered to the north by an agricultural area, a residential residence to the east, Plantation Drive to the south and a utility corridor and woodlot to the west. An earthen man-made berm separates Wetland 1 from the agricultural area to the north and the wetland extends into the utility corridor to the west. There are no mapped tributaries and no visible tributaries in the vicinity of the wetland to any (a)(2) waters. The Web Soil Survey (https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm) reports the soils in the area of Wetland 1 are Toledo silty clay, 0 to 1 percent slopes (To) and Nappanee silty clay loam, 0 to 3 percent slopes (NpA) both which have a flood frequency rating of "none". Wetland 1 is an excluded water under the 2020 NWPR, it is not separated from an (a)(1) or (a)(2) water by a natural berm nor is it separated by an artificial barrier with a direct hydrologic connection. There are no apparent connections between Wetland 1 and the Portage River on any of the reviewed aerial photographs. It has been determined the wetland is a (b)(1) non-adjacent wetland.

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: *Ontko Plots 1 and 2 – May 20, 2021.*
- Photographs: *ConnectExplorer – 2021 MAR 30, 2018 MAY 8, 2016 and 2014 APR 26; Google Earth – 2015 OCT 25, 2012 MAY 18, 2009 JUN 4, and 2006 APR 28; and Site Photos 20 MAY 2021*
- Corps Site visit(s) conducted on: *2021 MAY 20*
- ___ 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: *NRCS WebSoil 17 MAY 2021*
- USFWS NWI maps: *17 MAY 2021 – PFO1Ad – Palustrine Forested Broad-Leaved Deciduous Temporary Flooded Partially Drained/Ditched*

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X USGS topographic maps: *Oak Harbor – 1900 (1 to 62500), 1953, 1967 and 2013 (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.

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: Elmore 5 E, Fremont AG STN, Fremont, Ottawa NWR, Port Clinton 6.8 W, and Put-in-Bay

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.5161	-83.1293	5/20/2021	-1.64	Mild drought (2021-04)	Wet Season	9	Drier than Normal
41.5161	-83.1293	3/30/2021	-1.36	Mild drought	Wet Season	8	Drier than Normal
41.5161	-83.1293	4/20/2016	1.84	Mild wetness	Wet Season	16	Wetter than Normal
41.5161	-83.1293	10/25/2015	2.04	Moderate wetness	Wet Season	9	Drier than Normal
41.5161	-83.1293	4/26/2014	3.49	Severe wetness	Wet Season	11	Normal Conditions

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41.5161	-83.1293	5/18/2012	2.79	Moderate wetness	Wet Season	11	Normal Conditions
41.5161	-83.1293	5/4/2009	0.04	Normal	Wet Season	15	Wetter than Normal
41.5161	-83.1293	4/28/2006	-1.23	Mild drought	Wet Season	7	Drier than Normal

B. Additional comments to support AJD: Based upon site observations the wetland extends west off the site however a review of aerial photographs contain no indication of streams or tributaries in the vicinity of the wetland and woodlot to the west. At the time of the Corps site visit wetness conditions were normal although conditions were determined to be dry 30 and 60 days prior. A review of aerials under severe wet conditions on April 26, 2014 and moderate wetness on May 18, 2012 and October 25, 2015 contain no indication of any streams or tributaries in the near vicinity of Wetland 1.

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