



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): July 29, 2021
ORM Number: LRB-2021-00556
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: Medina County
Center Coordinates of Review Area: Latitude 41.23627 Longitude -81.73615

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
Stream 2	1254 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 2 is identified as a perennial tributary on the USGS Topo Maps from 1903, 1905, 1953, 1962, 1963 1994 and 2019 and reported to be a riverine, lower perennial water with an unconsolidated bottom and a permanently flooded water regime (R2UBH). In addition, water is present in the channel in aerial photographs

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			<p>under leaf off conditions in aerials from 2006, 2007, 2011,2012, 2015, 2017, 2019 and 2020. Stream 2 flows to the east approximately 0.74 miles and combines with the East Branch of the Rocky River an (a)(2) water which flows north and combines with the West Branch of the Rocky River forming the Rocky River which is as an (a)(1) Section 10 water on the Buffalo District's List of Navigable Waterways and is a tributary to Lake Erie.</p>
Stream 3	48 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	<p>Stream 3 is identified as a perennial tributary to Stream 2 an (a)(2) water, as identified above. Stream 3 is visible on the USGS Topo Maps from 1903, 1905, 1953, 1962, 1963 1994 and 2019 and is identified as a riverine, lower perennial water with an unconsolidated bottom and a permanently flooded water regime (R2UBH). In addition, water is present in the channel in aerial photographs from 2006, 2007, 2011,2012, 2015, 2017, 2019 and 2020. Stream 3 is a tributary to Stream 2 which flows to the east approximately 0.76 miles and combines with the East Branch of the Rocky River an (a)(2) water which is discussed above under Stream 2.</p>
Stream 4-INT	1661 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	<p>Stream 4-INT is an intermittent tributary to Stream 2 an (a)(2), as identified above. Stream 4-Int contains a continuous defined bed and bank and a distinct ordinary high-water mark (OHWM). At the time of the site visit, segments of the stream were flowing and in some stretches of the tributary contained little flow but areas of pooled water. There was evidence of higher flow rates including drift deposits and sediment sorting. Based upon the APT, the site visit was conducted during the dry season, conditions were normal, the observed rainfall was below the 30th percentile however the APT indicates that approximate</p>

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			0.68 inches of rain fell during the three days preceding the Corps site visit on 7, 8 and 9 of June 2021 and that approximately 0.53 inches of rain had occurred on 2 and 3 of June.
Stream 6-PER	3611 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 6-PER is a perennial tributary to the East Branch of the Rocky River an (a)(2) water, as described above which is located approximately 1,800 feet to the east. This stream is visible on the USGS Topo Maps from 1903, 1905, 1953, 1962, 1963 1994 and 2019 and is identified as a riverine, intermittent with an unconsolidated bottom and a seasonally flooded water regime (R4SBC). However, water is present in the channel in aerial photographs from 2006, 2007, 2011,2012, 2015, 2017, 2019 and 2020. Stream 6-PER contains a continuous defined bed and bank and a distinct OHWM. During the 10 JUN 2021 site visit the tributary contained areas of flowing water and other areas of ponded/pool water but there was evidence of flow including drift deposits and sediment sorting. Based upon the APT on the date of the site visit was conducted dry season, conditions were normal however wetness conditions were dry as the observed rainfall was below the 30th percentile however the APT indicates that approximate 0.68 inches of rain fell during the three days preceding the Corps site visit on 7, 8 and 9 of June 2021 and that approximately 0.53 inches of rain had occurred on 2 and 3 of June.
Stream 6-INT	107 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 6 INT is an intermittent tributary to Stream 6 -PER an (a)(2) water, as discussed above. Stream 6-INT appears to be oxbows or only channels that only receive water during high flow events. Stream 6-INT contains a continuous defined bed and bank and a distinct OHWM. At the time of the site visit the tributary contained

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			areas of water in deeper pools and there was evidence of flow including drift deposits and sediment sorting. This tributary is visible in aerials from 2006, 2007, 2011, 2012, 2015, 2017, 2019 and 2020. Refer to the discussion regarding the APT under Stream 4-INT and Stream 6- PER.
Stream 7	265 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 7 is an intermittent tributary to Stream 6-PRE, an (a)(2) water, as described above. Stream 7 contains a continuous defined bed and bank and a distinct OHWM. At the time of the site visit the tributary contained areas of water in deeper pools but there was evidence of flow including drift deposits and sediment sorting. Refer to the discussion regarding the APT under Stream 4-INT and Stream 6- PER.
Stream 10	881 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 10 is an intermittent tributary to Stream 6 -PER, an (a)(2) water, as described above. Stream 10- contains a continuous defined bed and bank and a distinct OHWM. At the time of the site visit the tributary contained areas of water in deeper pools but there was evidence of flow including drift deposits and sediment sorting. Refer to the discussion regarding the APT under Stream 4-INT and Stream 6- PER.
Stream 14	379 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 14 is an intermittent tributary downstream of Wetland K and is a tributary to Stream 6-PER an (a)(2) water, as described above. Stream 14- contains a continuous defined bed and bank and a distinct OHWM. At the time of the site visit the tributary contained areas of water in deeper pools but there was evidence of flow including drift deposits and sediment sorting. Refer to the discussion regarding the APT under Stream 4-INT and Stream 6- PER.

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

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Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland E	0.01 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland E abuts and flows directly into Stream 7, an intermittent (a)(2) water as identified above.
Wetland F	0.02 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland F abuts and flows directly into Stream 7, an intermittent (a)(2) water as identified above.
Wetland J	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland J abuts and flows directly into Stream 6, a perennial (a)(2) water as identified above.
Wetland K	0.05 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland E abuts and flows directly into Stream 14-INT, an intermittent (a)(2) water as identified above.
Wetland M	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland M is located on a hill side and the eastern end abuts and flows directly into Stream 6; a perennial (a)(2) water as identified above. The western end of the wetland extends down a slope to the south and drains into the ephemeral Stream 15 a (b)(5) water as discussed below.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 1	398 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 1 is an ephemeral tributary that extends west off the property. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. The stream did not contain flowing water during the Corps site visit on 10 JUN 2021. The APT indicates on this date the conditions were normal during a period of moderate drought in the dry season. This Stream did not contain flowing water during the consultants site visit from 10-11 MAR 2021. The APT reports drier than normal during the wet season and the observed rainfall was 1.027559, which is below the reported 30% of 2.822441

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			<p>inches. During the Corps site visit on 10 Jun 2021 the APT reports normal conditions during the dry season however the observed rainfall was 2.417323 inches which is below the 30% reported to be 2.822441 inches. The APT indicates that approximate 0.68 inches of rain fell during the three days preceding the Corps site visit on 7, 8 and 9 of June 2021 and that approximately 0.53 inches of rain had occurred on 2 and 3 of June. In addition, there is no strong evidence of the channel containing water on the reviewed aerial photographs. This tributary does not drain any other waters of the United States. The feature drains Wetland A which is an excluded water as described below. This tributary does not drain any other waters of the United States. The nearest downstream (a)(2) water is the East Branch of the Black River, as described above, which is located approximately 1,800 feet to the east. The nearest on site (a)(2) water is Stream 2, as described above which is located approximately 240 feet to the south. Stream 1 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.</p>
Stream 4-EPH	356 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	<p>Stream 4-EPH is an ephemeral tributary that extends west from Swale 8 and is a tributary to Stream 4-INT, as described below. Stream 4-EPH has a defined OHWM in some areas and in some areas the OHWM is not clearly defined. At the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. This tributary does not drain any other waters of the United States. Stream 4-EPH is not a navigable water (a)(1) or</p>

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			(a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 5	106 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 5 is an ephemeral tributary that extends west off the property. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. The feature begins at two trash filled swales, Swales 9 and 10 as described below. Refer to the APT discussion for Stream 1 as discussed above. This tributary does not drain any other waters of the United States. The nearest downstream (a)(2) water is The East Branch of the Black River, as described above, which is located approximately 1,500 feet to the east. The nearest on site (a)(2) water is Stream 6, as described above which is located approximately 330 feet to the north. Stream 5 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 8	67 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 8 is an ephemeral tributary that extends north to Stream 6-PER, as described above. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. The feature abuts Wetland F, as described below. This tributary does not drain any other waters of the United States. Stream 8 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 9	229 feet	(b)(3) Ephemeral feature, including an ephemeral	Stream 9 is an ephemeral tributary that extends north to Stream 6-PER, as

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		stream, swale, gully, rill, or pool	described above. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. The ephemeral Stream 13 flows into this tributary upstream of the confluence with Stream 6-PER. This tributary does not drain any other waters of the United States. Stream 9 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 11	94 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 11 is an ephemeral tributary that extends southeast from Swale 13, as described below and is a tributary to Stream 10, as described above. The feature has a defined OHWM. At the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. This tributary does not drain any other waters of the United States. Stream 11 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 12	344 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 12 is an ephemeral tributary that extends southeast from Swale 12, as described below and is a tributary to Stream 10, as described above. The feature has a defined OHWM. At the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. This tributary does not drain any other waters of the United States. Stream 12 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3)

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			and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 13	93 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 13 is an ephemeral tributary that extends north to Stream 9 as described above. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. This tributary does not drain any other waters of the United States. Stream 13 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 15	169 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 15 is an ephemeral tributary that flows southeast to the ephemeral Stream 16, a (b)(3) water, as described below. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. The stream did not contain flowing water during the Corps site visit on 10 JUN 2021 and there is no strong evidence of the channel containing water on the reviewed aerial photographs. The feature abuts Wetland M, a (b)(1) water as described below. This tributary does not drain any other waters of the United States. Stream 15 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 16	170 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 16 is an ephemeral tributary that extends from Wetland N, a (b)(1) water as described below. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from

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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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			the previous year. This tributary does not drain any other waters of the United States. Refer to the APT discussion for Stream 1 as discussed above. The stream did not contain flowing water during the Corps site visit on 10 JUN 2021 and there is no strong evidence of the channel containing water on the reviewed aerial photographs. Stream 16 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 17	271 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 17 is an ephemeral tributary that extends east from the property line, abuts Wetland L, a (b)(1) water as described below and is a tributary to Stream 6-PER, as described above. The feature has a defined OHWM in some areas and in some areas the OHWM is not clearly defined. At the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. The stream did not contain flowing water during the Corps site visit on 10 JUN 2021 and there is no strong evidence of the channel containing water on the reviewed aerial photographs. This tributary does not drain any other waters of the United States. Stream 17 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.
Stream 18	62 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 18 is an ephemeral tributary that flows south to Stream 6-PER, as described above. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. The stream

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² 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.

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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			<p>did not contain flowing water during the Corps site visit on 10 JUN 2021 and there is no strong evidence of the channel containing water on the reviewed aerial photographs. This tributary does not drain any other waters of the United States. Stream 18 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.</p>
Stream 19	218 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	<p>Stream 19 is an ephemeral tributary located in the southeast corner of the property drains east off the property. The feature has a defined OHWM and at the time of the site visit the stream channel was dry, lacked any standing water and contained leaves from the previous year. Refer to the APT discussion for Stream 1 as discussed above. The nearest downstream (a)(2) water is Stream 2, as described above, which is located approximately 240 feet to the east. The feature abuts Wetland B, as described below. The stream did not contain flowing water during the Corps site visit on 10 JUN 2021 and there is no strong evidence of the channel containing water on the reviewed aerial photographs. This tributary does not drain any other waters of the United States. Stream 19 is not a navigable water (a)(1) or (a)(2) water. It is not an impounded water (a)(3) and does not contain the necessary wetland criteria to be an (a)(4) water.</p>
Wetland A	0.04 acres	(b)(1) Non-adjacent wetland	<p>Wetland A is located along the western property boundary and abuts the ephemeral Stream 1, as discussed above. The wetland is not reported to be located within the 100-year floodplain of an (a)(1) or (a)(2) water. The wetland is reported to be within the Berks silt loam, 25 to 70 percent slopes which has a hydric rating of zero and a flooding frequency rating reported to be</p>

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² 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.

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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			<p>“none”.</p> <p>The nearest (a)(2) water is Stream 2 which is located approximately 50 feet to the south. Wetland A is separated from Stream 2 by a narrow rise in elevation with the Stream 2 being located on the south side and Wetland A on the north side. A review of the USGS map and aerial photographs do not indicate the presence of any other potential (a)(1), (2), or (3) waters near Wetland A.</p> <p>Wetland A is not an: (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</p>
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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 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.

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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			<p>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 subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> •(i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the June 2021 site visit. The nearest potential (a)(1), (2), or (3) water is Stream 2, (See Section IIIC) •(ii) 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). •(iii) 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. •(iv) 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 not part of a larger wetland divided by a road or similar artificial structure.
Wetland B	0.05 acres	(b)(1) Non-adjacent wetland	<p>Wetland B is located along the eastern property boundary and abuts the ephemeral Stream 19, as discussed above. The wetland is not reported to be located within the 100-year floodplain of an (a)(1) or (a)(2) water. The wetland is reported to be within the Orrville silt loam (Or) which has a hydric rating of zero and a flooding frequency rating reported to be “occasional”.</p>

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² 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.

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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			<p>The nearest (a)(2) water is Stream 2 which is located approximately 125 feet to the north. Wetland B is separated from Stream 2 by a rise in elevation with the Stream 2 being located on the north side and Wetland B on the southside. A review of the USGS map and aerial photographs do not indicate the presence of any other potential (a)(1), (2), or (3) waters near Wetland B.</p> <p>Wetland B is not an: (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</p>
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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 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.

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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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			<p>U.S. previously existed in this location.</p> <p>(a)(4) Assessment: The subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> •(i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the June 2021 site visit. The nearest potential (a)(1), (2), or (3) water is Stream 2, (See Section IIIC) •(ii) 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). •(iii) 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. •(iv) 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 not part of a larger wetland divided by a road or similar artificial structure.
Wetland D	0.02 acres	(b)(1) Non-adjacent wetland	<p>Wetland D is located along the eastern property boundary and abuts the ephemeral Swale 8, as discussed below. The wetland is not reported to be located within the 100-year floodplain of an (a)(1) or (a)(2) water. The wetland is reported to be within the Berks silt loam, 25 to 70 percent slope (BrF) which has a hydric rating of zero and a flooding frequency rating reported to be “none”.</p> <p>The nearest (a)(2) water is Stream 2 which</p>

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² 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.

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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			<p>is located approximately 150 feet to the south. Wetland D is separated from Stream 2 by a rise in elevation with the Stream 2 being located on the south side and Wetland D on the north side. A review of the USGS map and aerial photographs do not indicate the presence of any other potential (a)(1), (2), or (3) waters near Wetland D.</p> <p>Wetland D is not an:</p> <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>
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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 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.

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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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			<p>(a)(4) Assessment: The subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> •(i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the June 2021 site visit. The nearest potential (a)(1), (2), or (3) water is Stream 2, (See Section IIIC) •(ii) 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). •(iii) 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. •(iv) 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 not part of a larger wetland divided by a road or similar artificial structure.
Wetland G	0.06 acres	(b)(1) Non-adjacent wetland	<p>Wetland G located in the northern portion of the property near the approximate center between the western and eastern property boundaries. There is approximately 75 feet north of Stream 6 and is separated from Stream 6 by a wooded upland area. the wetland is not located within the 100-year floodplain of an (a)(1) or (a)(2) water. The wetland is reported to be within the Ellsworth silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be “none”.</p>

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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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			<p>Wetland G is not an:</p> <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 subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> •(i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the
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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 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.

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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			<p>June 2021 site visit. The nearest potential (a)(1), (2), or (3) water is Stream 6, (See Section IIIC)</p> <ul style="list-style-type: none"> •(ii) 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). •(iii) 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. •(iv) 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 not part of a larger wetland divided by a road or similar artificial structure.
Wetland H	0.03 acres	(b)(1) Non-adjacent wetland	<p>Wetland H located in eastern portion of the property There is approximately 50 feet south of Stream 6 and is separated from Stream 6 by a wooded upland area. The wetland is not located within the 100-year floodplain of an (a)(1) or (a)(2) water. The wetland is reported to be within the Ellsworth silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none".</p> <p>Wetland His not an: (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</p>

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 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.

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			<p>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 subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> •(i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the June 2021 site visit. The nearest potential (a)(1), (2), or (3) water is Stream 6, (See Section IIIC) •(ii) 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). •(iii) The wetland is not physically separated from a water identified in paragraph (a)(1),
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² 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.

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			<p>(2), or (3) only by a natural berm, bank, dune, or similar natural feature.</p> <p>•(iv) 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 not part of a larger wetland divided by a road or similar artificial structure.</p>
Wetland I	0.02 acres	(b)(1) Non-adjacent wetland	<p>Wetland I located in eastern portion of the property There is approximately 60 feet south of Stream 6 and is separated from Stream 6 by a wooded upland area. The wetland is not located within the 100-year floodplain of an (a)(1) or (a)(2) water. The wetland is reported to be within the Ellsworth silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none".</p> <p>Wetland I is not an:</p> <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</p>

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			<p>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 subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> •(i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the June 2021 site visit. The nearest potential (a)(1), (2), or (3) water is Stream 6, (See Section IIIC) •(ii) 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). •(iii) 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. •(iv) 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 not part of a larger wetland divided by a road or similar artificial structure.
Wetland L	0.05 acres	(b)(1) Non-adjacent wetland	Wetland L is in the eastern half of the property and abuts the ephemeral Stream 14-EPH, as discussed below. The wetland

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			<p>is not reported to be located within the 100-year floodplain of an (a)(1) or (a)(2) water. The wetland is reported to be within the Ellsworth silt loam, 12 to 25 percent slopes, eroded (EIE2), which has a hydric rating of zero and a flooding frequency rating reported to be "none".</p> <p>The nearest (a)(2) water is Stream 2 which is located approximately 250 feet to the northeast. Wetland L is separated from Stream 2 by a rise in elevation, an upland wooded area and Wetland K, a (a)(4) water, as discussed above. A review of the USGS map and aerial photographs do not indicate the presence of any other potential (a)(1), (2), or (3) waters near Wetland L.</p> <p>Wetland L is not an: (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>
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			<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 subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> •(i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the June 2021 site visit. The nearest potential (a)(1), (2), or (3) water is Stream 2, (See Section IIIC) •(ii) 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). •(iii) 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. •(iv) 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 not part of a larger wetland divided by a road or similar artificial structure.
Wetland N	0.04 acres	(b)(1) Non-adjacent wetland	Wetland N is in the eastern half of the property and abuts the ephemeral Swale 16, a (b)(3) water , as discussed below. The wetland is not reported to be located within the 100-year floodplain of an (a)(1) or (a)(2)

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			<p>water. The wetland is reported to be within the Ellsworth silt loam, 12 to 25 percent slopes, eroded (EIE2), which has a hydric rating of zero and a flooding frequency rating reported to be “none”.</p> <p>The nearest (a)(2) water is Stream 2 which is located approximately 200 feet to the east. Wetland N is separated from Stream 2 by an upland wooded area. A review of the USGS map and aerial photographs do not indicate the presence of any other potential (a)(1), (2), or (3) waters near Wetland N.</p> <p>Wetland N is not an: (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</p>
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			<p>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 subject wetland has been determined to not be “adjacent” to a paragraph (a)(1), (2), or (3) water. Each adjacency criteria is assessed below:</p> <ul style="list-style-type: none"> •(i) The wetland does not abut/touch a water identified in paragraph (a)(1), (2), or (3) at any point or any side. The wetland is surrounded by upland on all sides as verified by the Corps in the field during the June 2021 site visit. The nearest potential (a)(1), (2), or (3) water is Stream 2, (See Section IIIC) •(ii) 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). •(iii) 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. •(iv) 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 not part of a larger wetland divided by a road or similar artificial structure.
Swale 1	63 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 1 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion

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			for Stream 1 as discussed above. This feature is within 100 feet of Stream 2 an (a)(2) water, as described above. This feature reported consists of the Berks silt loam, 25 to 70 percent slope (BrF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 2	66 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 2 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to Stream 2 an (a)(2) water, as described above. This feature reported consists of the Berks silt loam, 25 to 70 percent slope (BrF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 3	62 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 3 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. . This

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			feature drains to Stream 2 an (a)(2) water, as described above. This feature reported consists of the Berks silt loam, 25 to 70 percent slope (BrF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 4	56 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 4 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to Swale 5, as described below. This feature reported consists of the Berks silt loam, 25 to 70 percent slope (BrF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 5	85 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 5 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to Stream 2 an (a)(2) water, as described above. This feature reported

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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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			consists of the Berks silt loam, 25 to 70 percent slope (BrF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 6	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 6 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to the intermittent Stream 4 an (a)(2) water, as described above. This feature reported consists of the Berks silt loam, 25 to 70 percent slope (BrF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 7	30 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 7 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to Swale 6, as described above. This feature reported consists of the Berks silt loam, 25 to 70 percent slope

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			which has a hydric soils rating of 0 (BrF) and flooding frequency rating reported to be “none”. There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 8	149 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 8 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to the ephemeral portion of Stream 4-EPH, a (b)(3) water, as described above. This feature reported consists of the Ellsworth silt loam, 6 to 12 percent slopes (EIC) which has a hydric soils rating of 0 and flooding frequency rating reported to be “none”. There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 9	73 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 9 is a hillside erosion channel that if full of discard trash that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature combines with Swale 10 to form ephemeral Stream 5 a (b)(3) water, as described above. This feature reported consists of the Ellsworth silt

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			loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 10	109 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 10 is a hillside erosion channel that if full of discard trash that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature combines with Swale 9 to form ephemeral Stream 5 a (b)(3) water, as described above. This feature reported consists of the Ellsworth silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 11	63 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 11 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to perennial Stream 6, a (a)(2) water, as described above. Ellsworth

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			silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 12	26 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 12 is an erosion channel that lacks any vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to ephemeral Stream 12, a (b)(3) water, as described above. This feature reported consists of the Ellsworth silt loam, 2 to 6 percent slopes which has a hydric soils rating of 5 (EIB) and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 13	97 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 13 is a hillside erosion channel that lacks any vegetation. This feature lacks any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to ephemeral Stream 11, a (b)(3) water as described above. This feature reported consists of the Ellsworth silt

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			loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 14	63 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 14 is a hillside erosion channel that drains offsite to the east. This swale lacks any vegetation. any indicators of bed and bank, and an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature reported consists of the Ellsworth silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be "none". There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 15	99 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 15 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to Swale 18, as described below. This feature reported consists of the Ellsworth silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be

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			“none”. There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 16	51 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 16 is an erosion channel that lacks any vegetation. This feature lacks any indicators of bed and bank, an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to ephemeral Stream 13, a (b)(3) water, as described above. This feature reported consists of the Ellsworth silt loam, 6 to 12 percent slopes, eroded (EIC2) which has a hydric soils rating of 0 and flooding frequency rating reported to be “none”. There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 17	37 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 17 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to ephemeral Stream 14-EPH, a (b)(3) water, as described above. This feature reported consists of the Ellsworth silt loam, 6 to 12 percent slopes, eroded (EIC2) which has a hydric soils rating of 0 and flooding frequency rating

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			reported to be “none”. There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 18	143 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 18 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature is approximately 40 feet south of perennial Stream 6, an (a)(2) water, as described above. This feature reported consists of the Ellsworth silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be “none”. There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Swale 19	69 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Swale 19 is a hillside erosion channel that lacks vegetation. This feature lacks any indicators of bed and bank, an OHWM. The swale did not contain flowing water during the Corps site visit on 10 JUN 2021, it was dry, lacked any standing water and there is no strong evidence of the feature containing water on the reviewed aerial photographs. Refer to the APT discussion for Stream 1 as discussed above. This feature drains to perennial Stream 6, as described above. This feature reported consists of the Ellsworth silt loam, 25 to 70 percent slopes (EIF) which has a hydric soils rating of 0 and flooding frequency rating reported to be “none”. There was no

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			evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a wetland.
Ditch 1	156 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)	Ditch 1 is a man-made channelized roadside ditch along the south side of Center Road contains an OHWM. The feature is man-made, and combines with Swale 12, as described above a (b)(3) water to form Stream 12, a (b)(3) water as described above. Stream 10, a (a)(2) water is located approximately 344 downstream (east) of Ditch 1. There was no evidenced in the reviewed historical mapping or aerials that indicated this feature is a relocated tributary, that it was constructed within a tributary or a 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: *Jurisdictional Determination Request, Kubala Farm, Hinckley Township, Medina, County, Ohio - 4 MAY 2021. Revised 25 JUN 2021.*

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 – 2006 FEB 28, 2012 APR 6, 2014 JUN 14, 2015 SEP 9, 2016 JUN 11, 2017 MAY 14, 2016 JUL 6 and 2019 SEP 17. Connect Explorer – 2007 NOV 28, 2011 APR 13, 2015 APR 24, 2017 OCT 19, 2020 APR 20 and NOV 12. Consultant Photographs 2021 MAR 10 and 11.*

Corps Site visit(s) conducted on: *Date(s). 10 JUN 2021*

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 Soil Survey - 9 JUN and 23 JUL 2021*

USFWS NWI maps: *USFWS Mapper - 9 JUN and 23 JUL 2021*

USGS topographic maps: *1903 and 1905 Akron 1:62,500 and 1953, 1962, 1963, 1994 and 2019 West Richfield, Ohio 1:24,000*

Other data sources used to aid in this determination:

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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 Station: Cleveland.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.236603	-81.736494	6/10/2021	-99.99	Not available	Dry Season	10	Normal Conditions
41.236603	-81.736494	3/11/2021	-99.99	Not available	Wet Season	7	Drier than Normal
41.236603	-81.736494	11/12/2020	-99.99	Not available	Wet Season	14	Normal Conditions
41.236603	-81.736494	4/20/2020	2.52	Moderate wetness	Wet Season	14	Normal Conditions
41.236603	-81.736494	12/23/2019	2.37	Moderate wetness	Wet Season	8	Drier than Normal
41.236603	-81.736494	9/17/2019	2.93	Moderate wetness	Dry Season	11	Normal Conditions
41.236603	-81.736494	7/6/2018	1.66	Mild wetness	Dry Season	17	Wetter than Normal
41.236603	-81.736494	5/14/2017	1.66	Mild wetness	Wet Season	15	Wetter than

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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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

							Normal
41.236603	-81.736494	9/9/2015	-0.89	Incipient drought	Dry Season	11	Normal Conditions
41.236603	-81.736494	6/14/2014	3.33	Severe wetness	Dry Season	12	Normal Conditions
41.236603	-81.736494	4/6/2012	-1.64	Mild drought	Wet Season	13	Normal Conditions
41.236603	-81.736494	4/13/2011	3.56	Severe wetness	Wet Season	13	Normal Conditions
41.236603	-81.736494	11/28/2007	1.55	Mild wetness	Wet Season	14	Normal Conditions
41.236603	-81.736494	2/28/2006	-0.29	Normal	Wet Season	11	Normal Conditions

C. Additional comments to support AJD: The consultant's delineation from March 10 and 11, 2021 was reportedly conducted in the wet season under drier than normal conditions. The Corps site visit on June 10, 2021 was conducted during the dry season during a mild drought but under normal conditions. Based upon the APT, the site visit was conducted during the dry season, conditions were normal, and the observed rainfall was below the 30th percentile. However the APT indicates that approximate 0.68 inches of rain fell during the three days preceding the Corps site visit on 7, 8 and 9 of June 2021 and that approximately 0.53 inches of rain had occurred on 2 and 3 of June.

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 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.

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