



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): 30-AUG-2021
ORM Number: LRB-2018-00849
Associated JDs: LRB-2018-00849 (Builders and Developers Co)
Review Area Location¹: East of East River Road and South of Redfern Road
State/Territory: OH City: Columbia Station County/Parish/Borough: Lorain County
Center Coordinates of Review Area: Latitude 41.340717 Longitude -81.902316

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A

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

² If the navigable water is not subject to the ebb and flow of the tide and included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

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
NWPR-LRB-2018-00849-Wetland A	0.02 acres	(b)(1) Non-adjacent wetland	Observations indicate that NWPR-LRB-2018-00849-Wetland A is a non-adjacent b(1) waters. This wetland does not meet any of the four criteria that would make an (a)(4) adjacent water subject to jurisdiction under Section 404 of the Clean Water Act. This wetland was circumnavigated during the Corps' site visit on October 24, 2018. No defined channels/tributaries/ditches were observed flowing from these wetlands to any (a)(1-3) water. Based on site observations the nearest a(1-3) waters would not flood any of the wetland areas at least once during a typical year. Also, there are no artificial or natural berms or the like located between the a(2) onsite waters and these wetlands. Based on the above it has been determined that these wetlands are b(1) excluded waters.
NWPR-LRB-2018-00849-Wetland C	0.22 acres	(b)(1) Non-adjacent wetland	Observations indicate that NWPR-LRB-2018-00849-Wetland C is a non-adjacent b(1) waters. This wetland does not meet any of the four criteria that would make an (a)(4) adjacent water subject to jurisdiction under Section 404 of the Clean Water Act. This wetland was circumnavigated during the Corps' site visit on October 24, 2018. No defined channels/tributaries/ditches were observed flowing from these wetlands to any (a)(1-3) water. Based on site observations the nearest a(1-3) waters would not flood any of the wetland areas at least once during a typical year. Also, there are no artificial or natural berms or the like located between the a(2) onsite waters and these wetlands. Based on the above it has been determined that these wetlands are b(1) excluded waters.
NWPR-LRB-2018-00849-Wetland D	0.11 acres	(b)(1) Non-adjacent wetland	Observations indicate that NWPR-LRB-2018-00849-Wetland D is a non-adjacent b(1) waters. This wetland does not meet any of the four criteria that would make an (a)(4) adjacent water subject to jurisdiction under Section 404 of the Clean Water Act. This wetland was circumnavigated during the Corps' site visit on October 24, 2018. No defined channels/tributaries/ditches were observed flowing from these wetlands to any (a)(1-3) water. Based on site observations the nearest a(1-3) waters would not flood any of the wetland areas at least once during a typical year. Also, there are no artificial or natural berms or the like located between the a(2) onsite waters and these wetlands. Based on the above it has been determined that these wetlands are b(1) excluded waters.

III. SUPPORTING INFORMATION

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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- 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: *Revision to the Preliminary Jurisdictional Waters Determination Report Redfern Road Property Aug 15, 2019.*
This information along with the additional data collected by the Corps during site visit is 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).10-24-2018*
 - Photographs: *(NA, aerial, other, aerial and other) Title(s) and/or date(s).Lorain County 2005, 2006, 2007, 2015 &2017 – Lorain County Oblique Imagery 2013 and 2014*
 - Corps Site visit(s) conducted on: *Date(s).10-24-2018*
 - Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).PJD 18-Oct-2019*
 - Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
 - USDA NRCS Soil Survey: *Title(s) and/or date(s).https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm 18-Oct-2019*
 - USFWS NWI maps: *Title(s) and/or date(s). 18-Oct-2019*
<https://www.fws.gov/wetlands/Data/Mapper.html> and 8-30-2021
<https://www.fws.gov/wetlands/arcgis/rest/services/Wetlands/MapServer>
 - USGS topographic maps: *Title(s) and/or date(s).8-30-2021 West View 1953 (1955ed), 1986 (1985ed), 1994 (1997ed), 2010, 2013. 2016. 2019*
<https://ngmdb.usgs.gov/topoview/viewer/#15>

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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