



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): 8-16-2021  
 ORM Number: LRB-2020-01005  
 Associated JDs: LRB-2020-01005 – Stream 1, LRB-2020-01005-Wetland 1, LRB-2020-01005-Wetland 2, LRB-2020-01005-Wetland 3, LRB-2020-01005-Wetland 4, LRB-2020-01005-Wetland 5, LRB-2020-01005-Swales  
 Review Area Location<sup>1</sup>: 7-acre subject parcel located east of Stoney Ridge Road south of Mills Road  
 State/Territory: OH City: North Ridgeville County/Parish/Borough: Lorain County  
 Center Coordinates of Review Area: Latitude 41.415803 Longitude -82.039281

**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)<sup>2</sup>**

§ 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)<sup>3</sup>

(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
LRB-2020-01005 – Stream 1	660 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	LRB-2020-01005 – Stream 1 (intermittent USGS dashed blue line) flows from the south to the north along the eastern edge of the review area. LRB-2020-01005 – Stream 1 flows north then turns towards the east into Slater ditch (intermittent USGS dashed blue line). Slater ditch flows northeast into French Creek (perennial – USGS solid blue line). French Creek flows northeast turns and flow northwest into the Black River. Black River is a tributary to Lake Erie. Navigable from

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

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<sup>5</sup> 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>its mouth to the Norfolk and Western Railroad Bridge, Lorain, Ohio, about 6.0 miles upstream.</p> <p>LRB-2020-01005 – Stream 1 is mapped as a dotted blue-line stream on the USGS 7.5 minute Topographic maps Avon: 1963(ed 1971), 1994, 2013, 2016, 2019; Lorain: 1986. The topography shown is typical of a stream with intermittent flow.</p> <p>APT for the consultant's stream photo dated March 10, 2021, Digital Globe photo March 30, 2021, and EagleView oblique dated March 13, 2021 shows that precipitation was below the 30-year Normal Range and drier than normal for the 90-days average. WebWimp records this area as being in the Wet Season. The PDSI indicates mild drought. All three of these aforementioned resources show water in the channel.</p> <p>A review of leaf-off aerial photograph dated 1/1/2020 shows LRB-2020-01005 - Stream 1 with water in the channel. The APT Condition is drier than normal conditions and falls below the 30-year average. The PDSI Class is mild wetness and WebWimp is within the wet season.</p> <p>Furthermore, review of County GIS aerials 2011 and 2017 (leaf off – flown in spring) shows a define channel with water present.</p> <p>Based on the above information, LRB-2020-01005 - Stream 1 has at least intermittent flow and this stream contributes flow to an (a)(1) water and therefore, meets the definition of an (a)(2) tributary.</p>
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**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
LRB-2020-01005-Wetland 4	0.24 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Atypical wetland delineation completed, as site was disturbed prior to Corps site visit on October 6, 2020. Based on a review of aerials and topographic data and consultant's information identifying the undisturbed portion of the wetland to the north: the wetland was determined to be directly abutting the natural stream bank of LRB-2020-01005 – Stream 1. Base on the review of the aforementioned resources, there are no artificial or natural berms or the like located between the a(2) onsite waters LRB-2020-01005-Wetland 4.

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			Wetland inundation and saturation signatures are present on multiple year aerial photographs and oblique images. .
LRB-2020-01005-Wetland 5	0.001 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Atypical wetland delineation completed as site was disturbed prior to Corps site visit on October 6, 2020. Based on a review of aerials and topographic data and consultant's information portion of the wetland to the north: the wetland was determined to be directly abutting the natural stream bank LRB-2020-01005 – Stream 1. Base on the review of the aforementioned resources, there are no artificial or natural berms or the like located between the a(2) onsite waters LRB-2020-01005-Wetland 5. Wetland inundation and saturation signatures are present on multiple year aerial photographs and oblique images.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
LRB-2020-01005-Swales	0.1 acres	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	An atypical wetland delineation was completed on this portion of the site, as soil disturbance and a retention basin constructed within the review area between 9-30-2019 and 1-1-2020 - prior to the Corps October 6th, 2020 site visit. Based on a review of historic aerials 1952, 1962, 1969, 1970, and 1983 and current oblique images the swales appear to be agricultural furrows (swales). Furthermore, the aerials did not indicate the presence of vegetation within these swales. Review of USGS topographic maps do not indicate streams in these areas. Based on a review of aerials and apt results LRB-2020-01005-Swales do not convey surface water flows between LRB-2020-01005- Wetland 3 and LRB-2020-01005-Stream ((a) 2 water) and a downstream (a)(1) -(a)(3) water in a typical year.
LRB-2020-01005-Wetland 1	0.01 acres	(b)(1) Non-adjacent wetland	Observations indicate that this wetland 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 6th, 2020. 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 wetland. Based on the above it has been determined that these wetlands are b(1) excluded waters

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LRB-2020-01005-Wetland 2	0.01 acres	(b)(1) Non-adjacent wetland	Observations indicate that this wetland 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 6th, 2020. 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
LRB-2020-01005-Wetland 3	0.26 acres	(b)(1) Non-adjacent wetland	Observations indicate that this wetland 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 6th, 2020. Based on a review of aerial photographs a series of farm furrows (LRB-2020-01005-Swales) abutted the wetland; however, LRB-2020-01005-Swales were determined to be an excluded feature. Therefore, 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**

**A. Select/enter all resources** that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: *WETLAND DELINEATION REPORT Millridge Subdivision Phase 4 – July 2020*

Rationale Site was disturbed prior to site visit – Atypical Delineation via historic aerial photograph review completed by wetland consultant.

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: *aerials and oblique images: OSIP (Spring) 2011, 2017; Eagleview 4-11-2006, 4-16-2008, 11-23-2008, 12-01-2011, 12-4-2013, 4-8-2017, 12-01-2017, 4-07-2018, 5-19-2019, 4-11-2020, 11-12-2020, 3-13-2021, Digital Globe: 7-2-2019, 01-01-2020, 3-30-2021, consultant photographs 3-10-2021*

Corps Site visit(s) conducted on: *Date(s) October 6th, 2020*

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- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- X Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- X USDA NRCS Soil Survey: *Title(s) and/or date(s). 1976 map13*  
[https://www.nrcs.usda.gov/Internet/FSE\\_MANUSCRIPTS/ohio/OH093/0/maps/map13.pdf](https://www.nrcs.usda.gov/Internet/FSE_MANUSCRIPTS/ohio/OH093/0/maps/map13.pdf)  
 Accessed – 8-11-2021  
<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm> - accessed 8-11-2021
- X USFWS NWI maps: Stream Identified on NWI  
<https://www.fws.gov/wetlands/arcgis/rest/services/Wetlands/MapServer> accessed 8/11/2021
- X USGS topographic maps: *Oberlin: 1901(1959ed); Avon: 1953,1963(ed 1971\*), 1994 \*, 2013\*, 2016\*, 2019\*; Lorain: 1986\**  
<https://ngmdb.usgs.gov/topoview/viewer/#14/41.4184/-82.0471> – accessed 8/11/2021  
 \*indicates year stream is identified on USGS

**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.
USEPA	NHD Plus- <a href="https://watersgeo.epa.gov/arcgis/rest/services/NHDPlus/NHDPlus/MapServer">https://watersgeo.epa.gov/arcgis/rest/services/NHDPlus/NHDPlus/MapServer</a> accessed 8-11-2021
FEMA	<a href="https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd">https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd</a> accessed 8-12-2021 Firmette 39093C0141D

**B. Typical year assessment(s):** The APT pulls precipitation data from NOAA's Daily Global Historical Climatology Network. The APT evaluates normal precipitation conditions based on the three 30-day periods preceding the observation date. For each period, a weighted condition value is assigned by determining whether the 30-day precipitation total falls within, above, or below the 70th and 30th percentiles for totals from the same date range over the preceding 30 years. The APT then makes a determination of “normal,” “wetter than normal,” or “drier than normal” based on the condition value sum. The APT also displays results generated via the Palmer Drought Severity Index (PDSI) and the University of Delaware WebWIMP Inputs/Data Sources: EagleView: 4-11-2006, 4-16-2008, 11-23-2008, 12-01-2011, 12-4-2013, 4-8-2017, 12-01-2017, 4-07-2018, 5-19-2019, 4-11-2020, 11-12-2020,3-13-2021; Digital Globe: 7-2-2019, 01-01-2020, 3-30-2021, consultant photographs 3-10-2021. Latitude 41.415803 Longitude -82.039281

Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
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4/11/2006	-1.23	Mild drought	Wet Season	8	Drier than Normal
4/16/2008	4.54	Extreme wetness	Wet Season	18	Wetter than Normal
11/23/2008	2.52	Moderate wetness	Wet Season	16	Wetter than Normal
12/1/2011	7.07	Extreme wetness	Wet Season	18	Wetter than Normal
12/4/2013	4.45	Extreme wetness	Wet Season	10	Normal Conditions
4/8/2017	0.26	Normal	Wet Season	16	Wetter than Normal
12/1/2017	1.93	Mild wetness	Wet Season	16	Wetter than Normal
4/7/2018	2.83	Moderate wetness	Wet Season	14	Normal Conditions
5/19/2019	2.91	Moderate wetness	Wet Season	11	Normal Conditions
7/2/2019	3.52	Severe wetness	Dry Season	16	Wetter than Normal
1/1/2020	1.98	Mild wetness	Wet Season	7	Drier than Normal
4/11/2020	1.85	Mild wetness	Wet Season	13	Normal Conditions
11/12/2020	-0.11	Normal	Wet Season	14	Normal Conditions
3/10/2021	-1.24	Mild drought	Wet Season	7	Drier than Normal
3/30/2021	-1.24	Mild drought	Wet Season	6	Drier than Normal
3/13/2021	-1.24	Mild drought	Wet Season	7	Drier than Normal

Conclusion(s) APT for the consultant's stream photo dated March 10, 2021, Digital Globe photo March 30, 2021, and EagleView oblique dated March 13, 2021 shows that precipitation was below the 30-year Normal Range and drier than normal for the 90-days average. WebWimp records this area as being in the Wet Season. The PDSI indicates mild drought. All three of these aforementioned resources show water in the channel.

A review of leaf-off aerial photograph dated 1/1/2020 shows LRB-2020-01005 - Stream with water in the channel. The APT Condition is drier than normal conditions and falls below the 30-year average. The PDSI Class is mild wetness and WebWimp is within the wet season.

Furthermore, review of County GIS aerials 2011 and 2017 (leaf off – flown in spring) shows a defined channel with water present.

Based on the above information, LRB-2020-01005 - Stream has at least intermittent flow and this stream contributes flow to an (a)(1) water and therefore, meets the definition of an (a)(2) tributary.

Review of EagleView images dated 12/4/2013 and 4/8/2017 indicate that the channel portion of LRB-2020-01005-Swales that directly abuts the natural bank of LRB-2020-01005 – Stream, was dry. Based on a review of APT for EagleView oblique dated 4/8/2017 shows that precipitation was above the 30-year Normal Range and wetter than normal for the 90-days average. WebWimp records this

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area as being in the Wet Season. The PDSI indicates normal. The APT for EagleView oblique dated 12/4/2013 shows that precipitation was slightly below the 30-year Normal Range and normal for the 90-days average. WebWimp records this area as being in the Wet Season. The PDSI indicates extreme wetness. Therefore, based on this information LRB-2020-01005-Swales do not convey surface water flows between LRB-2020-01005- Wetland 3 and LRB-2020-01005-Stream ((a) 2 water), and a downstream (a)(1)-(a)(3) water in a typical year.

**C. Additional comments to support AJD: N/A.**

Based on the above information, it is reasonable to conclude that LRB-2020-01005 - Stream has at least intermittent flow and this stream contributes flow to an (a)(1) water and therefore, meets the definition of an (a)(2) tributary.

Based on this information LRB-2020-01005-Swales do not convey surface water flows between LRB-2020-01005- Wetland 3 and LRB-2020-01005-Stream ((a) 2 water), and a downstream (a)(1)-(a)(3) water in a typical year.

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