



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): 20-AUG-2021

ORM Number: LRB-2020-01380

Associated JDs: Pre-JD LRB 2020-01380 20 AUG 2021

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.5804 Longitude -83.8693

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
Pond 1	0.32 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	This feature is artificially created sometime between 1994 and 2003 at the edge of wooded and agricultural area and appears to have been excavated in uplands. During the site visit there was no evidence this feature was constructed in jurisdictional waters. It was surrounded by uplands and there were no observed channels flowing out of this feature. Furthermore, this feature does not appear on the USGS Quads and there is no evidence on the USGS mapping that the pond was excavated in a stream channel. Based on site observations the nearest a(1-3) waters would not flood this feature at least once during a typical year. The nearest evidence of typical year flow (i.e. debris, leaf wracking) is located approximately 70 feet to the west/southwest feet of Stream 1. Based on the above, it has been determined that this feature is an excluded b(8) water.

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: Oak Openings Expansion Site, Swanton, Lucas County, Ohio – October 5, 2020.
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: (*NA, aerial, other, aerial and other*) *Title(s) and/or date(s).*
- Corps Site visit(s) conducted on *24 June 2021*
- Previous Jurisdictional Determinations (AJDs or PJDs): *Pre-JD LRB 2020-01380*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *NRCS Web Soil Survey*
- USFWS NWI maps: *NWI Whitehouse Ohio*
- USGS topographic maps: *Title(s) and/or date(s). Whitehouse Ohio Quad 1911 1:62500,*

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1:24000 - 1935, 1951, 1964, 1980 and 2019.

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):** The pond was artificially created between 1994 and 2003, based upon a review of aerials. The pond is separated from Stream 1 and Wetland B by an earthen berm. There is no evidence on the reviewed aerials or mapping that indicate the pond was constructed within a stream channel or wetland area. The NRCS soil survey reports the pond was constructed in the Ottokee fine sand, 0 to 6 percent slopes (OtB) and the Sisson loam, 6 to 12 percent slopes (SmC) which both have a hydric rating of 5 and flood ratings of “none”.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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