



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): August 26, 2021

ORM Number: LRB-2021-00625

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 41.076384 Longitude -83.626419

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 S1 - Unnamed Tributary to Howard Run	512 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream S1 is an Unnamed Tributary (UNT) to Howard Run is an intermittent stream with a 3.5 feet wide stream bottom. On the adjacent property to the west the stream was relocated to the south between 2012 and 20105 when the t parcel was developed. The tributary was relocated along the north side of Campbell Driver and flows into a storm water pond which drains

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			into Howard Run. At the time of the consultant's site visit on May 19, 2021 the stream containing flowing water. The stream is mapped on the NWI map as being a riverine, intermittent, with wetlands within the stream bed and a seasonally flooded water regime (R4SBC). The feature is also mapped as an intermittent stream on USGS maps from 1960, 1962, 1973, 1980, 2010, 2013, 2016 and 2019 and on the USGS NHD. Based upon the APT, the site visit was conducted during the wet season, when conditions were normal. The observed rainfall at the time of the delineation was reported to be 1.503937 which is below the 30th percentile of 1.515748. Thirty days prior to the site visit conditions were reported to be wetter than normal and sixty days prior it was reported that perception conditions were normal.
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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
Wetland W-2	0.59 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland W-2 abuts and flows directly into Stream S-1, an intermittent (a)(2) water as identified above.
Wetland W-3	0.19 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Wetland W-4 is adjacent to Stream S-1 via a culvert underneath Campbell Drive which was constructed between 2012 and 2015. Stream S-1, an intermittent (a)(2) water as identified above.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland W-1	0.09 acres	(b)(1) Non-adjacent wetland	Wetland 1 is in the southern end of the property.

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			<p>Wetland 1 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 consultant during their March
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			<p>19, 2021 site visit. The nearest potential (a)(1), (2), or (3) water is the UNT to , (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). 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 Del Rey silt loam, 1 to 4 percent slopes, which has a hydric rating of zero and a flooding frequency rating reported to be "none". <p>The nearest (a)(2) water is the UNT to Howard Run (discussed above) which is located approximately 1,300 feet to the north. Wetland 1 is separated from this tributary by wood fence line and an active agricultural 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 1.</p> <ul style="list-style-type: none"> •(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 W-4	7.83 acres	(b)(1) Non-adjacent wetland	<p>Wetland W4 is in the north end of the property.</p> <p>Wetland 4 is not an: (a)(1) Assessment: The wetland is not an</p>

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			<p>(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: •(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 consultant during their March 19, 2021 site visit. The nearest potential (a)(1), (2), or (3) water is the UNT to , (See</p>
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			<p>Section IIIC)</p> <ul style="list-style-type: none"> •(ii) The wetland is not inundated by flooding from 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). 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 Del Rey silt loam, 1 to 4 percent slopes, which has a hydric rating of zero and a flooding frequency rating reported to be "none". <p>The nearest (a)(2) water is the UNT to Howard Run (discussed above) which is located approximately 300 feet to the south. Wetland 2 is separated from this tributary by an upland area and Wetland W2. The consultant reported this wetland was connected to Stream S-1 by sheet flow however this is not a discrete hydrological connection per the 2020 NWPR. 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 W2.</p> <ul style="list-style-type: none"> •(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.
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III. SUPPORTING INFORMATION

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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: *Preliminary Wetland Delineation Report ~110 Acre Site for R+L Carriers, East Bigalow Avenue Findlay, Hancock County, Ohio April 16, 2021*
This information is sufficient for purposes of this AJD.
Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *Google Earth: 1988 APR 16, 2004 JUN 3, 2005 JUN 20, 2006 FEB 28, 2009 JUN 4, 2012 APR 6, 2015 SEP 15 and 2018 JUL 11. Connect Explorer: 2020 NOV 16, 2015 DEC 10, 2018 APR 30 and 2020 NOV 12. Historical Aerials: 1951, 1959, 1972, 1983, 1988, 2004 and 2006*
- Corps Site visit(s) conducted on: *Date(s)*.
- 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: *USDA/NRCS Web Soil Survey 2021 AUG 23*
- USFWS NWI maps: *USFWS Wetland Mapper 2021 AUG 23*
- USGS topographic maps: *1903 and 1939 Findlay 1:62500 and 1960, 1962, 1973, 2010, 2013, 2016 and 2019 Findlay 1:24000*

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 subject parcel’s latitude/longitude was entered into the Antecedent Precipitation Tool (APT) which was used to determine average precipitation, total precipitation over the 90 days preceding the consultants date of delineation and leaf off aerials from Connect Explorer and Connect Explorer to whether the site visits and aerials represent conditions of dry, normal or wet conditions. The APT pulled precipitation data from the Findlay AP and Findlay WPCC weather stations.

The APT determined the consultant’s delineation on 2021 MAR 19 was under normal conditions during the wet season under a moderate drought. The observed rain fall was reported to be at 1.503937 inches which is below the 30th percentile of 1.515748 inches. Thirty days prior to the visit the APT indicates conditions were wet with rainfall reported to be 2.49606 inches which exceeds the 70th

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percentile of 2.34685 inches. Sixty days prior conditions were normal with precipitation being between the 30th and 70th percentiles.

Aerials taken on 2020 NOV 12 reportedly represent wet conditions during the wet season with rainfall above the 70th percentile and under a mild drought. Aerials dated 2018 JUL 11, 2018 APR 22, 2015 SEP 15, 2012 NOV 16 2012 APR 6 represent normal precipitation conditions. Aerials from 2015 DEC 10 and 2005 JUN 20 represent drier than normal precipitation conditions and the aerial from 2008 FEB 28 depicts wetter than normal precipitation under extreme wet conditions.

A man-made drainage ditch was noted immediately north of the project boundary, outside the project area along the south side of county Road 212.

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.076384	-83.626419	3/19/2021	-2.42	Moderate drought	Wet Season	11	Normal Conditions
41.076384	-83.626419	11/12/2020	-1.5	Mild drought	Wet Season	14	Normal Conditions
41.076384	-83.626419	7/11/2018	1.75	Mild wetness	Dry Season	11	Normal Conditions
41.076384	-83.626419	4/22/2018	2.51	Moderate wetness	Wet Season	13	Normal Conditions
41.076384	-83.626419	12/10/2015	0.34	Normal	Wet Season	8	Drier than Normal
41.076384	-83.626419	9/15/2015	-0.36	Normal	Dry Season	11	Normal Conditions
41.076384	-83.626419	11/16/2012	0.31	Normal	Wet Season	14	Normal Conditions
41.076384	-83.626419	4/6/2012	-1.44	Mild drought	Wet Season	10	Normal Conditions
41.076384	-83.626419	6/4/2009	-0.32	Normal	Dry Season	13	Normal Conditions
41.076384	-83.626419	2/28/2008	4.85	Extreme wetness	Wet Season	16	Wetter than Normal
41.076384	-83.626419	6/20/2005	-2.3	Moderate	Dry Season	9	Drier than

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				drought			Normal
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- C. Additional comments to support AJD:** Based upon the consultant's delineation report and a review of in-office resources there is no indication that Wetlands W-1 and W-4 have a direct hydrological connect to Stream S-1 a UNT to Howard Run and therefore are considered excluded waters under the 2020 Navigable Waters Protection Rule.

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