



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): 1 SEPT 2021

ORM Number: LRB-2021-00836

Associated JDs: N/A

Review Area Location¹:

State/Territory: OH City: Northfield County/Parish/Borough: Cuyahoga and Summit Counties

Center Coordinates of Review Area: Latitude 41.26955 Longitude -81.55565

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 1 - Wallace-McCreery	234 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 1 is identified as an intermittent tributary on the USGS Topo Maps from 1903, 1963 1994 and 2019. Water is present in the channel in aerial photographs under leaf off conditions in aerials from 2020, 2019, 2018, 2016 and 2014. Based upon submitted photographs Stream 1 contain flowing water during the consultants site visit on March 11, 2021. Stream 1 flows

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			to the east approximately 0.60 miles and combines with the Cuyahoga River an (a)(1) 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. Stream 1 flow southeast offsite and through a culvert under Riverview Road and into another Unnamed Tributary to the Cuyahoga River, into the Cuyahoga River.
Stream 2 - DeCrane	314 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 2 is identified as an intermittent tributary on the USGS Topo Maps from 1903, 1963 1994 and 2019 and reported to be a riverine, intermittent water with vegetated stream bottom and a seasonally flooded water regime (R4SBC). Based upon submitted photographs Stream 2 contain flowing water during the consultants site visit on March 11, 2021. In addition, water is present in the channel in aerial photographs under leaf off conditions in aerials from 2019, 2016 and 2014. Stream 2 flows to the west approximately 0.20 miles and combines with the Cuyahoga River an (a)(1) 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.

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 1 - Wallace-McCreery	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 Wallace McCreery abuts and flows directly into Stream1, an intermittent (a)(2) water as identified above.
Wetland 2 - DeCrane	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 2 DeCrane abuts and flows directly into Stream 2, an intermittent (a)(2) water as identified above.
Wetland 3 - Clayton-Stanford	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 3 Clayton-Stanford extends off site before abutting Stanford Run which is reported to be an (a)(2) water. According to

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			the NWI map Stanford Run is reported to be a riverine, intermittent water with vegetated stream bottom and a seasonally flooded water regime (R4SBC). Stanford Run extends approximately 1.2 miles from Wetland 3 to the and combines with the Cuyahoga River an (a)(1) 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.
Wetland 4 - Grether	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 4-Grether extends offsite to the northwest and abuts the Cuyahoga River an (a)(1) 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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 3 - Clayton-Stanford	22 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 3 is an ephemeral tributary that extends south to Wetland 3 – Clayton Stanford. The feature is reported to have a defined OHWM and at the time of the consultants site visit the stream channel contained areas of standing water and contained leaves from the previous year. This tributary does not drain any other waters of the United States. Stream 3 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.
Upland - Priest	1.36 acres	Dryland	Upland – Priest site did not contain any waters of the US and consists of predominately upland vegetation and non-hydric soils.
Upland – Szczudlo	0.47 acre	Dryland	Upland – Szczudlo site did not contain any waters of the US and consists of predominately upland vegetation and non-hydric soils.
Upland	0.64-acre	Dryland	Upland – Mackey-Nolan site did not contain

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Mackey-Nolan			any waters of the US and consists of predominately upland vegetation and non-hydric soils.
Upland Jones	1.08 acres	Dryland	Upland – Jones site did not contain any waters of the US and consists of predominately upland vegetation and non-hydric soils.
Upland Pittenger	5.81 acres	Dryland	Upland – Pittenger site did not contain any waters of the US and consists of predominately upland vegetation and non-hydric soils.
Upland – Gillette	0.81 acre	Dryland	Upland – Gillette site did not contain any waters of the US and consists of predominately upland vegetation and non-hydric soils.
Upland-Muranyi	0.72 acre	Dryland	Upland – Muranyi site did not contain any waters of the US and consists of predominately upland vegetation and non-hydric soils.

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: *National Park Service – Midwest Region Cuyahoga Valley National Park, Multiple Sites, CUVA 237096 Demolish Vacant Excess Structures – May 2021*

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 – 2019 MAR 11, 2012 Apr 6, 2006 Feb 28, 2000 OCT 11, 1994 APR 20. Connect Explorer – 2020 NOV 19,12, 2019 DEC 23, 2019 APR 29, 26, 2018 NOV 23, 4, 2017 APR 17, 14,AND 6, 2016 MAR 26, 22, 2015 APR 25 AND 2014 DEC 12

____ 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 Web Soil Survey 27 AUG 2021*

USFWS NWI maps: *Wetland Mapper 27 AUG 2021*

USGS topographic maps: *1903 Cleveland and Akron 1:62500 and 1963, 1994 and 2019 Northfield and Peninsula 1 to 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.

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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 Stations: Cleveland, Cuyahoga Falls, Akron Fulton INTL AP, Akron

Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
Wallace-McCreery							
41.343492	-81.603957	3/11/2021	-1.76	Mild drought	Wet Season	7	Drier than Normal
41.343492	-81.603957	11/19/2020	1.98	Mild wetness	Wet Season	16	Wetter than Normal
41.343492	-81.603957	12/23/2019	2.37	Moderate wetness	Wet Season	8	Drier than Normal
41.343492	-81.603957	4/26/2019	2.73	Moderate wetness	Wet Season	13	Normal Conditions
41.343492	-81.603957	11/23/2018	3.13	Severe wetness	Wet Season	15	Wetter than Normal
41.343492	-81.603957	4/14/2017	1.06	Mild wetness	Wet Season	13	Normal Conditions
41.343492	-81.603957	3/22/2016	-1.01	Mild drought	Wet Season	14	Normal Conditions
41.343492	-81.603957	4/25/2015	1.81	Mild wetness	Wet Season	7	Drier than Normal
41.343492	-81.603957	12/12/2014	3.47	Severe wetness	Wet Season	11	Normal Conditions

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41.343492	-81.603957	3/11/2021	-1.76	Mild drought	Wet Season	7	Drier than Normal
Decrane							
41.288976	-81.560874	3/11/2021	-1.76	Mild drought	Wet Season	7	Drier than Normal
41.288976	-81.560874	11/12/2020	1.98	Mild wetness	Wet Season	14	Normal Conditions
41.288976	-81.560874	12/23/2019	2.37	Moderate wetness	Wet Season	8	Drier than Normal
41.288976	-81.560874	4/29/2019	2.73	Moderate wetness	Wet Season	12	Normal Conditions
41.288976	-81.560874	11/4/2018	3.13	Severe wetness	Wet Season	15	Wetter than Normal
41.288976	-81.560874	4/14/2017	1.06	Mild wetness	Wet Season	13	Normal Conditions
41.288976	-81.560874	3/22/2016	-1.01	Mild drought	Wet Season	14	Normal Conditions
41.288976	-81.560874	4/25/2015	1.81	Mild wetness	Wet Season	7	Drier than Normal
41.288976	-81.560874	12/12/2014	3.47	Severe wetness	Wet Season	11	Normal Conditions
Clayton-Stanford							
41.269463	-81.55532	3/11/2021	-1.76	Mild drought	Wet Season	7	Drier than Normal
41.269463	-81.55532	11/12/2020	1.98	Mild wetness	Wet Season	14	Normal Conditions
41.269463	-81.55532	12/23/2019	2.37	Moderate wetness	Wet Season	8	Drier than Normal
41.269463	-81.55532	4/29/2019	2.73	Moderate wetness	Wet Season	12	Normal Conditions
41.269463	-81.55532	11/4/2018	3.13	Severe wetness	Wet Season	15	Wetter than Normal
41.269463	-81.55532	4/17/2017	1.06	Mild wetness	Wet Season	13	Normal Conditions
41.269463	-81.55532	4/6/2017	1.06	Mild wetness	Wet Season	18	Wetter than Normal

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41.269463	-81.55532	4/25/2015	1.81	Mild wetness	Wet Season	7	Drier than Normal
41.269463	-81.55532	12/12/2014	3.47	Severe wetness	Wet Season	11	Normal Conditions
Grether							
Latitude	Longitude	Date	PDSI Value	PDSI Class	Season	ARC Score	Antecedent Precip Condition
41.17219	-81.571557	3/11/2021	-1.76	Mild drought	Wet Season	6	Drier than Normal
41.17219	-81.571557	4/29/2019	2.73	Moderate wetness	Wet Season	12	Normal Conditions
41.17219	-81.571557	4/6/2017	1.06	Mild wetness	Wet Season	18	Wetter than Normal
41.17219	-81.571557	4/25/2015	1.81	Mild wetness	Wet Season	7	Drier than Normal

- C. Additional comments to support AJD:** The consultant's delineation from March 11, 2021 was reportedly conducted in the wet season under drier than normal conditions. Stream 1 at the Wallace-McCreery property and Stream 2 at the DeCrane property contained flowing water and were determined to be intermittent. This is consistent with the reviewed aerials as the majority of the aerials reviewed indicate flowing water during the wet season and other aerials during the wet season indicate the lack of flowing waters. Stream 3 on the Clayton property was determined to be ephemeral with the majority of the reviewed aerials during the wet season indicate the stream did not contain flowing water.

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