

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): January 30, 2014**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER:** Huntington District; The Timken Company; LRH-2013-00839-TUS

**Stream 1 (seasonally intermittent RPW) and abutting Wetland 1 and 2**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Ohio County/parish/borough: Stark City: Canton  
Center coordinates of site (lat/long in degree decimal format): Lat. 40.76564°N, Long. 81.44004°W.  
Universal Transverse Mercator:

Name of nearest waterbody: Nimishillen Creek

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Tuscarawas River

Name of watershed or Hydrologic Unit Code (HUC): 05040001

☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

☒ Office (Desk) Determination. Date: 19 December 2013

☒ Field Determination. Date(s): 20 November 2013

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.  
Explain: .

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

**1. Waters of the U.S.**

**a. Indicate presence of waters of U.S. in review area (check all that apply):<sup>1</sup>**

- ☐ TNWs, including territorial seas
- ☐ Wetlands adjacent to TNWs
- ☒ Relatively permanent waters<sup>2</sup> (RPWs) that flow directly or indirectly into TNWs
- ☐ Non-RPWs that flow directly or indirectly into TNWs
- ☒ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- ☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- ☐ Impoundments of jurisdictional waters
- ☐ Isolated (interstate or intrastate) waters, including isolated wetlands

**b. Identify (estimate) size of waters of the U.S. in the review area:**

Non-wetland waters: 125 linear feet: 8 width (ft) and/or 0.23 acres.

Wetlands: 0.07 acres.

**c. Limits (boundaries) of jurisdiction based on: 1987 Wetland Delineation Manual**

Elevation of established OHWM (if known): .

**2. Non-regulated waters/wetlands (check if applicable):<sup>3</sup>**

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.  
Explain: .

**SECTION III: CWA ANALYSIS**

<sup>1</sup> Boxes checked below shall be supported by completing the appropriate sections in Section III below.

<sup>2</sup> For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

<sup>3</sup> Supporting documentation is presented in Section III.F.

## A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

### 1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

### 2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: .

## B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody<sup>4</sup> is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

### 1. Characteristics of non-TNWs that flow directly or indirectly into TNW

#### (i) General Area Conditions:

Watershed size: 2580 square miles

Drainage area: 0.14 square miles

Average annual rainfall: 39.1 inches

Average annual snowfall: 34.61 inches

#### (ii) Physical Characteristics:

##### (a) Relationship with TNW:

☐ Tributary flows directly into TNW.

☒ Tributary flows through 4 tributaries before entering TNW.

Project waters are 25-30 river miles from TNW.

Project waters are 1 (or less) river miles from RPW.

Project waters are 20-25 aerial (straight) miles from TNW.

Project waters are 1 (or less) aerial (straight) miles from RPW.

Project waters cross or serve as state boundaries. Explain: .

Identify flow route to TNW<sup>5</sup>: Stream 1 flows into Hurford Run. Hurford Run discharges into Nimishillen Creek and then the Tuscarawas River (TNW).

Tributary stream order, if known:

<sup>4</sup> Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

<sup>5</sup> Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.



(b) General Tributary Characteristics (check all that apply):

Tributary is: ☒ Natural  
☐ Artificial (man-made). Explain: .  
☒ Manipulated (man-altered). Explain: Stream 1 is a natural stream channel that has been dredged,

culverted, and manipulated over the years. Between 1970 and 1980, the review area was utilized as a recreational park that included several baseball fields. It is likely that the stream was manipulated to allow for the construction of the ball fields, and it was maintained through periodic dredging to improve drainage on-site.

Tributary properties with respect to top of bank (estimate):

Average width: 8 feet

Average depth: 4 feet

Average side slopes: vertical (1:1 or less).

Primary tributary substrate composition (check all that apply):

☒ Silts ☒ Sands ☐ Concrete  
☐ Cobbles ☐ Gravel ☐ Muck  
☐ Bedrock ☒ Vegetation. Type/% cover: Within portions of the tributary, cattail and reed canary

grass has developed resultant from the low stream gradient. The vegetation occupies roughly 50% of the channel, but allows for a course to flow through.

☐ Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: The stream is relatively stable. Although dredged in the past, no work has taken place on-site for many years. The stream has low gradient, so there is no undercutting or evidence of erosion. The vegetation in the channel helps to reduce erosive forces as well.

Presence of run/riffle/pool complexes. Explain: none.

Tributary geometry: relatively straight

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: seasonal flow

Estimate average number of flow events in review area/year: 2-5

Describe flow regime: The stream has a small watershed that has been affected by the surrounding development, but it receives input from the surrounding uplands as well as ground water sources. Representatives from Timken indicated that the channel contains water throughout most of the year. Due to the low gradient of the stream, vegetation has developed in portions of the channel. As a result of ground water contributions, the stream is expected to flow intermittently on a seasonal basis. Flow events are expected to occur at fewer frequencies but for longer durations. Thus, the stream is expected to flow continually throughout the spring and fall. During the summer, the stream may dry short periods but water is expected to remain in small pockets of the channel.

Other information on duration and volume: .

Surface flow is: confined. Characteristics: The stream flows seasonally and is confined to the banks of the channel.

Subsurface flow: unknown. Explain findings: .

☐ Dye (or other) test performed: .

Tributary has (check all that apply):

☒ Bed and banks

☒ OHWM<sup>6</sup> (check all indicators that apply):

<input checked="" type="checkbox"/> clear, natural line impressed on the bank	<input type="checkbox"/> the presence of litter and debris
<input type="checkbox"/> changes in the character of soil	<input checked="" type="checkbox"/> destruction of terrestrial vegetation
<input type="checkbox"/> shelving	<input type="checkbox"/> the presence of wrack line
<input type="checkbox"/> vegetation matted down, bent, or absent	<input type="checkbox"/> sediment sorting
<input type="checkbox"/> leaf litter disturbed or washed away	<input type="checkbox"/> scour
<input type="checkbox"/> sediment deposition	<input type="checkbox"/> multiple observed or predicted flow events
<input type="checkbox"/> water staining	<input checked="" type="checkbox"/> abrupt change in plant community
<input type="checkbox"/> other (list):	

☐ Discontinuous OHWM.<sup>7</sup> Explain: .

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

<input type="checkbox"/> High Tide Line indicated by:	<input type="checkbox"/> Mean High Water Mark indicated by:
<input type="checkbox"/> oil or scum line along shore objects	<input type="checkbox"/> survey to available datum;

<sup>6</sup>A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

<sup>7</sup>Ibid.

- |  |  |
|--|--|
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings;                            |
| <input type="checkbox"/> physical markings/characteristics         | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges                              |  |
| <input type="checkbox"/> other (list):                             |  |

**(iii) Chemical Characteristics:**

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water color is clear and lacked any oily film. The stream receives groundwater input, which has likely removed many potential pollutants through.

Identify specific pollutants, if known: .

**(iv) Biological Characteristics. Channel supports (check all that apply):**

☒ Riparian corridor. Characteristics (type, average width): Stream 1 supports two small wetlands within the channel. The stream is located within a scrub-shrub and forested area. The remainder of the site has been manipulated, so the small riparian corridor provides some diversity of habitat.

☐ Wetland fringe. Characteristics:

☒ Habitat for:

☐ Federally Listed species. Explain findings:

☐ Fish/spawn areas. Explain findings: .

☐ Other environmentally-sensitive species. Explain findings: .

☒ Aquatic/wildlife diversity. Explain findings: The riparian corridor provides forested upland and wetland habitat along Stream 1, which extends off-site. The riparian area provides a diversity of habitat that may be used by various species.

**2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

**(i) Physical Characteristics:**

**(a) General Wetland Characteristics:**

Properties:

Wetland size: 0.07 acres

Wetland type. Explain: palustrine scrub-shrub.

Wetland quality. Explain: Wetland 1 (0.04acre) is a linear wetland that contains scrub-shrub vegetation while Wetland 2 (0.03 acre) contains emergent, scrub-shrub, and forested vegetation. The wetlands form within the Stream 1 channel as a result of the low stream gradient. Ohio Rapid Assessment Method forms were completed for the wetlands. Wetland 1 scored 25 while Wetland 2 scored 28, indicating that both wetlands are considered Category 1 features of limited quality.

Project wetlands cross or serve as state boundaries. Explain: .

**(b) General Flow Relationship with Non-TNW:**

Flow is: intermittent flow. Explain: Stream 1 has a relatively small watershed, but receives input from groundwater. The applicant and consultant have indicated that the channel maintains water throughout most of the year. Indicative of this, is the development of obligate vegetation within the channel.

Surface flow is: **confined and discrete**

Characteristics: .

Subsurface flow: unknown. Explain findings: .

☐ Dye (or other) test performed: .

**(c) Wetland Adjacency Determination with Non-TNW:**

☒ Directly abutting

☐ Not directly abutting

☐ Discrete wetland hydrologic connection. Explain:

☐ Ecological connection. Explain: .

☐ Separated by berm/barrier. Explain: .

**(d) Proximity (Relationship) to TNW**

Project wetlands are 30 (or more) river miles from TNW.

Project waters are 25-30 aerial (straight) miles from TNW.

Flow is from: wetland to navigable water.

Estimate approximate location of wetland as within the 500 year or greater floodplain of the TNW.

**(ii) Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: The wetlands appear to be clean. The water that was observed was clear and did not appear to be contaminated by any chemicals.

Identify specific pollutants, if known: .

**(iii) Biological Characteristics. Wetland supports (check all that apply):**

☒ Riparian buffer. Characteristics (type, average width): The wetlands are part of a scrub-shrub and forested riparian corridor that surround Stream 1. The riparian buffer is approximately 25 feet and includes upland forested habitat.

☒ Vegetation type/percent cover. Explain: Wetland 1 and Wetland 2 contain emergent and scrub-shrub vegetation. The wetlands are surrounded by scrub-shrub and forested upland habitat.

☒ Habitat for:

☐ Federally Listed species. Explain findings:

☐ Fish/spawn areas. Explain findings:

☐ Other environmentally-sensitive species. Explain findings:

☒ Aquatic/wildlife diversity. Explain findings: Stream 1, Wetland 1, and Wetland 2 are surrounded by scrub-shrub and forested habitat. This riparian forested area provides modest habitat for wildlife species on-site.

**3. Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: **2**

Approximately (0.834) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
Wetland 1	Y	0.04
Wetland 2	Y	0.03

Summarize overall biological, chemical and physical functions being performed: The wetlands provide habitat diversity, as discussed above. The wetlands serve to remove chemicals and nutrients as well as sediments from Stream 1 before they enter the TNW. The wetlands also retain stormwater and slowly release it so that flooding downstream is reduced and flow is maintained for longer durations.

**C. SIGNIFICANT NEXUS DETERMINATION**

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

**Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:**

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: .
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: .
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):**



1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

- ☐ TNWs: linear feet width (ft), Or, acres.  
☐ Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

- ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: .  
☒ Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: Stream 1 has a small watershed but receives input from both surface water and ground water sources. According to the applicant and the agent, water is present within the Stream 1 channel throughout most of the year. This is assertion is supported by the presence of obligate vegetation within the stream channel. The vegetation has developed as a result of the constant presence of water as well as the low stream gradient. Although the stream may dry for short durations throughout the summer months, the stream is expected to flow seasonally.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☒ Tributary waters: 125 linear feet 8width (ft).  
☐ Other non-wetland waters: acres.  
Identify type(s) of waters: .

3. **Non-RPWs<sup>8</sup> that flow directly or indirectly into TNWs.**

- ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters: linear feet width (ft).  
☐ Other non-wetland waters: acres.  
Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☒ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.  
☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:  
☒ Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Wetland 1 and Wetland 2 form within the stream channel. The wetlands are located below the flood stage flow of the stream. A small low flow channel meanders through the wetlands, but following storm events, the water incorporates and floods into the wetlands. Thus, Wetland 1 and Wetland 2 are abutting.

Provide acreage estimates for jurisdictional wetlands in the review area: 0.07 acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. **Impoundments of jurisdictional waters.<sup>9</sup>**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- ☐ Demonstrate that impoundment was created from “waters of the U.S.,” or

<sup>8</sup>See Footnote # 3.

<sup>9</sup>To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.



- ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or  
☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

**E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):<sup>10</sup>**

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.  
☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  
☐ which are or could be used for industrial purposes by industries in interstate commerce.  
☐ Interstate isolated waters. Explain: \_\_\_\_\_  
☐ Other factors. Explain: \_\_\_\_\_

**Identify water body and summarize rationale supporting determination:** \_\_\_\_\_

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).  
☐ Other non-wetland waters: \_\_\_\_\_ acres.  
 Identify type(s) of waters: \_\_\_\_\_  
☐ Wetlands: \_\_\_\_\_ acres.

**F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):**

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.  
☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.  
☐ Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).  
☐ Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: \_\_\_\_\_  
☐ Other: (explain, if not covered above): \_\_\_\_\_

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).  
☐ Lakes/ponds: \_\_\_\_\_ acres.  
☐ Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_  
☐ Wetlands: \_\_\_\_\_ acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- ☐ Non-wetland waters (i.e., rivers, streams): \_\_\_\_\_ linear feet \_\_\_\_\_ width (ft).  
☐ Lakes/ponds: \_\_\_\_\_ acres.  
☐ Other non-wetland waters: \_\_\_\_\_ acres. List type of aquatic resource: \_\_\_\_\_  
☐ Wetlands: \_\_\_\_\_ acres.

**SECTION IV: DATA SOURCES.**

**A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):**

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: “Wetland Delineation Report, Proposed Storage and Shipping Building, The Timken Company, Canton, Ohio,” dated September 2013, and submitted by Sanborn Head & Associates, Incorporated.  
☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.  
☒ Office concurs with data sheets/delineation report.  
☐ Office does not concur with data sheets/delineation report.  
☐ Data sheets prepared by the Corps: \_\_\_\_\_  
☐ Corps navigable waters’ study: \_\_\_\_\_  
☒ U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_

<sup>10</sup> Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following *Rapanos*.

- ☐ USGS NHD data.
- ☒ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: Canton West.
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Stark County Soil Survey.
- ☒ National wetlands inventory map(s). Cite name: Canton West.
- ☐ State/Local wetland inventory map(s): .
- ☐ FEMA/FIRM maps: .
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): Aerial photographs provided in the "Wetland Delineation Report, Proposed Storage and Shipping Building, The Timken Company, Canton, Ohio," dated September 2013, and submitted by Sanborn Head & Associates, Incorporated.
- or ☒ Other (Name & Date): photos provided in the "Wetland Delineation Report, Proposed Storage and Shipping Building, The Timken Company, Canton, Ohio," dated September 2013, and submitted by Sanborn Head & Associates, Incorporated.
- ☐ Previous determination(s). File no. and date of response letter: .
- ☐ Applicable/supporting case law: .
- ☐ Applicable/supporting scientific literature: .
- ☒ Other information (please specify):

Mack, John J. 2001 Ohio Rapid Assessment Method for Wetlands, Manual for Using Version 5.0  
Ohio EPA Technical Bulletin Wetland/2001-1-1. Ohio Environmental Protection Agency, Division of Surface Water, 401 Wetland Ecology Unit, Columbus, Ohio.

USGS StreamStats website: <http://streamstatsags.cr.usgs.gov>

**B. ADDITIONAL COMMENTS TO SUPPORT JD:** .