

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:
 FILE NUMBER:

Huntington
200400156
Courts-Brown

REGULATORY PROJECT MANAGER:

Date: 2/20/04

PROJECT REVIEW/DETERMINATION COMPLETED:

In the office (Y/N)
 At the project site (Y/N)

Date: 2/11/04

PROJECT LOCATION INFORMATION:

State:
 County:
 Center coordinates of site by latitude & longitudinal coordinates:
 Approximate size of site/property (including uplands & in acres):
 Name of waterway or watershed:

Ohio
Stark - Jackson Twnshp
4.8 acres
UN TRKS Cable Lake

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream								200	
Dry Wash									
Mudflat									
Sandflat									
Wetlands		✓							
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			✓		
Is or would be used as habitat by other migratory birds that cross state lines?			✓		
Is or would be used as habitat for endangered species?		✓			
Is used to irrigate crops sold in interstate commerce?		✓			

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary Or Approved

OPTIONAL ADDITIONAL INFORMATION SUPPORTING NJD (e.g., discussion may include information reviewed to assess potential navigation or interstate commerce connections - 1 to 3 paragraphs):

SUBJECT: Estates of Glenmoor Wetland/Stream Verification

1. On December 18, 2003 we received a Wetland/Stream Delineation Report from HzW Environmental Consulting Inc., on behalf of Glenmoor Properties Limited Partnerships Inc., for the Estates at Glenmoor site in Jackson Township, Stark County, Ohio. The report indicated one wetland measuring 1.30 acres and two ephemeral stream channels on-site. HzW indicated that the wetland is isolated due to a lack of a connection to a surface tributary system and that the streams flow into a pond located to the east of the site and that the pond has no outlet.

2. The site is 4.8 acres in size, is extremely flat, and is currently undeveloped. The majority of the site consists of woody and shrubby habitat. The wetland is situated centrally at the site and extends off-site to the east. Two small ephemeral stream channels, which have very little channel development, flow east/west and north/south through the site and outlet into a pond located immediately east of the property boundary. The pond does not appear to have an outlet to a surface tributary system. As indicated above, HzW suggested the wetland and streams were isolated based on their lack of a hydrologic connection to a surface tributary system and navigable water of the United States.

3. In order to confirm the isolated nature of the wetland and streams, the information in the report as well as in-house resources were reviewed. The Stark County Soil Survey, which was published in 1971, was consulted. Soils within the project boundary consist of Chagrin silt loam, a hydric soil and Weinbach silt loam, a non-hydric soil with hydric components. The survey shows the area as forested with no drainageways, springs, marsh symbols, wetspots, or any other indication of a connection to a surface tributary system. The survey does not indicate the presence of the two ephemeral streams mentioned above. The survey does show the pond located east of the site with a drainageway flowing from the south into the pond. However, there is no flow out of the pond. The drainageway located south of the pond appears to begin in the middle of an agricultural field. The surrounding areas were also reviewed the closest waterbody (Lake Cable) is located approximately 1.5 miles northeast of the site. There are no observable hydrologic connections via a surface tributary system between the wetlands and streams within the project area and the lake. Further, a review of the Canton West USGS Quadrangle (circa 1978) does not show any streams or drainageways at the site or in the immediate vicinity of the site. Based on this information and on the report, I concur with HzW that the wetland and streams at the site are isolated and are not jurisdictional waters of the United States.

7. While it has been determined the wetland and streams been correctly delineated, none of the waters at the site are jurisdictional. The applicant will be informed of our finding and directed to contact OEPA regarding isolated waters of the state permitting requirements.

Kimberly Courts-Brown
Regulatory Project Manager
North Regulatory Section