



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): 4/29/2021
ORM Number: LRH-2021-186-TUS-UNT to Mud Run
Associated JDs: N/A
Review Area Location¹: State/Territory: OH City: Akron County: Summit
Center Coordinates of Review Area: 41.0612°N, 81.5856°W

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
Wetland A	1.2 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A directly abuts an unnamed tributary to Mud Run, an (a)(2) water, at 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 or 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.



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			<p>location outside of the review area. Mud Run is a direct tributary to the Tuscarawas River, an (a)(1) water.</p> <p>Wetland A meets the definition of an adjacent wetland [33 CFR 328.3(c)(1)(i)-(iv)], is considered a water of the United States per 33 CFR 328.3(a)(4), and is subject to regulation under Section 404.</p>
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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Excluded waters ((b)(1) – (b)(12)) ⁴ :			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A.	N/A

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: [Wetland and Other Surface Waters Delineation Report, Wintergreen Ledges Apartments, Akron, Summit County, Ohio dated February 2021 \(Report, Feb 2021\)](#)
This information *is* sufficient for purposes of this AJD.
Rationale: [The information provided by or on behalf of the applicant accurately reflects the district's conclusions on the AJD.](#)
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: [Figure 1 – Aerial Map \(Report, Feb 2021\); and Appendix D – Photograph Log Key Map and Photograph Log \(Report, Feb 2021\)](#)
- 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: [Figure 5 – Soil Survey \(Report, Feb 2021\)](#)
- USFWS NWI maps: [Figure 3 – National Wetland Inventory Map \(Report, Feb 2021\)](#)
- USGS topographic maps: [Figure 2 – USGS Topographic Map \(Report, Feb 2021\)](#)

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	Corps Regulatory GIS Viewers
State/Local/Tribal Sources	Figure 4 – Ohio Wetland Inventory Map (Report, Feb 2021)

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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Other Sources	Figure 6 – Flood Insurance Rate Map (Report, Feb 2021)
Other Sources	Appendix A – Wetland Determination Forms (Report, Feb 2021); Appendix B – ORAM Scoring Sheets (Report, Feb 2021)

B. Typical year assessment(s): A typical year occurs over a rolling thirty-year period and includes the analysis of precipitation and other climatic variables to establish a normal period range (seasonally or annually) for a specific geographic region where the aquatic resource occurs. Two (2) point-in-time data sources dated 13 July 2020 and 8 April 2021, each with a corresponding antecedent precipitation tool (APT) report, are included in the evaluation for the features listed in Section II D, as applicable. According to the APT report for 13 July 2020, drier than normal conditions with an antecedent condition calculation of 8 were observed during the WebWIMP dry season with a Palmer Drought Severity Index Value of mild wetness. The 30-day rolling total for precipitation was below the 30-year normal range. According to the APT report for 8 April 2021, drier than normal conditions with an antecedent condition calculation of 6 was observed during the WebWIMP wet season with a Palmer Drought Severity Index value of mild drought. The 30-day rolling total for precipitation was below the 30-year normal range.

Based on the submitted information, Wetland A directly abuts an intermittent unnamed tributary to Mud Run, an (a)(2) water, outside of the project site. Mud Run contributes perennial flow downstream directly to the Tuscarawas River, an (a)(1) water, in a typical year. Therefore, Wetland A meets the definition of an adjacent wetland and is an (a)(4) water. Wetland A is a jurisdictional water of the United States per 33 CFR 328.3(a)(4).

C. Additional comments to support AJD: According to the National Flood Hazard FEMA map, the site is not located within the 100-year floodplain.

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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.