



**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): 4/9/2021

ORM Number: LRH-2020-00216-TUS-Summit Lake

Associated JDs: N/A

Review Area Location¹: State/Territory: Ohio City: Akron County/Parish/Borough: Summit

Center Coordinates of Review Area: Latitude 41.0501 Longitude -81.5455

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.	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.	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.	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
Summit Lake	9	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or	Summit Lake contributes surface water flow to a water identified in 33 CFR 328.3 (a)(1) in a typical year either directly or through one or more waters identified 33 CFR 328.3 (a)(2), (3), or (4), and is a water of the United States per 33 CFR 328.3(a)(3).

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 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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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
		indirectly to an (a)(1) water in a typical year.	

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	0.27 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland A is an (a)(4) water that directly abuts Summit Lake, an (a)(3) water.
Wetland B	3.56 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B is an (a)(4) water that directly abuts Summit Lake, an (a)(3) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ditch	95 linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	The Ditch is not a water in 33 CFR 328.3(a)(1) or (2) and is not considered a water of the United States per 33 CFR 328.3(b)(5).

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, Summit Lake Trail, City of Akron, Summit County, Ohio dated October 2020](#)

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: [Aerial and Other: Photograph Log \(Summit Lake Trail, October 2020\), HistoricalAerials.com \(2017, 2015, 2013, 2011, 2010, 2009, 2006, 2004, 2003, 2002, 2001, 1994, 1982, 1966, 1957,1952\).](#)

Corps site visit(s) conducted on: [N/A](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

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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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Figure 5- USDA Web Soil Survey Map (NRCS Soil Survey Map) (Summit Lake Trail, October 2020)
- USFWS NWI maps: Figure 3- National Wetlands Inventory (NWI) Map (Summit Lake Trail, October 2020)
- USGS topographic maps: Figure 2- USGS Topographic Map (Summit Lake Trail, October 2020)

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	Field Data Sheets (USACE Wetland Determination Data Forms and ORAM Functional Assessment Forms) in referenced report.

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. One (1) point-in-time data source, 30 August 2020 (Dry Season), with a corresponding antecedent precipitation tool (APT) report, were included in the evaluation for the features on-site, as applicable. The APT was utilized to determine typical year for point-in-time data sources. Wetland adjacency was assessed on 30 August 2020. Based on the APT, 30 August 2020 is included during the WebWIMP dry season and has a Palmer Drought Severity Index of drier than normal. The 30-day rolling total for precipitation was lower than the 30-year normal range. Therefore, site conditions are drier than the typical year conditions. Even during dry conditions, Wetland A and Wetland B abutted Summit Lake, an (a)(3) water, and are most likely inundated by flooding within a typical year. Therefore, Wetland A and Wetland B are (a)(4) waters. A hydrological connection is likely to remain in normal conditions because of the topographic positioning of the wetlands. Additionally, although the site was experiencing dry conditions, Summit Lake provided perennial flow to a downstream (a)(1) water. Therefore Summit Lake is an (a)(3) water.

C. Additional comments to support AJD: The Ditch is not a water in 33 CFR 328.3(a)(1) or (2) and is not considered a water of the United States per 33 CFR 328.3(b)(5). The project is located within the FEMA 100-year floodplain.