



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): 3/31/21
 ORM Number: LRH-2019-562-TUS
 Associated JDs: LRH-2019-562-TUS: Approved and Preliminary JD Letter issued on September 12, 2019 (under Clean Water Rule)
 Review Area Location¹: State/Territory: OH City: Green County: Summit
 Center Coordinates of Review Area: 40.942499°N, 81.462072°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
N/A	N/A	N/A.	N/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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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
Wetland C	0.32 acre	(b)(1) Non-adjacent wetland.	Wetland C does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland D	0.52 acre	(b)(1) Non-adjacent wetland.	Wetland D does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per 33 CFR 328.3(b)(1), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.

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: [Waters Determination Report for the New Seasons Site, prepared by CEC and dated June 26, 2019, with additional information received on August 29, 2019, and supplemental information received on 18 December 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, Attachment A, Figure 1 – AJD Request Map, Report 2020.](#)
[Other: Appendix A: Site photographs, Report 2019 and Attachment D – Photolog, Report 2020.](#)
- Corps Site visit(s) conducted on: Date(s). [14 August 19 \(for previous PJD/AJD request\)](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\). JD for 2019-562-TUS on 19 September 2019](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Figure 2: Background Environmental Data Map, Report, 2019.](#)
- USFWS NWI maps: [Figure 2: Background Environmental Data Map, Report 2019](#)
- USGS topographic maps: [USGS 7.5-minute topo map: North Canton, Ohio, Figure 1: Site Location Map, Report 2019.](#)

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 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	N/A.
Other Sources	N/A
Other Sources	Appendix B (USACE Wetland Data Forms), Report 2019 and Attachment E (Wetland Determination Forms), Report 2020

- 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, 16 May 2019 and 9 December 2020, each with a corresponding antecedent precipitation tool (APT) report, are included in the evaluation for the excluded features listed in Section II D. According to the APT report for 16 May 2019, normal conditions were observed during the WebWIMP wet season, with a Palmer Drought Severity Index Value of moderate wetness. The 30-day rolling total for precipitation was within the normal rolling thirty-year period. According to the APT report for 9 December 2020, normal conditions were observed during the WebWIMP wet season, with a Palmer Drought Severity Index Value of moderate wetness. The 30-day rolling total for precipitation was within the normal rolling thirty-year period. The antecedent precipitation conditions are considered to be “normal” for both points in time. Wetlands C and D do not meet the definition of an adjacent wetland, as they do not abut a water identified in 33 CFR 328.3(a)(1), (2), or (3), are not inundated by flooding from a water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year, are not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature, and are not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure. Therefore, Wetlands C and D are not jurisdictional waters of the United States per 33 CFR 328.3(b)(1) and are not subject to regulation under Section 404.
- C. Additional comments to support AJD:** According to the National Flood Hazard FEMA map, the site is located outside of the FEMA 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.