



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): 01-APR-2021

ORM Number: LRP-2020-00479

Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)

Review Area Location¹:

State/Territory: OH City: County/Parish/Borough: Mahoning County

Center Coordinates of Review Area: Latitude 40.9147 Longitude -80.772

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
2020-479 D1 (UNT Cherry Valley Run)	190 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	
2020-479 D2 (UNT Cherry Valley Run)	23 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	
2020-479 D3 (UNT Cherry Valley Run)	1243 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	

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.

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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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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
2020-479 Pond	2.5 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	
2020-479 W1 (PEM)	0.179 acres	(b)(1) Non-adjacent wetland	
2020-479 W2 (PEM)	0.002 acres	(b)(1) Non-adjacent wetland	
2020-479 W3 (PEM)	0.148 acres	(b)(1) Non-adjacent wetland	
2020-479 W4 (PEM)	0.005 acres	(b)(1) Non-adjacent wetland	
2020-479 W5 (PEM)	0.071 acres	(b)(1) Non-adjacent wetland	

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: *Aquatic Resources Delineation Report, 20 January 2021*

— This information is sufficient for purposes of this AJD.
Rationale: *N/A*

— Data sheets prepared by the Corps: *N/A*

☒ Photographs: *(NA, aerial, other, aerial and other) Aquatic Resources Delineation Report, 20 January 2021*

— Corps Site visit(s) conducted on: *N/A*

— Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

— Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

☒ USDA NRCS Soil Survey: *Aquatic Resources Delineation Report, 20 January 2021*

☒ USFWS NWI maps: *Aquatic Resources Delineation Report, 20 January 2021*

☒ USGS topographic maps: *Aquatic Resources Delineation Report, 20 January 2021*

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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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: N/A

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LEGEND

-  NRCS Soils
-  Parcel Boundary
-  Ponds
-  Potential Wetland Impacts
-  Field Delineated Wetlands
-  Streams
-  Approx. Top of Pond

Observed Stream Impacts

-  Bank Cut
-  Concrete
-  Culvert
-  Inlet

Scale:
1 inch = 100 feet

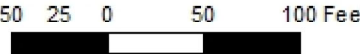


FIGURE 2

Existing Conditions Map

Bruderly Pond
Parcel 09-042-0-018.01-0
Green Twp.
Mahoning County, Ohio

Prepared for :

MICHAEL BRUDERLY

6432 W Garfield Rd.
Salem, Ohio 44460

Prepared by :  JME Environmental Consulting, LLC

Jeff Mihalik
9190 Springfield Rd, #18D
Poland, OH 44514

Drawn by:	JJM	Date:	1/28/2021
Checked by:	XXX	Revision:	