



**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): 9/17/2020
 ORM Number: LRP-2020-251
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Struthers County/Parish/Borough: Mahoning
 Center Coordinates of Review Area: Latitude 41.033261 Longitude -80.58456

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 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				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A (PSS/PFO)	0.894	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is a PSS/PFO wetland containing 3 ephemeral streams. Wetland A and Stream 3 (ephemeral) flow through an existing culvert under Clingan Trail Boulevard. On the outlet of this culvert, directly, is 20-30 feet of ephemeral channel (which is outside of the study area). This channel then becomes intermittent and eventually perennial, also outside of the study area (ground water flow/macroinvertebrates). I ran the Antecedent Precipitation Tool (attached). Even though this is the dry season, per the drought index and the condition value, conditions have been moderately wet at this time and the overall rank is within normal conditions. Even with these normal/wet conditions, the portion of the channel on the other side of the culvert was dry and there were no macroinvertebrates in this 20-30 foot portion of the stream (which is outside of the study area) when I did my field view on August 6, 2020. This would support calling this portion of the channel ephemeral as I don't have any other evidence to support it is intermittent in a typical year. I know that this culvert is going to convey flow from the wetland to this channel under normal climatic conditions in a typical year, but the wetland flows into a b(3) ephemeral portion of the stream before the stream becomes an a(2) water/UNT to Hines Run outside of the study area. Therefore, the wetland is not adjacent to an a(2) water (even though it hydrologically connects to one outside of the study area through the ephemeral portions of the channel).
Wetland B (PFO)	0.271	acre(s)	(b)(1) Non-adjacent wetland	Not adjacent to any stream channels as verified by field view on 7/23/2020 and 8/6/2020
Wetland C (PEM/PSS)	0.120	acre(s)	(b)(1) Non-adjacent wetland	Not adjacent to any stream channels as verified by field view on 7/23/2020 and 8/6/2020
Wetland D (PEM)	0.068	acre(s)	(b)(1) Non-adjacent wetland	Not adjacent to any stream channels as verified by field view on 7/23/2020 and 8/6/2020

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 1, UNT Hines Run	229	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Channel dry, no water or macroinvertebrates, mud substrate as verified by field view on 7/23/2020 and 8/6/2020
Stream 2, UNT Hines Run	16	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Channel dry, no water or macroinvertebrates, mud substrate as verified by field view on 7/23/2020 and 8/6/2020
Stream 3, UNT Hines Run	30	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Channel dry, no water or macroinvertebrates, mud substrate as verified by field view on 7/23/2020 and 8/6/2020

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: [Water Resource Delineation Report: 15.943 acres, Clingan Trail Boulevard, Struthers, Mahoning County, Ohio](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Other: 2020-251 Site visit photos 07/23/2020 and 08-06-2020](#)

Corps site visit(s) conducted on: [07/23/2020 and 08-06-2020](#)

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: [Title\(s\) and/or date\(s\)](#).

USFWS NWI maps: [July 2020](#)

USGS topographic maps: [Campbell Quadrangle](#)

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): I ran the Antecedent Precipitation Tool (attached). Even though this is the dry season, per the drought index and the condition value, conditions have been moderately wet at this time and the overall rank is within normal conditions. Even with these normal/wet conditions, the portion of the channel on the



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other side of the culvert from Wetland A was dry and there were no macroinvertebrates in this 20-30 foot portion of the stream (which is outside of the study area) when I did my field view on August 6, 2020.

C. Additional comments to support AJD: [N/A](#)