



**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): 10/15/2020
 ORM Number: LRP-2020-322
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Canfield County/Parish/Borough: Mahoning
 Center Coordinates of Review Area: Latitude 41.03897 Longitude -80.76226

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
 - 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
D-1	771	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Sawmill Creek which then flows to Meander Creek, and then to Mahoning River, an (a)(1) water
D-2	267	linear feet	(a)(2) Intermittent tributary contributes	Tributary contributes flow to an (a)(1) water in a typical year. Tributary drains to Sawmill Creek which

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	then flows to Meander Creek, and then to Mahoning River, an (a)(1) water

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
W-2	1.49 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland abuts D1 and D2 which are (a)(2) waters

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
W-1	0.03 acre(s)	(b)(1) Non-adjacent wetland.	Wetland is a depressional feature that is located in a forested portion of the site, and is located such that it is non-adjacent to an (a)(1-4) water
D-3	162 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Non-jurisdictional by rule

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: [Environmental Resources Survey Report, July 14, 2020](#)

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: Environmental Survey Report and Corps Site Visit \(August 27, 2020\)](#)

Corps site visit(s) conducted on: [August 27, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

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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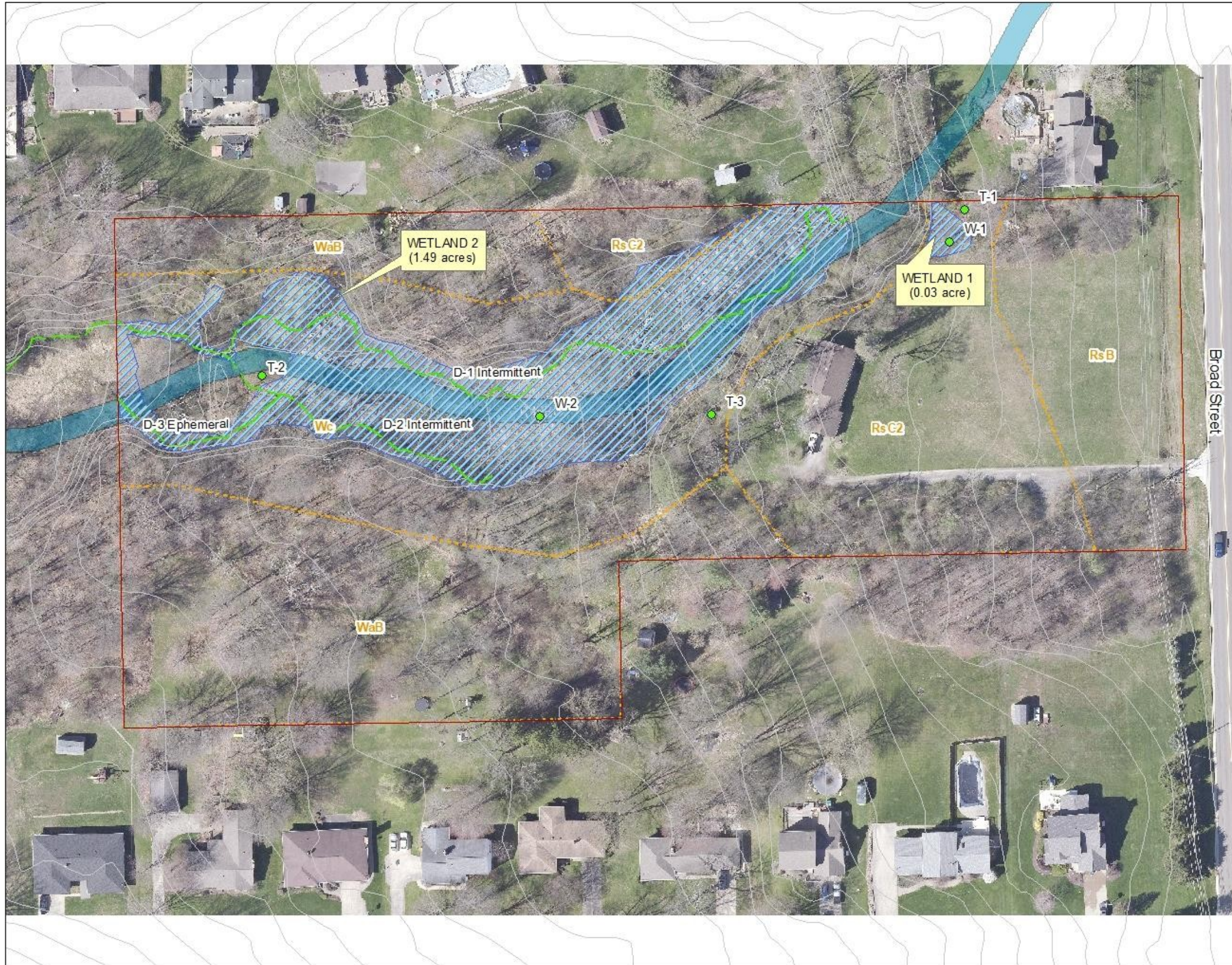
- USDA NRCS Soil Survey: [Existing Conditions Map, September 15, 2020](#)
- USFWS NWI maps: [Existing Conditions Map, September 15, 2020](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

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: [W-1 and D-3 are non-jurisdictional by rule. Corps site visit on August 27, 2020 confirmed rational for exclusion of these features.](#)



LEGEND

- NRCS Soils
- Area of Interest (AOI)
- Field Delineated Wetlands
- NWI/OWI Wetlands (Riverine)
- Field Delineated Drainage
- Contour Lines
- Test Sites

An Environmental Field Assessment was conducted on July 9, 2020. Two wetlands and three drainage channels were found within the approximately 7 acre AOI. Wooded habitat was present with potential tree species or structures for bat roosting.

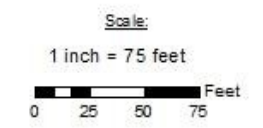


FIGURE 2
Existing Conditions Map
Broad Street Site
Canfield
Mahoning County, Ohio

Prepared for :
STEFANO HOMEBUILDERS, LLC

Prepared by :
Jeff Mihalk
931 Royal Ct.
Canonsburg, PA. 15317

Drawn by: JJM	Date: 9/15/2020
Checked by: XXX	Revision: