



**DEPARTMENT OF THE ARMY**  
PITTSBURGH DISTRICT, CORPS OF ENGINEERS  
WILLIAM S. MOORHEAD FEDERAL BUILDING  
1000 LIBERTY AVENUE  
PITTSBURGH, PA 15222-4186

February 1, 2021

Regulatory Division  
LRP 2020-467

APL Properties, LLC  
11624 South Avenue Extension  
Youngstown, Ohio 44452

Dear APL Properties:

Reference is made to your request for review of a delineation received on November 20, 2020. A field view of the approximately 4.8-acre parcel located on Windjammer Drive, Columbiana, Mahoning County, Ohio (40.9022, -80.6913) was conducted by Matt Mason of this office on January 12, 2021.

The Corps of Engineers' authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328. Navigable waters, their tributaries, and adjacent wetlands are waters of the United States subject to the provisions of Section 404 of the Clean Water Act. Based on the information submitted and the field investigation it has been determined that the following features identified on the attached Water Resources Map are **not** jurisdictional resources.

Waters Name	Estimated Amount of Aquatic Resource in Review Area	Exclusion	Latitude	Longitude
Wetland A	0.032 acre	(b)(1) Non-adjacent wetland	40.9024	-80.6909
Wetland B	0.033 acre	(b)(1) Non-adjacent wetland	40.9023	-80.6907
Wetland C	0.038 acre	(b)(1) Non-adjacent wetland	40.9022	-80.6905
Wetland D	0.041 acre	(b)(1) Non-adjacent wetland	40.902	-80.6902
Wetland E	0.035 acre	(b)(1) Non-adjacent wetland	40.9017	-80.69

Wetland F	0.037 acre	(b)(1) Non-adjacent wetland	40.9015	-80.69
Wetland G	0.013 acre	(b)(1) Non-adjacent wetland	40.9013	-80.69
Wetland H	0.1 acre	(b)(1) Non-adjacent wetland	40.9013	-80.6905
Pond 1	0.054 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.9023	-80.691
Pond 2	0.065 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.9022	-80.691
Pond 3	0.122 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.9021	-80.6907
Pond 4	0.075 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.902	-80.6905
Pond 5	0.108 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.902	-80.6904
Pond 6	0.119 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.9017	-80.6902
Pond 7	0.119 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.9015	-80.6901
Pond 8	0.129 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.9012	-80.69
Pond 9	0.198 acre	(b)(1) Lake/pond that does not contribute surface water flow directly or indirectly to an (a)(1) water	40.9016	-80.6908

This letter contains an approved jurisdictional determination for your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this

determination you must submit a completed RFA form to the Great Lakes and Ohio River Division Office at the following address:

Appeal Review Officer  
U.S. Army Corps of Engineers  
Great Lakes and Ohio River Division  
550 Main Street, Room 10032  
Cincinnati, OH 45202-3222  
(513) 684-2699

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address within 60 days.

It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This delineation verification will remain valid for a period of five years from the date of this letter, unless new information warrants revision of the delineation. Every effort should be made to avoid impacts to the aquatic resources on-site. If stream or wetland impacts are proposed to jurisdictional resources, this office should be contacted to discuss permit requirements.

If you have any questions, please contact Matthew Mason by phone at (412) 395-7129 or email at [matthew.r.mason@usace.army.mil](mailto:matthew.r.mason@usace.army.mil). Please complete our customer survey online and provide us with feedback at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=136:4:0](http://corpsmapu.usace.army.mil/cm_apex/f?p=136:4:0)

Sincerely,

//SIGNED//

Tyler J. Bintrim  
Chief, North Branch  
Regulatory Division

Copy sent via email:  
Jeff Boyles and Ed Wilk, OEPA  
Todd Crandall, Davey

## NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: APL Properties, LLC    File Number: LRP 2020-467    Date: 2/1/21	
Attached is:	See Section Below
<del>INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)</del>	<del>A</del>
<del>PROFFERED PERMIT (Standard Permit or Letter of Permission)</del>	<del>B</del>
<del>PERMIT DENIAL</del>	<del>C</del>
<b><i>APPROVED JURISDICTIONAL DETERMINATION</i></b>	<b><i>D</i></b>
<del>PRELIMINARY JURISDICTIONAL DETERMINATION</del>	<del>E</del>

**SECTION I:** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at: <http://www.usace.army.mil/inet/functions/cw/cecwo/reg/appeals.htm> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

**SECTION II:  
REQUEST FOR APPEAL OR OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

The Project Manager Identified In Your Jurisdictional Determination Letter

or

Jacob Siegrist

Appeal Review Officer

U.S. Army Corps of Engineers

Great Lakes and Ohio River Division

550 Main Street, Room 10032

Cincinnati, OH 45202-3222

(513) 684-2699

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent

\_\_\_\_\_  
Date

( ) \_\_\_\_\_  
Telephone Number