



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): 18-MAY-2020
ORM Number: LRP-2020-00445
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 41.053792 Longitude -80.74203

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
2020-445 Wetland A (PFO/PSS/PEM)	3.3 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	

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 and 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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

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, October 2020, Revised March 2021*
This information was not sufficient for purposes of this AJD.
Rationale: *Revised report did not include off-site analysis of Wetland A's adjacency to (a)(2) waters, site visit was needed and conducted by the Corps on April 9, 2021. Based upon aerial mapping and the April 9 site visit it was determined that Wetland A is adjacent to (a)(2) waters and therefore under the jurisdiction of the Corps.*
- Data sheets prepared by the Corps: *N/A*
- Photographs: *Corps Site Visit April 9, 2021*
- Corps Site visit(s) conducted on: *April 9, 2021*
- Previous Jurisdictional Determinations (AJD): *AJD, 2020-445, December 23, 2020.*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Water Resource Delineation Report, Oct 2020, Revised March 2021*
- USFWS NWI maps: *Water Resource Delineation Report, October 2020, Revised March 2021*
- USGS topographic maps: *Water Resource Delineation Report, October 2020, Revised March 2021*

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: Initial AJD was approved on December 23, 2020 but a site visit was not performed. On March 16, 2021 the consultant requested "an amended AJD" to include additional project area that has been added to the north, which is where stormwater infrastructure is to

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be included for this project. The project area increased (from 5.6 acres to 7 acres) and the consultant prepared a revised Water Resource Delineation Report (March 2021). Based upon review of aerial mapping, the additional wetland area appeared to be one contiguous wetland complex adjacent to UNTs to Andersons Run. The revised wetland delineation report included an additional 0.6 acre of wetland area (Oct 2020 report 2.692 acres, March 2021 report 3.288 acres, including 2.351 acre PEM, 0.303 acre PFO, and 0.634 acre PSS). For these reasons a site visit was conducted on April 9, 2021. Wetland A was found to be one large wetland complex adjacent to UNTs to Andersons Run and therefore jurisdictional to the Corps.

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