



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, BUFFALO DISTRICT  
1776 NIAGARA STREET  
BUFFALO, NEW YORK 14207-3199

November 12, 2019

Regulatory Branch

SUBJECT: Preliminary Jurisdictional Determination for Department of the Army Application  
No. LRB-2019-01056

Neff and Associates  
6405 York Road  
Parma Heights, OH 44130

To Whom It May Concern:

I have reviewed the wetland delineation map you submitted for your request for a wetland boundary verification on a 16.7 acre site located east of Parma Park Boulevard, City of Parma, Cuyahoga County, Ohio.

I have evaluated your submitted wetland delineation map and have determined that the wetland and water boundaries shown on the map accurately represent on-site conditions. Please note that this is a Preliminary Jurisdictional Determination (JD). Preliminary JDs are non-binding written indications that there may be waters of the United States (WOUS) on your parcel and approximate locations of those waters. Preliminary JDs are advisory in nature and may not be appealed.

Pursuant to Regulatory Guidance Letter 16-01, any permit application made in reliance on this Preliminary JD will be evaluated as though all wetlands or waters on the site are regulated by the Corps. Further, all waters, including wetlands will be used for purposes of assessing the area of project related impacts and compensatory mitigation. If you require a definitive response regarding Department of the Army jurisdiction for any or all of the waters identified on the submitted drawings, you may request an approved jurisdictional determination (AJD) from this office. If an AJD is requested, please be aware that this is often a lengthy process and we may require the submittal of additional information.

I have enclosed the Preliminary JD Form with this letter. The form and attached table identifies the extent of waters on the site and specific terms and conditions of the Preliminary JD. Please sign and return a copy of this form to my attention. If you do not respond within 15 days, we will presume concurrence and no additional follow up is necessary prior to finalizing an action.

In accordance with Regulatory Guidance Letter 05-02, "Preliminary jurisdictional determinations are not definitive determinations of areas within regulatory jurisdiction and do not have expirations dates." However, I strongly recommend that the boundaries of WOUS be re-evaluated by a qualified wetland biologist after five years of the date of this letter. This will

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ensure that any changes are appropriately identified and you do not inadvertently incur a violation of Federal law while constructing your project or working on your project site.

Lastly, this determination has been conducted only to identify the limits of waters that may be subject to Corps Clean Water Act or Rivers and Harbors Act jurisdiction. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If you or your tenant are United States Department of Agriculture (USDA) program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resource Conservation Service prior to starting work.

Questions pertaining to this matter should be directed to me at (716) 879-4262, by writing to me at the address in the letterhead ATTN: Regulatory Branch, or by e-mail to: [Michael.W.Smith@usace.army.mil](mailto:Michael.W.Smith@usace.army.mil)

Sincerely,

Michael Smith  
Biologist

Enclosures

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

Applicant: Neff and Associates	File Number: LRB-2019-01056	Date: November 12, 2019
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Attached is:		See Section below
<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input checked="" type="checkbox"/>	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**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/CECW/Pages/reg\\_materials.aspx](http://www.usace.army.mil/CECW/Pages/reg_materials.aspx) 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.

Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PJD: November 12, 2019

B. NAME AND ADDRESS OF PERSON REQUESTING PJD: Neff & Associates, 6405 York Road, Parma Heights, Ohio

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Buffalo District, Neff and Associates, LRB-2019-01056

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: OH County/parish/borough: Cuyahoga County City: Parma

Center coordinates of site (lat/long in degree decimal format):

Lat.: 41.37143 Long.: -81.773514

Universal Transverse Mercator: Zone 17, X-435312.602569, Y-4580279.258142

Name of nearest waterbody: Big Creek

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: November 12, 2019

Field Determination. Date(s): September 10, 2019

TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY JURISDICTION.

Waters_Name	Latitude	Longitude	Waters Size	Type Of Aquatic Resource	Geographic Authority
Stream 1	41.37298	-81.77357	623 FEET	Non-Wetland	Section 404
Wetland A-Emergent	41.37248	-81.77419	.048 ACRES	Wetland	Section 404
Wetland A-Forested	41.37281	-81.7746	1.872 ACRES	Wetland	Section 404
Wetland B	41.37292	-81.77264	.033 ACRES	Wetland	Section 404
Wetland C	41.3728	-81.77197	.381 ACRES	Wetland	Section 404

**SUPPORTING DATA. Data reviewed for PJD (check all that apply)**

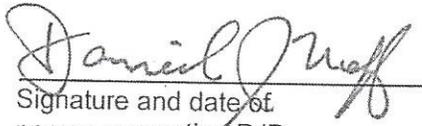
Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:

- Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:  
Map: Davey Resource Group
- Data sheets prepared/submitted by or on behalf of the PJD requestor.
  - Office concurs with data sheets/delineation report.
  - Office does not concur with data sheets/delineation report. Rationale: \_\_\_\_\_.
- Data sheets prepared by the Corps: \_\_\_\_\_.
- Corps navigable waters' study: \_\_\_\_\_.
- U.S. Geological Survey Hydrologic Atlas: \_\_\_\_\_.
  - USGS NHD data.
  - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Berea (1:24K)
- Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey
- National wetlands inventory map(s). Cite name: ORM2
- State/local wetland inventory map(s): \_\_\_\_\_.
- FEMA/FIRM maps: ORM2
- 100-year Floodplain Elevation is: \_\_\_\_\_. (National Geodetic Vertical Datum of 1929)
- Photographs:
  - Aerial (Name & Date): Water Resource Delineation Map (Davey Resource Group, August 2019)
  - Other (Name & Date): Ground level photos-Water Resource Delineation Map (Davey Resource Group, August 2019)
- Previous determination(s). File no. and date of response letter: \_\_\_\_\_.
- Other information (please specify): \_\_\_\_\_.

**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

SMITH.MICHAEL Digitally signed by  
SMITH.MICHAEL.W.1392158550  
.W.1392158550 Date: 2019.11.12 17:40:13  
-05'00'

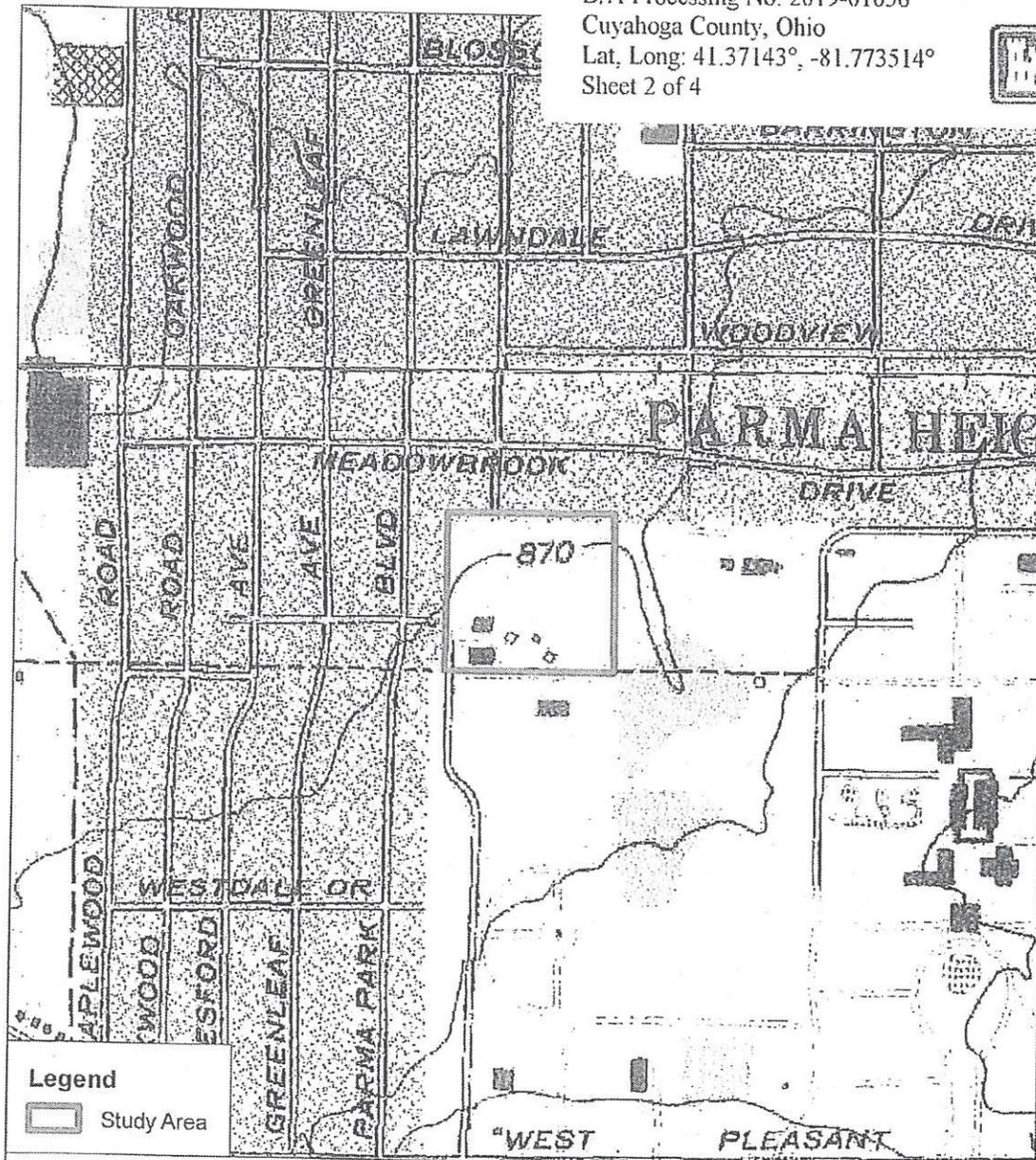
Signature and date of  
Regulatory staff member  
completing PJD

 P.E. 11/19/19  
Signature and date of  
person requesting PJD  
(REQUIRED, unless obtaining  
the signature is impracticable)<sup>1</sup>  
PARMA HEIGHTS CITY ENGINEER.

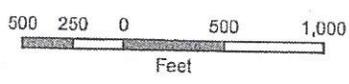
<sup>1</sup> Districts may establish timeframes for requestor to return signed PJD forms. If the requestor does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.

Appendix F  
 Location of Study Area on  
 USGS 7.5-Minute Topographic Map  
 (Berea Quadrangle)

Neff and Associates  
 D/A Processing No. 2019-01056  
 Cuyahoga County, Ohio  
 Lat, Long: 41.37143°, -81.773514°  
 Sheet 2 of 4



**Legend**  
 Study Area



Site Location: 16.7 Acres, Parma Park Boulevard  
 Parma Heights  
 Cuyahoga County, Ohio  
 Source: U.S. Department of the Interior  
 U.S. Geological Survey  
 Reston, Virginia  
 Photorevised 1984

# Appendix B Plant Communities Map

## Wetland Plant Communities

-  = Emergent wetlands (0.048 acre)
-  = Forested wetlands (2.286 acres)

Prepared for  
**Neff and Associates**  
16.7 Acres, Parma Park Boulevard  
Parma  
Cuyahoga County, Ohio

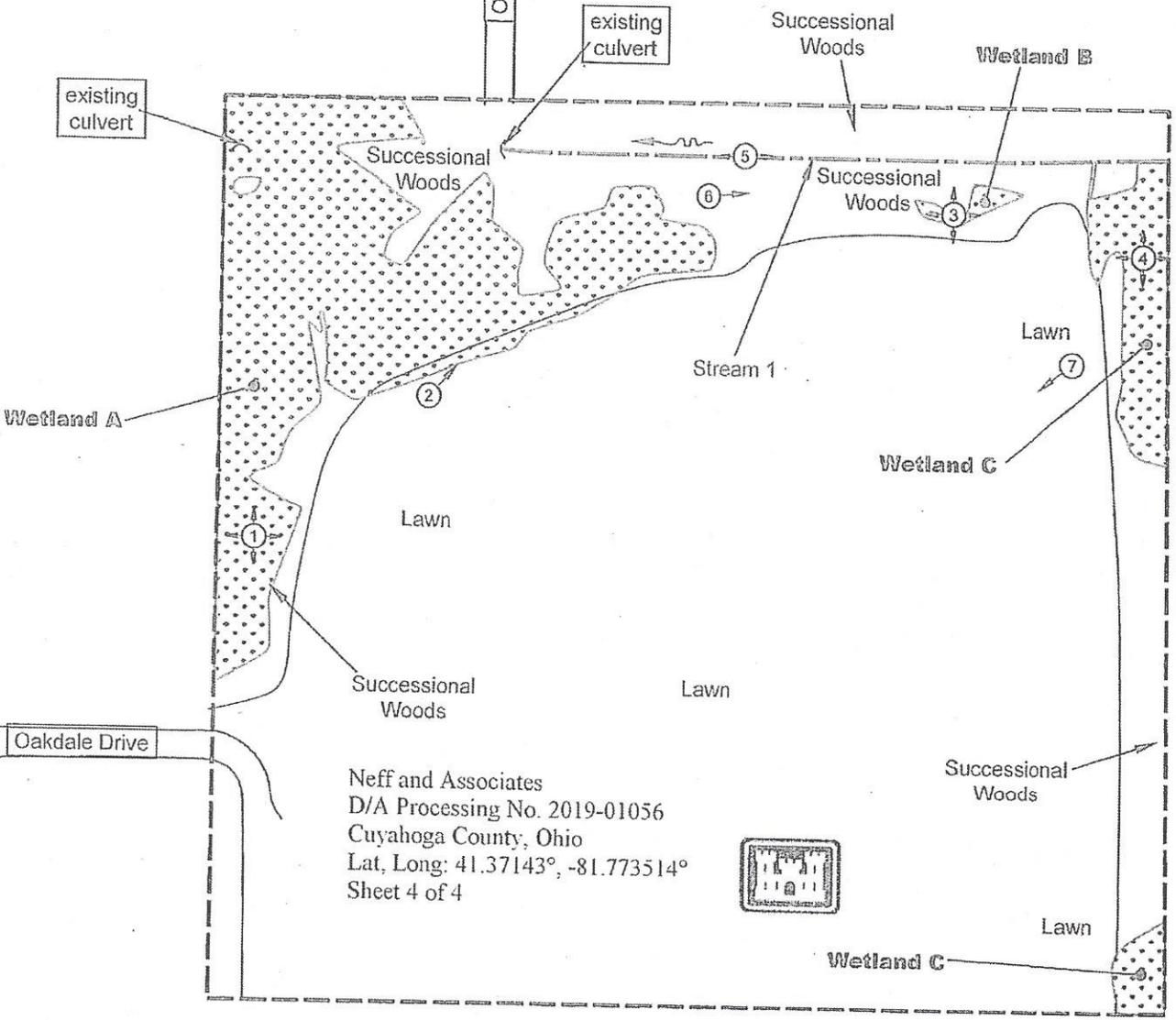
Prepared by  
**DAVEY**  
RESOURCE GROUP

Data used to produce this map were collected on May 25, 2018; August 15, and September 10, 2019

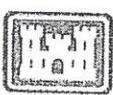
Parma Park Boulevard

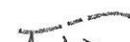
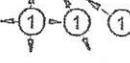
Orchard Boulevard

Meadowbrook Drive



Neff and Associates  
D/A Processing No. 2019-01056  
Cuyahoga County, Ohio  
Lat, Long: 41.37143°, -81.773514°  
Sheet 4 of 4



- - - - = Approximate study area
-  = Perennial stream
-  = Photograph location and direction of view(s): Wetlands; cardinal views, Stream; up/downstream substrate, and single view
-  = Areas of wetlands delineated within study area

The information presented is not a survey or engineering product, and should not be used for any purpose provided by applicable law or regulation that requires a surveying or engineering license.

