



**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): 5/26/2021

ORM Number: LRH-2021-155-LMR-UT to Indian Run

Associated JDs: N/A

Review Area Location¹: State/Territory: Ohio City: Wilmington County/Parish/Borough: Clinton County

Center Coordinates of Review Area: Latitude 39.419488 Longitude -83.798051

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.

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
STR-1	1614	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. STR-1 is an intermittent, indirect tributary to the Little Miami River, an (a)(1) water, at a location outside of the review area. STR-1 contributes intermittent surface water flow indirectly to the Little Miami River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
STR-2a	1034	linear feet	(a)(2) Intermittent tributary contributes STR-2a is an intermittent, indirect tributary to the Little Miami River, an (a)(1) water, at a location outside of the review area. STR-2a contributes

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.	intermittent surface water flow indirectly to the Little Miami River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).
STR-2b	2338	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	STR-2b is a perennial, indirect tributary to the Little Miami River, an (a)(1) water, at a location outside of the review area. STR-2b contributes perennial surface water flow indirectly to the Little Miami River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).

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	
WTL-2	0.73	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WTL-2 abuts an STR-2a (a)(2) water that contributes intermittent surface water flow indirectly to the Little Miami River, an (a)(1) water, in a typical year (reference Section III B of this AJD form).

D. Excluded Waters or Features



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EPH-1	1259	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	EPH-1 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III D for typical year assessments.
D-1	800	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	D-1 is a manmade ditch created in uplands that captures stormwater runoff from a parking lot.
WTL-1	0.49	acre(s)	(b)(1) Non-adjacent wetland.	WTL-1 does not abut an (a)(1), (a)(2), or (a)(3) water, is not inundated by flooding from an (a)(1), (a)(2), or (a)(3) water in a typical year, and is not physically separated from an (a)(1), (a)(2), or (a)(3) water by a natural or artificial barrier.

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: [The applicant submitted the Wilmington Airpark Development Site, Wilmington, Clinton County, Ohio Approved Jurisdictional Determination Package dated February 18, 2021.](#)

This information is sufficient for purposes of this AJD.

Rationale: [The information provided by or on behalf of the applicant accurately reflects the district’s conclusions on the AJD.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Other: Site Photographs in report dated October 15, 2020.](#)
- Corps site visit(s) conducted on: [N/A](#)
- 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: [Figure 4 in report referenced above.](#)
- USFWS NWI maps: [Figure 5 in report referenced above.](#)
- USGS topographic maps: [Ohio 1:24K – Wilmington](#)

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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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.
CorpsMap ORM Map Layers	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Historic Aerial Photos and Topographic Maps

B. Typical year assessment(s): A typical year occurs over a rolling thirty year period and includes the analysis of precipitation and other climatic variables to establish a normal period range (seasonally or annually) for a specific geographic region where the aquatic resource occurs. One point-in-time data sources, one for 15 October 2020, with a corresponding APT report, were included in the evaluation for the excluded stream listed in Section II D (EPH-1). According to the APT report of October 2020, wetter than normal conditions were observed during the wet season with a PSDI Value of 1.76 (mild wetness) and an ARC score of 8. The antecedent precipitation condition is considered “drier than normal” for that point in time. Additionally, during the based on the pictures submitted with the Report, during drier than normal conditions in the wet season, no flow was observed, supporting the fact that the ephemeral stream does not meet the flow requirements of a jurisdictional tributary. It has been determined that the ephemeral stream listed in Section II D, above, exhibit ephemeral flow, and is not a water of the United States per 33 CFR 328.3(b)(3), and is not subject to regulation under Section 404. STR-2b exhibits perennial flow indirectly to the Little Miami River out of the project location. STR-2b is an (a)(2) water. STR-1 and STR-2a exhibit intermittent flow to the Little Miami River outside of the project location. STR-1 and STR-2a are (a)(2) waters.

C. Additional comments to support AJD: The proposed project area is located outside of the 100 year floodplain.