



**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): 7/20/2020

ORM Number: LRH-2020-467-LMR-UT Shalyer Run

Associated JDs: Yes a portion of the area was assessed on 18 June 2020 under Rapanos reference the form titled Huntington District, Caswell Property 58.3-acre parcel located southeast of Red Sunrise Lane in Union Township, Clermont County, Ohio (latitude: 39.0716, longitude: -84.2378) LRH-2020-467-LMR-UT Shayler Run – Non-Jurisdictional Swales 1-9 and Erosional Features 1-2

Review Area Location<sup>1</sup>: State/Territory: Ohio City: Union Twp. County/Parish/Borough: Clermont

Center Coordinates of Review Area: Latitude 39.0716 Longitude -84.2378

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
	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.
Stream 3	2,542	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an
			Stream 3 is an intermittent tributary to Shayler Run, an (a)(2) water and an indirect tributary to the Little Miami River, an (a)(1) TWN, in a typical year (reference Section III B of this AJD form).

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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
			(a)(1) water in a typical year.	
Stream 6	82	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 6 is an intermittent tributary to Stream 1, an (a)(2) water and a tributary to Shayler Run, an (a)(2) water and an indirect tributary to the Little Miami River, an (a)(1) TWN, in a typical year (reference Section III B of this AJD form).
Stream 8	210	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 8 is an intermittent tributary to Shayler Run, an (a)(2) water and an indirect tributary to the Little Miami River, an (a)(1) TWN, 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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Stream 1	102	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 1 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream 2	18	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 2 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream 4	383	linear feet	(b)(3) Ephemeral feature, including	Stream 4 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3).

<sup>4</sup> 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.

<sup>5</sup> 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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REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		an ephemeral stream, swale, gully, rill, or pool.	Reference Section III B of this AJD form for typical year assessments.
Stream 5	177	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 5 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Stream 7	57	linear feet (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 7 is an ephemeral stream and meets the definition of “ephemeral” in paragraph (c)(3). Reference Section III B of this AJD form for typical year assessments.
Wetland A	0.006	acre(s) (b)(1) Non-adjacent wetland.	Wetland A does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per CFR 33 328.3(b), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland B	0.01	acre(s) (b)(1) Non-adjacent wetland.	Wetland B does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per CFR 33 328.3(b), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland C	0.02	acre(s) (b)(1) Non-adjacent wetland.	Wetland C does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per CFR 33 328.3(b), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland D	0.09	acre(s) (b)(1) Non-adjacent wetland.	Wetland D does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per CFR 33 328.3(b), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland E	0.29	acre(s) (b)(1) Non-adjacent wetland.	Wetland E does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per CFR 33 328.3(b), and is not subject to regulation under Section 404. Reference Section III B of this AJD form for typical year assessments.
Wetland F	0.02	acre(s) (b)(1) Non-adjacent wetland.	Wetland F does not meet the definition of an adjacent wetland (33 CFR 328.3(c)(1)(i)-(iv)), is not considered a water of the United States per CFR 33 328.3(b), and is not subject to regulation



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			under Section 404. Reference Section III B of this AJD form for typical year assessments.

**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 agent, O'Brien & Gere/Ramboll, prepared the report titled Jurisdictional Waters Delineation Redwood Caswell Property, dated 2 June 2020 on behalf of Grand Communities, LLC](#)

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: [Aerial and Other: As presented in the report](#)

Corps site visit(s) conducted on: [Date\(s\)](#).

Previous Jurisdictional Determinations (AJDs or PJDs): [Yes, a portion of the area was assessed on 18 June 2020 under Rapanos reference the form titled Huntington District, Caswell Property 58.3-acre parcel located southeast of Red Sunrise Lane in Union Township, Clermont County, Ohio \(latitude: 39.0716, longitude: -84.2378\) LRH-2020-467-LMR-UT Shayler Run – Non-Jurisdictional Swales 1-9 and Erosional Features 1-2](#)

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

USDA NRCS Soil Survey: [Web Soil Survey for Clermont County, Ohio](#)

USFWS NWI maps: [USFWS NWI \(USFWS 2016\)](#)

USGS topographic maps: [Batavia, Ohio](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A</a>
<a href="#">USDA Sources</a>	<a href="#">N/A</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">CorpsMap ORM Map Layers</a>	<a href="#">N/A</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">Stream Forms of the report, USACE Wetland Data Forms and ORAM Forms within referenced report.</a>

**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 source, 16 April 2020 \(Wet Season\), with a corresponding APT report, were included in the evaluation for the excluded features onsite. The antecedent precipitation tool was utilized to determine typical year for point-in-time data sources. Wetland adjacency was assessed on 16 April 2020. Based on the antecedent precipitation tool, 16 April 2020 is included during the WebWIMP wet season and has a Palmer Drought Severity Index of 1.92 \(mild wetness\). The 30-day rolling total for precipitation was higher than the 30-year](#)



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normal range. Therefore, site conditions are higher than the typical year conditions. Even at a higher than normal range the wetlands still had no adjacency and did not abut the (a)(2) streams located onsite.

**C. Additional comments to support AJD:** The property is located outside of the FEMA 100 year floodplain.