



**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): 10/22/2020
 ORM Number: LRH-2020-770-GMR
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Ohio City: Springboro County/Parish/Borough: Warren
 Center Coordinates of Review Area: Latitude 39.5389 Longitude -84.2399

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 |
| 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 |
| N/A. | N/A. | N/A. | N/A. |

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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D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|---------|---|--|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| Wetland A | 0.12 | acre(s) | (b)(1) Non-adjacent wetland. | Wetland A does not abut a water identified in 33 CFR 328.3(a)(1), (2), or (3), is not inundated by flooding from a water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year, is not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature, and is not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure. Therefore, Wetland A is not jurisdictional waters of the United States per 33 CFR 328.3(b)(1). |
| Wetland B | 0.10 | acre(s) | (b)(1) Non-adjacent wetland. | Wetland B does not abut a water identified in 33 CFR 328.3(a)(1), (2), or (3), is not inundated by flooding from a water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year, is not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature, and is not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure. Therefore, Wetland B is not jurisdictional waters of the United States per 33 CFR 328.3(b)(1). |
| Pond 1 | 0.15 | acre(s) | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year. | Pond 1 does not abut a water identified in 33 CFR 328.3(a)(1), (2), or (3), is not inundated by flooding from a water identified in 33 CFR 328.3(a)(1), (2), or (3) in a typical year, is not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by a natural berm, bank, dune, or similar natural feature, and is not physically separated from a water identified in 33 CFR 328.3(a)(1), (2), or (3) only by an artificial dike, barrier, or similar artificial structure. Therefore, Pond 1 is a not jurisdictional waters of the United States per 33 CFR 328.3(b)(1). |

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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| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|-------------|---|--|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| Stream 1 | 250 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Stream 1 is ephemeral and meet the definition of “ephemeral” as defined in 33 CFR 328.3(c)(3). Therefore, Streams 1 are excluded per 33 CFR 328.3(b)(3) and are not waters of the United States. |
| Stream 2 | 309 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Stream 2 is ephemeral and meet the definition of “ephemeral” as defined in 33 CFR 328.3(c)(3). Therefore, Streams 2 are excluded per 33 CFR 328.3(b)(3) and are not waters of the United States. |
| Stream 3 | 109 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Stream 3 is ephemeral and meet the definition of “ephemeral” as defined in 33 CFR 328.3(c)(3). Therefore, Streams 3 are excluded per 33 CFR 328.3(b)(3) and are not waters of the United States. |
| Stream 4 | 113 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Stream 4 is ephemeral and meet the definition of “ephemeral” as defined in 33 CFR 328.3(c)(3). Therefore, Streams 4 are excluded per 33 CFR 328.3(b)(3) and are not waters of the United States. |
| Stream 5 | 350 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Stream 5 is ephemeral and meet the definition of “ephemeral” as defined in 33 CFR 328.3(c)(3). Therefore, Streams 5 are excluded per 33 CFR 328.3(b)(3) and are not waters of the United States. |
| Swale 1 | 223 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Swale 1 is ephemeral swales that meet the definition of “ephemeral” as defined in 33 CFR 328.3(c)(3). Therefore, Swale 1 are excluded per 33 CFR 328.3(b)(3) and are not waters of the United States. |
| Swale 2 | 196 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Swale 2 is ephemeral swales that meet the definition of “ephemeral” as defined in 33 CFR 328.3(c)(3). Therefore, Swale 2 are excluded per 33 CFR 328.3(b)(3) and are not waters of the United States. |
| Erosional Feature 1 | 83 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | Erosional Feature 1 is an ephemeral erosional feature that meet the definition of “ephemeral” as defined in 33 CFR 328.3(c)(3). Therefore, Erosional Feature 1 is excluded per 33 CFR 328.3(b)(3) and is not a water of the United States. |

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.



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Information submitted by, or on behalf of, the applicant/consultant: [The agent, O'Brien & Gere/Ramboll, prepared the report titled Jurisdictional Waters Delineation for the Morris Property, dated 14 October 2020 on behalf of Grand Communities, LLC \(JD Report 2020\)](#)

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: Wetland and Waterbody Delineation Map & Photograph Log - JD Report 2020](#)

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

Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)

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

USDA NRCS Soil Survey: [Web Soil Survey for Warren County, Ohio - JD Report 2020](#)

USFWS NWI maps: [USFWS NWI \(USFWS 2016\) - JD Report 2020](#)

USGS topographic maps: [Springboro, Ohio - JD Report 2020](#)

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 | Stream Forms (Appendix F) of the report |

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 \(1\) point-in-time data source dated 16 September 2020, with a corresponding antecedent precipitation tool \(APT\) report, is included in the evaluation for the excluded features listed in Section II D. According to the APT report for 16 September 2020, normal conditions were observed during the WebWIMP dry season with a Palmer Drought Severity Index Value of incipient wetness. The 30-day rolling total for precipitation was normal for the 30-year normal range.](#)

C. Additional comments to support AJD: