



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): **6 May 2021**
 ORM Number: **LRH-2020-930-OHR**
 Associated JDs: **N/A**
 Review Area Location¹:
 State/Territory: **OH** City: **Colerain Township** County/Parish/Borough: **Hamilton County**
 Center Coordinates of Review Area: Latitude **39.2668** Longitude **-84.5773**

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
Stream 1	1,741 feet	(a)(2) perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 1 is a perennial tributary to the Mill Creek, an (a)(1) water, at a location outside of the review area. This stream contributes perennial surface water flow indirectly to the Mill Creek in a typical year (reference Section III B of this AJD form).
Stream 3	49 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 3 is an intermittent tributary to the Mill Creek, an (a)(1) water, at a location outside of the review area. This stream contributes intermittent surface water flow indirectly to the Mill Creek in a typical year (reference Section III B of this AJD form).
Stream 4	171 feet	(a)(2) perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 4 is a perennial tributary to the Mill Creek, an (a)(1) water, at a location outside of the review area. This stream contributes perennial surface water flow indirectly to the Mill Creek in a typical year (reference Section III B of this AJD form).
Stream 5	86 feet	(a)(2) perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 5 is a perennial tributary to the Mill Creek, an (a)(1) water, at a location outside of the review area. This stream contributes perennial surface water flow indirectly to the Mill Creek in a typical year (reference Section III B of this AJD form).

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 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.



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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
Lake Gloria	13.48 acres	(a)(3) Lakes and ponds, and impoundments of jurisdictional waters	Lake Gloria is a lake that was constructed by impounding a section of Stream 1, an (a)(2) water, and contributes surface water flow to a water identified in paragraph (a)(1) of this section in a typical year either directly or through Stream 1, an (a)(2) water.
Open Water 1	0.14 acres	(a)(3) Lakes and ponds, and impoundments of jurisdictional waters	Open Water 1 is a pond connected by a culvert to Lake Gloria that was constructed by impounding a section of Stream 1, an (a)(2) water, and is a standing body of open water that contributes surface water flow to a water identified in paragraph (a)(1) of this section in a typical year either directly or through Stream 1, an (a)(2) water.

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland A	0.30 acre	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland A directly abuts Stream 1, an (a)(2) water.
Wetland B	0.03 acre	(a)(4) Wetland inundated by an (a)(1)-(a)(3) water	Wetland B is directly inundated by Stream 1, an (a)(2) water.
Wetland C	0.40 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland C directly abuts Stream 1, an (a)(2) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 2	467 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).

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: [Ramboll has submitted the report titled Jurisdictional Waters Delineation Report Pippin Road \(report\) dated 22 December 2020 and prepared on behalf of Redwood USA, LLC. 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: *(NA, aerial, other, aerial and other) Appendix D of the report*

Corps Site visit(s) conducted on: *Date(s).*

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: [Figure 2 in report](#)

USFWS NWI maps: [Figure 3 in report](#)

USGS topographic maps: [Figure 1 in report](#)

Other data sources used to aid in this determination:

Data Source	Name and/or date and other relevant information
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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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(select)	
USGS Sources	NHD, Huntington District Regulatory Viewers
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	Appendix C – Wetland Determination Data Forms and Appendix E and F – ORAM or HHEI Forms in report
Other Sources	Huntington District Regulatory Viewers

- 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. According to the APT report for 23 November 2020, mild wetness during normal conditions with an antecedent precipitation condition score of 14 was observed during the WebWIMP wet season with a Palmer Drought Severity Index Value of = 0.89 mild wetness. During the site visit on 23 November 2020, the 30-day rolling total for precipitation was within the normal rolling thirty-year period.](#)
- C. Additional comments to support AJD:** [N/A or provide additional discussion as appropriate.](#)

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