MAY 06 2016

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
302 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

APPROVED JURISDICTIONAL DETERMINATION

Mr.

Dear Mr.

I refer to the Investigation of Waters of the U.S. (JD Report) dated February 25, 2016 and submitted on your behalf by. You have requested an approved jurisdictional determination (JD) for the aquatic resources identified within the approximate 121-acre study area located south of. Your JD request has been assigned the following file number: LRH-2016-293-SCR. Please reference this file number on all future correspondence related to this JD request.

The United States Army Corps of Engineers (Corps) authority to regulate waters of the United States is based on the definitions and limits of jurisdiction contained in 33 CFR 328 and 33 CFR 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to discharging dredged or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 requires a DA permit be obtained for any work in, on, over or under a navigable water.

Approved Jurisdictional Determination

Our December 2, 2008 headquarters guidance entitled Clean Water Act Jurisdiction Following the U.S. Supreme Court’s Decision in Rapanos v. United States & Carabell v. United States was followed in the final verification of Section 404 jurisdiction. Based on a review of information provided, and other information available to us, Wetland A (1.3 acres), Wetland B (0.04 acre), and Wetland C (0.21 acre) are completely surrounded by uplands and they do not present a hydrologic connection to a surface tributary system. In addition, Wetlands A, B, and C do not support interstate or foreign commerce interests nor do they contain any rare or endangered species. Based on this information, we have determined Wetlands A, B, and C are isolated wetlands and are not jurisdictional waters of the United States. In addition, Pond A (0.32 acre) is non-jurisdictional and not a water of the United States. Therefore, no authorization would be required from this office for the discharge of dredged or fill material into these wetlands. However, you should contact the Ohio
Environmental Protection Agency, Division of Surface Water, at 614-644-2001 to determine state permit requirements.

In accordance with the June 5, 2007 Joint Memorandum between the United States Environmental Protection Agency (USEPA) and the Corps and the January 28, 2008 Corps Memorandum regarding coordination on jurisdictional determinations, this determination was coordinated with the USEPA Region 5 and Corps Headquarters, with coordination completed on April 28, 2016.

This jurisdictional verification is valid for a period of five (5) years from the date of this letter unless new information warrants revision of the delineation prior to the expiration date. This letter contains an approved jurisdictional determination for the subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Great Lakes and Ohio River Division Office at the following address:

Appeal Review Officer  
United States Army Corps of Engineers  
Great Lakes and Ohio River Division  
550 Main Street, Room 10524  
Cincinnati, Ohio 45202-3222  
Phone: (513) 684-6212  
Fax: (513) 684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by July 1, 2016. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

This determination has been conducted to identify the limits of the Corps' Section 404 jurisdiction for the particular site identified in this request. This determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. 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 Resources Conservation Service prior to starting work.

A copy of this letter will be sent to your consultant, Ms. Amelia Harris with EMH&T. If you have any questions concerning the above, please contact [redacted] by mail at the above address or by email at [redacted].

Sincerely,

[Redacted]