



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HUNTINGTON DISTRICT
502 8TH STREET
HUNTINGTON, WV 25701-2018

July 7, 2025

Regulatory Division
North Branch
LRH-2025-00530-GMR-Unnamed Tributary (UNT) Great Miami River

APPROVED AND PRELIMINARY JURISDICTIONAL DETERMINATIONS

Kim Catano
Stantec Consulting Services, Inc.
1500 Lake Shore Drive, Suite 100
Columbus, Ohio 43204

Dear Kim Catano:

I refer to the *Wetland and Waterbody Delineation Report, Project Klondike, Washington Township, Miami County, Ohio* (report) and dated June 2025, submitted by Stantec Consulting Services, Inc. (Stantec). You have requested a preliminary jurisdictional determination (JD) for the potential jurisdictional aquatic resources and an approved JD for the potential non-jurisdictional aquatic resources on the approximate 483-acre JD review area. The JD review area is located north of the intersection of Experiment Farm Road and Farrington Road, Washington Township, Miami County, Ohio at approximately 40.111845 latitude, -84.243162 longitude. Your request has been assigned the following file number: LRH-2025-00530-GMR-UNT Great Miami River. 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 Part 328 and 33 CFR Part 329. Section 404 of the Clean Water Act (Section 404) requires a Department of the Army (DA) permit be obtained prior to discharging dredged and/or fill material into waters of the United States, including wetlands. Section 10 of the Rivers and Harbors Act of 1899 (Section 10) requires a DA permit be obtained for any work in, on, over or under a navigable water.

Preliminary Jurisdictional Determination

Based upon a review of the submitted report, this office has determined 389 linear feet of one (1) intermittent stream (Stream 1), indicated on the enclosed Preliminary JD form, are located on the approximate 483-acre site and may be waters of the United States in accordance with the Regulatory Guidance Letter for JDs issued by the Corps on October 31, 2016 (Regulatory Guidance Letter No. 16-01). As indicated in the guidance, this Preliminary JD is non-binding and cannot be appealed (33 CFR § 331.2), and only provides a written indication that waters of the United States, including wetlands, may be present on-site.

You have declined to exercise the option to obtain an approved JD in this instance and at this time for the above aquatic resources. However, for the purposes of the determination of impacts, compensatory mitigation, and other resource protection measures for activities that require

authorization from this office, the above aquatic resource will be evaluated as if it is a water of the United States.

Enclosed please find two (2) copies of the Preliminary JD form (Enclosure 1). If you agree with the findings of this Preliminary JD and understand your options regarding the same, please sign and date one (1) copy of the Preliminary JD form and return it to this office within 30 days of receipt of this letter. You should submit the signed copy to the following address:

United States Army Corps of Engineers
Huntington District
Attn: North Branch
502 Eighth Street
Huntington, West Virginia 25701

Approved Jurisdictional Determination

The features addressed in this approved JD were evaluated consistent with the definition of “waters of the United States” found in the pre-2015 regulatory regime and consistent with the Supreme Court's decision in *Sackett v. EPA*. Additionally, to the extent applicable, 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 the information provided and other information available to us, four (4) wetlands encompassing 0.25 acre are located within the JD review area (Enclosure 1). Wetland 1 (0.03 acre), Wetland 2 (0.01 acre), Wetland 3 (0.14 acre), and Wetland 4 (0.07 acre), do not physically abut or touch a relatively permanent water, and there is no evidence of a natural berm, bank, dune, or similar natural landform between the wetlands and a relatively permanent water. Therefore, Wetlands 1-4 do not exhibit an unbroken surface connection or a continuous surface water connection to a water identified in paragraph (a)(1) through (a)(6) of the pre-2015 regulations. As such, Wetlands 1-4 are not jurisdictional waters of the United States subject to Section 404; however, you should contact the Ohio Environmental Protection Agency, Division of Surface Water, at (614) 664-2001 to determine state permit requirements.

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. 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 (Enclosure 2). 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:

Suzanne Chubb, Regulatory Program Manager
United States Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10-780
Cincinnati, Ohio 45202-3222
Phone: (513) 218-1243
email: suzanne.l.chubb@usace.army.mil

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 § 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 September 5, 2025. **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 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 provided to the Ohio Environmental Protection Agency. We are available for pre-application consultation. If you have any questions concerning the above information, please contact Lee Arco of the North Branch at 304-399-5698, by mail at the above address or by email at lee.j.arco@usace.army.mil.

Sincerely,

Teresa Spagna

Teresa D. Spagna
Chief, North Branch

Enclosures

cc (via email):

Anna Kamnyev and Rachel Secrest, Ohio Environmental Protection Agency