

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): 25 January 2016 based on the following reports:

Conceptual Mitigation Plan for the Gateway Blvd Extension Project in the City of Monroe, Warren County Ohio, dated January 2016

Supporting Documentation Report including Delineation of Waters of the United States and Permitting Requirements for the Gateway Boulevard Extension Project in the City of Monroe, Warren County, Ohio dated August 2015

Wetland Delineation, 6.1-acre FEMA Floodwater Basin in the IDI Park North Development, Monroe, Ohio dated 30 September 2013

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Applicant: Industrial Developments International, LLC, 740 Centre View Blvd., Crestview Hills, Kentucky 41017

Agent: Otte Enterprises, LLC, 505 Stevenson Road, Erlanger, Kentucky 41018

C. DISTRICT OFFICE, FILE NAME, AND NUMBER: Huntington District, The Proposed Gateway Blvd Extension Project, LRH-2015-738-GMR-Millers Creek

**D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)**

State: Ohio County/parish/borough: Warren City: Monroe

Center coordinates of site (lat/long in degree decimal format):

Lat. 39.42999, Long. -84.33383

Universal Transverse Mercator:

Name of nearest waterbody: Millers Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: 350 linear feet: width (ft) and/or acres.

Cowardin Class:

Stream Flow: I.f. ephemeral, I.f. seasonal/intermittent;

350 I.f. perennial

Wetlands: 4.3 acres.

Cowardin Class: emergent, Category 1 (ORAM score = 28)

Name of any water bodies on the site that have been identified as Section 10 waters: None

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 25 January 2016

Field Determination. Date(s): 25 January 2016

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement

action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable. This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply

- checked items should be included in case file and, where checked and requested, appropriately reference sources below):

Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Otte Enterprises submitted a PCN with the following reports on behalf of the applicant: 1. Supporting Documentation Report including Delineation of Waters of the United States and Permitting Requirements for the Gateway Boulevard Extension Project in the City of Monroe, Warren County, Ohio dated August 2015; 2. Wetland Delineation, 6.1-acre FEMA Floodwater Basin in the IDI Park North Development, Monroe, Ohio; 3. Conceptual Mitigation Plan for the Gateway Blvd Extension Project in the City of Monroe, Warren County Ohio, dated January 2016

Data sheets prepared/submitted by or on behalf of the applicant/consultant.

Office concurs with data sheets/delineation report.

Office does not concur with data sheets/delineation report.

Data sheets prepared by the Corps:

Corps navigable waters’ study:

U.S. Geological Survey Hydrologic Atlas: .

USGS NHD data.

USGS 8 and 12 digit HUC maps.

U.S. Geological Survey map(s). Cite scale & quad name: Monroe, Ohio 7.5 minute Quad as provided in the PCN materials and as seen in ORM.

USDA Natural Resources Conservation Service Soil Survey. Citation: provided in the PCN materials.

National wetlands inventory map(s). Cite name: provided in the PCN materials

State/Local wetland inventory map(s):.

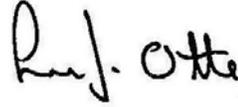
FEMA/FIRM maps: provided in the PCN materials, Map No. 39017C0240E dated March 1, 2011.

100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

Photographs: Aerial (Name & Date): provided in the PCN materials.

- or Other (Name & Date): provided in the PCN materials
- Previous determination(s). File no. and date of response letter:.
- Other information (please specify): Great Miami River is a Section 10 waters as well as a TNW per JD #2008-51-GMR-Section10 Limits.pdf Final dated 22 Jan 2008.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.



01-25-2016

Signature and date of
Regulatory Project Manager
(REQUIRED)

Signature and date of
person requesting preliminary JD
(REQUIRED, unless obtaining
the signature is impracticable)

SUMMARY TABLE: The Proposed Gateway Blvd Extension Project, LRH-2015-738-GMR-Millers Creek

Site number	Latitude	Longitude	Type	Estimated amount of aquatic resource in review area	Class of aquatic resource
Millers Creek	39.4299	-84.3361	Perennial stream	350 linear feet	Non-tidal, Non-Section 10 perennial stream
Wetland 1	39.4306	-84.3349	Emergent, Category 1 wetland adjacent to Millers Creek	4.3 acres	Non-tidal, Non-Section 10 wetland