



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

REPLY TO

ATTENTION OF

August 31, 2018

Regulatory Division
North Branch
LRH-2018-452-OHR-UNT Barren Creek

APPROVED JURISDICTIONAL DETERMINATION

Ms. Melissa Clark
Community Improvement Corporation of Gallia County
P.O. Box 465
Gallipolis, Ohio 45631

Dear Ms. Clark:

I refer to the *Surface Water Delineation Report for the Dan Evans Industrial Park* (report) dated May 2018, received in this office on June 6, 2018, and submitted on your behalf by Hull and Associates, Inc., the supplemental *Significant Nexus Memorandum* (report) received in this office on July 26, 2018, and the additional information received in this office on August 8, 2018 and August 29, 2018. You have requested an approved jurisdictional determination (JD) for the approximately 77-acre site located southwest of the intersection of Denny Cemetery and State Route 850 in Bidwell, Gallia County, Ohio at approximately 38.894890 latitude, -82.479225 longitude. The property is located within the watershed of an unnamed tributary to Barren Creek, an indirect tributary to the Ohio River, a traditional navigable waterway. Your JD request has been assigned the following file number: LRH-2018-452-OHR-UNT Barren Creek. Please reference this number on all future correspondence related to this project.

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, **including the amendment to 33 CFR 328.3 (80 Federal Register 37053)**, 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 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.

Based on the information provided, the on-site field verification performed on August 8, 2018, and other information available to us, we have determined Wetland A is a jurisdictional water of the United States in accordance with 33 CFR 328.3(a)(8) and Wetland B is a jurisdictional water of the United States in accordance with 33 CFR 328.3(a)(6). Ditch 1, 2, and 4 have been determined to be excluded per 33 CFR 328.3(b)(3)(i) and Ditch 3 has been determined to be excluded per 33 CFR 328.3(b)(3)(iii). Ditch 1-4 are not waters of the United States.

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) 684-2699
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 October 30, 2018. It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

A copy of this letter is being provided to your agent, Ms. Jaclyn Bruns, with Hull and Associates, Inc., at 59 Grant Street, Newark, Ohio 43055. If you have any questions concerning the above, please contact Ms. Kayla Adkins of the North Branch at 304-399-5850, by mail at the above address, or by email at kayla.n.adkins@usace.army.mil.

Sincerely,

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DN: c=US, o=U.S. Government,
ou=DoD, ou=PRC, ou=USA,
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Date: 2018.08.31 13:37:38 -0400

Teresa D. Spagna
Chief, North Branch

Enclosures