



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT
600 DR. MARTIN LUTHER KING JR PL
LOUISVILLE, KY 40202

November 20, 2020

Regulatory Division
South Branch
ID No. LRL-2020-812-sea

Mr. Dan Hempel
Pulte Homes of Ohio, LLC
10350 Ormsby Park Place, Suite 103
Louisville, Kentucky 40223

Dear Mr. Hempel:

This is regarding a request by your agent, Redwing Ecological Services, Inc., dated September 22, 2020, that aquatic features within the proposed Rollington Ridge Subdivision Property be evaluated under the Navigable Waters Protection Rule (NWPR). The 25-acre site is located on the northwest side of Rollington Road, approximately 0.5-mile north of Westport Road in Louisville, Jefferson County, Kentucky (Latitude: 38.308435°N; Longitude: 85.512105°W).

The U. S. Army Corps of Engineers exercises regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 USC 1344) for certain activities in "waters of the United States (U.S.)". These waters include all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce.

Based on a review of the submitted information and a site visit conducted on November 6, 2020, we have determined that NWPR PER 1 (840 linear feet) is considered to be a jurisdictional "waters of the U.S." Therefore, this water is subject to regulation under Section 404 of the Clean Water Act.

We have also determined that NWPR EPH 1 (645 linear feet), NWPR EPH 2 (80 linear feet), NWPR EPH 3 (259 linear feet), NWPR EPH 4 (85 linear feet), and NWPR WET 1 (0.048 acre) are excluded from regulation under Section 404 of the Clean Water Act. As such, these features are not considered to be a "water of the U.S." and are not regulated under Section 404 of the Clean Water Act. However, this determination does not relieve you of the responsibility to comply with applicable state law. We urge you to contact the Kentucky Division of Water, 300 Sower Boulevard, Frankfort, Kentucky 40601 to determine the applicability of state law to your project.

This letter contains an approved jurisdictional determination for your 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 Lakes and Rivers Division Office at the following address:

U.S. Army Engineer Division,
ATTN: Appeal Review Officer CELRD-PD-REG
550 Main Street - Room 10-714
Cincinnati, Ohio 45202-3222

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 **January 19, 2021**.

It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

The delineation included herein has been conducted to identify the location and extent of the aquatic resource boundaries and/or the jurisdictional status of aquatic resources for purposes of the Clean Water Act for the particular site identified in this request. This delineation and/or jurisdictional determination may not be valid for the Wetland Conservation Provisions of the Food Security Act of 1985, as amended. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should discuss the applicability of a certified wetland determination with the local USDA service center prior to starting work.

If we can be of any further assistance, please contact us by writing to the above address, ATTN: CELRL-RDS, or contact me directly at (502) 315-6711 or Sarah.E.Atherton@usace.army.mil. Any correspondence on this matter should refer to our ID Number LRL-2020-812-sea.

Sincerely,

Sarah Atherton
Project Manager, South Branch
Regulatory Division

Enclosures: