



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 7/8/2021

ORM Number: LRL-2021-536-jws

Associated JDs: N/A

Review Area Location¹: State/Territory: KY City: Owensboro County/Parish/Borough: Daviess

Center Coordinates of Review Area: Latitude 37.72410° N Longitude -87.06029° W

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
1MS1	640	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS1 (Unnamed Tributary) is a stream that has hydrological and physical characteristics of an intermittent stream. Flows South to North Fork Panther Creek to Green River. Precipitation at time was wetter than normal according to the Antecedent Precipitation Tool.
1MS1-1	1,373	linear feet	(a)(2) Intermittent tributary contributes	1MS1-1 (Unnamed Tributary) is a stream that has hydrological and physical characteristics of an intermittent stream. Flows south to North Fork

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	Panther Creek to Green River. Precipitation at time was wetter than normal conditions according the Antecedent Precipitation Tool.
1MS1A	838	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS1A (Unnamed Tributary) is a stream that has hydrological and physical characteristics of an intermittent stream. Flows south to North Fork Panther Creek to Green River. Precipitation at time was wetter than normal conditions according the Antecedent Precipitation Tool.
1MS1A-1	1,062	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS1A-1 (Unnamed Tributary) is a stream that has hydrological and physical characteristics of an intermittent stream. Flows south to North Fork Panther Creek to Green River. Precipitation at time was wetter than normal conditions according the Antecedent Precipitation Tool.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
1MW1	0.72	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	1MW1 met wetland criteria. Abuts 1MS1-1 to North Fork Panther Creek. Precipitation at time was wetter than normal conditions according the Antecedent Precipitation Tool.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
N/A.	N/A.	N/A.	N/A.	N/A.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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- Information submitted by, or on behalf of, the applicant/consultant: [JD Report dated 01 JULY 2021 submitted by Wetland Services, Data sheets, Location/Topo Map,& JD Map.](#)
This information is sufficient for purposes of this AJD.
Rationale: [N/A](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Google Earth \(1993-2019\), ESRI World Imagery. NAIP 2014. Also see photos attached to point in time data sheets.](#)
- Corps site visit(s) conducted on: [01 JULY 2021](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey, 4 MAY 2021](#)
- USFWS NWI maps: [USFWS NWI \(Wetland Mapper\), 4 MAY 2021](#)
- USGS topographic maps: [Sutherland Quad, 1:24,000](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [The Antecedent Precipitation Tool indicates that determinations were made during a time frame of wetter than normal conditions. Weather was typical for the season upon determination with a heavy rain event within the last seven days. See JD Report for a more detailed description of location conditions. During the 01 July 2021 site visit conditions were drier than normal with a recent rain event. Water was present in the intermittent streams.](#)

C. Additional comments to support AJD: [See JD report, point in time data collection and adjoining JD maps.](#)