



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): April 8, 2021

ORM Number: LRL-2019-00965

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: KY City: Broadwell County/Parish/Borough: Harrison County

Center Coordinates of Review Area: Latitude 38.299167 Longitude -84.377891

**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 or describe rationale.
- 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)<sup>2</sup>**

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

**C. Clean Water Act Section 404**

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)<sup>3</sup>

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
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
ST-10	806 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW.
ST-11	2655 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-12	2804 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

ST-16	913 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-17 R1	4016 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-17 R2	768 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-19	5471 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-1a	1369 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-21	537 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-26	763 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-28	2061 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-29	200 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-30	842 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-33	99 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-36	33 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-37	4695 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

ST-38	980 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-39	862 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-4	503 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-40	352 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-43	1926 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-45	1172 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-47	416 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-48	62 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-53	404 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-55	1178 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-56	294 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-58	1325 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-63	1511 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

ST-73	3147 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-74	425 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-76	1344 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-79	1256 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-82	533 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-83	337 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-84	751 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-9	1077 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-99 R1	30 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW
ST-99 R2	32 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW

**Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):**

<b>(a)(3) Name</b>	<b>(a)(3) Size</b>	<b>(a)(3) Criteria</b>	<b>Rationale for (a)(3) Determination</b>
P-12	0.42 acres	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	P-12 has a direct hydrologic connection up and downstream of ST-84 [(a)(2) stream]. ST-84 is a tributary that contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Silas Creek. Silas Creek empties into the South Fork of the Licking River, a TNW.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

**Adjacent wetlands ((a)(4) waters):**

<b>(a)(4) Name</b>	<b>(a)(4) Size</b>	<b>(a)(4) Criteria</b>	<b>Rationale for (a)(4) Determination</b>
WET-1	0.25 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-1 is inundated by flooding from ST-12 in a typical year, an (a)(2) tributary.
WET-11	0.49 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-11 is inundated by flooding from ST-17 in a typical year, an (a)(2) tributary.
WET-12	0.59 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-12 is inundated by flooding from ST-17 in a typical year, an (a)(2) tributary.
WET-14A	0.09 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wet-14A directly abuts ST-37, an (a)(2) tributary.
WET-14B	0.11 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wet-14B directly abuts ST-37, an (a)(2) tributary.
WET-15	0.3 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wet-15 directly abuts ST-37, an (a)(2) tributary.
WET-16	0.14 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-16 is inundated by flooding from ST-39 in a typical year, an (a)(2) tributary.
WET-17	0.19 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-17 is inundated by flooding from ST-48 in a typical year, an (a)(2) tributary.
WET-2	0.87 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-2 is inundated by flooding from ST-12 in a typical year, an (a)(2) tributary.
WET-28	0.18 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-28 is inundated by flooding from ST-40 in a typical year, an (a)(2) tributary.
WET-29	0.22 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-29 is adjacent to ST-40 and is inundated by flooding from ST-40 in a typical year, an (a)(2) tributary.
WET-3	0.17 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wet-3 directly abuts ST-16, an (a)(2) tributary.
WET-4	0.33 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-4 is inundated by flooding from ST-17 in a typical year, an (a)(2) tributary.
WET-5	3.47 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET-5 is inundated by flooding from ST-16 and ST-19 in a typical year, an (a)(2) tributary.

**D. Excluded Waters or Features**

**Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:**

<b>Exclusion Name</b>	<b>Exclusion Size</b>	<b>Exclusion<sup>5</sup></b>	<b>Rationale for Exclusion Determination</b>
P-1	0.66 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	P-1 is constructed or excavated in a non-jurisdictional water.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.





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

P-10	0.3 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	P-10 is constructed or excavated in a non-jurisdictional water.
P-11	0.97 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	P-11 is constructed or excavated in a non-jurisdictional water.
P-2	0.31 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	P-2 is constructed or excavated in a non-jurisdictional water.
P-3	0.38 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	P-3 is constructed or excavated in a non-jurisdictional water.
P-4	0.27 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	P-4 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
P-5	0.12 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	P-5 is constructed or excavated in a non-jurisdictional water.
P-6	0.08 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	P-6 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
P-7	0.17 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	P-7 is constructed or excavated in a non-jurisdictional water.
P-8	0.58 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not	P-8 is constructed or excavated in a non-jurisdictional water.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

		an impoundment of a jurisdictional water that meets (c)(6)	
P-9	0.11 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	P-9 does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
ST-1	40 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-11	1017 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-13	668 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-14	726 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-15	237 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-18	225 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-20	618 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-22	917 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-24	251 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-25	392 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-29	180 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

ST-3	185 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-31	146 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-32	250 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-33	709 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-34	945 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-35	674 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-39	403 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-44	311 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-46	303 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-5	606 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-52	56 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-54	138 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-57	163 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.





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

ST-59	374 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-6	58 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-60	374 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-61	350 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-62	138 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-64	198 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-65	85 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-66	133 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-67	283 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-68	36 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-7	335 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-75	53 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-77	91 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

ST-78	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-8	886 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-80	443 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-81	187 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-85	215 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST-9	133 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST100	95 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
ST101	31 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The tributary only contains surface flow or pools in direct response to precipitation events. The identified tributary is a (b)(3) water and is therefore excluded from the rule.
WET-10	0.29 acres	(b)(1) Non-adjacent wetland	The wetland is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.
WET-13	1.96 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	WET-13 is constructed or excavated in a non-jurisdictional water.
WET-6	0.26 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	WET-6 is constructed or excavated in a non-jurisdictional water
WET-7	0.13 acres	(b)(1) Non-adjacent wetland	The wetland is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.



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

**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.

Information submitted by, or on behalf of, the applicant/consultant: *WATERS OF THE U.S. INVESTIGATION REPORT (Jackson Group, November 2020).*

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; Photographs submitted by agent titled *Appendix C. Photographs, USACE Regulatory Viewer with NHD and FEMA National Floodplain Hazard layers, Google Earth PRO (2018), and Google Maps with terrain overlay.*

Corps Site visit(s) conducted on:

Previous Jurisdictional Determinations (AJDs or PJDs):

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: Soils report submitted by agent titled *Appendix D. Soil Survey Report (June 2020).*

USFWS NWI maps:

USGS topographic maps: *1:24K Quad Name - Leesburg*

**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):** Typical year assessment was conducted utilizing desktop tools and the submitted request for jurisdictional determination with supporting documentation. Based on the aforementioned supporting documentation, the conditions as described in *Part II: Findings* under *Section C Clean Water Act Section 404 and Section D Excluded Waters or Features* were determined to be typical.

**C. Additional comments to support AJD:** A meeting was conducted, via phone, between Corps personnel and the site delineator on February 24, 2021 and April 5, 2021 to discuss AJD/permitting options and to clarify submitted information. During the April 5, 2021 call, criteria used by the delineator to make recommended flow regime and other aquatic resource determinations was discussed in detail and compared to submitted documentation for consistence and accuracy.

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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 independent 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.

<sup>4</sup> 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.

<sup>5</sup> 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.