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): 10/1/2020
ORM Number: LRL-2020-664-MKD
Associated JDs: N/A
Review Area Location[1]: State/Territory: KY City: Williamstown County/Parish/Borough: Grant
Center Coordinates of Review Area: Latitude 38.661005 N Longitude -84.581348 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
I-1	1200	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream I-1 is a direct tributary of Clay Lick, a blue line intermittent stream which eventually flows into the Kentucky River. The channel width ranges from 10-15 feet. Photos provided by the agent show that water was pooled, but not flowing, in the stream channel at the time of the July 8, 2020 delineation site visit. The ATP tool indicates that conditions were normal for the date of the site visit.
I-2	50	linear feet	(a)(2) Intermittent tributary contributes	Stream I-2 flows into Stream I-1 and is based in medium-sized bedrock rubble. The channel width is approximately 4 feet. Stream I-2 receives hydrology

[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.

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.	from Stream E-1 and a ground water discharge from underlying bedrock.
I-3	100	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream I-3 flows into Stream I-1 and is based in medium-sized bedrock rubble. The channel width is approximately 4 feet. Stream I-3 receives hydrology from Streama E-2 and E-3 and a ground water discharge from underlying bedrock.

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
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
E-1	325	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream E-1 has a shallow, poorly defined channels approximately 1-2 ft wide and based almost entirely in soil with only several scattered pieces of small bedrock rubble observed in the streams. The stream receives slow-moving runoff from a small wooded area and flows into Stream I-1. No evidence of subsurface drainages, such as collapsed drain tiles or sinkholes along the edges of the fields, is present along this stream. Photos provided by the agent show no water in the stream channel.
E-2	375	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream E-2 has a shallow, poorly defined channels about 1-2 ft wide and based almost entirely in soil with only several scattered pieces of small bedrock rubble observed in the streams. The stream receives slow-moving runoff from an open field area through a small wooded area

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				and flows into Stream I-1. No evidence of subsurface drainages, such as collapsed drain tiles or sinkholes along the edges of the fields, is present along the stream. Photos provided by the agent show no water in the stream channel.
E-3	90	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream E-3 has a shallow, poorly defined channels about 1-2 ft wide and based almost entirely in soil with only several scattered pieces of small bedrock rubble observed in the streams. The stream receives slow-moving runoff from an open field through a small wooded area and flows into Stream I-2. No evidence of subsurface drainages, such as collapsed drain tiles or sinkholes along the edges of the fields, is present along the stream. Photos provided by the agent show no water in the stream channel.
E-4	150	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream E-4 has a shallow, poorly defined channels about 1-2 ft wide and based almost entirely in soil with only several scattered pieces of small bedrock rubble observed in the streams. The stream receives slow-moving runoff from an open field through a small tree line and flows off site of the Skinner Property. No evidence of subsurface drainages, such as collapsed drain tiles or sinkholes along the edges of the fields, is present along the stream. Photos provided by the agent show no water in the stream channel.
E-5	125	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream E-5 has a shallow, poorly defined channels about 1-2 ft wide and based almost entirely in soil with only several scattered pieces of small bedrock rubble observed in the streams. The stream receive slow-moving runoff from an open field that flows through a small wooded area and flows off-site of the Skinner Property. No evidence of subsurface drainages, such as collapsed drain tiles or sinkholes along the edges of the fields, is present along the stream. Photos provided by the agent show no water in the stream channel.
E-6	175	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream E-6 has a shallow, poorly defined channels about 1-2 ft wide and based almost entirely in soil with only several scattered pieces of small bedrock rubble observed in the streams. The stream receives slow-moving runoff from an open field/wooded area and flows into Stream E-5. No evidence of subsurface drainages, such as collapsed drain tiles or sinkholes along the edges of the fields, is present along the stream.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
				Photos provided by the agent show no water in the stream channel.
E-7	85	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream E-7 has a shallow, poorly defined channels about 1-2 ft wide and based almost entirely in soil with only several scattered pieces of small bedrock rubble observed in the streams. These streams receive slow-moving runoff from an open field/wooded area and flows off-site of the Skinner Property. No evidence of subsurface drainages, such as collapsed drain tiles or sinkholes along the edges of the fields, is present along the stream. Photos provided by the agent show no water in the stream channel.
Pond A	0.11	acre(s)	(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).	According to topographic maps, Pond A was constructed in a depressional area located in the upper reaches of the watershed. The pond receives hydrology from surface drainage, as no channel appears to be present above the pond. Pond A does not have an overflow channel or structure through or around its dam.

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: Delineation Report for the Skinner Property; July 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: 2018 aerial photographs; July 8,2020 on-site photographs
☐ Corps site visit(s) conducted on: Date(s).
☐ Previous Jurisdictional Determinations (AJDs or PJDs): ORM Number(s) and date(s).
☒ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.
☒ USDA NRCS Soil Survey: USDA Web Soil Survey Map
☒ USFWS NWI maps: USFWS NWI Map
☒ USGS topographic maps: Williamstown; 1:24K

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.
FEMA/FIRM maps	FEMA Flood Insurance Rate Map No. 21081C0140A, with effective date August 5, 2010

B. Typical year assessment(s): The ANT tool was utilized for the date that the delineation site visit was conducted, July 8, 2020. The conditions for this date were within the 30 year normal range and considered normal.

C. Additional comments to support AJD: N/A