



**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): 12/2/2020
 ORM Number: LRL-2020-800-MKD
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Kentucky City: Bromley County/Parish/Borough: Kenton
 Center Coordinates of Review Area: Latitude 39.082303 Longitude -84.558222

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)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
Ohio River	70	linear feet	RHA Non-tidal water is on the district's Section 10 waters list	The Ohio River is a navigable water way that is included in the Louisville District's Section 10 Public Notice No. 83-LD-016, dated July 28, 1989.

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
S-1a	261	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Pleasant Run Creek is a perennial tributary that flows directly into the Ohio River, a Section 10 water. Pleasant Run Creek is shown on topographic maps as a perennial tributary.

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
S-1b	153	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Pleasant Run Creek is a perennial tributary that flows directly into the Ohio River, a Section 10 water. Pleasant Run Creek is shown on topographic maps as a perennial tributary.
S-2	42	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-2 is an intermittent tributary to Pleasant Run Creek. The stream receives stormwater input from the residential area west of the stream. During the delineation site visit, the stream contained isolated pools with no flow.
S-3	51	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-3 is an intermittent tributary to Pleasant Run Creek. The stream is approximately 3-4 feet in width. During the delineation site visit, the stream exhibited interstitial flow and receives stormwater input from the residential area west of the stream.
S-4	381	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-4 is an intermittent tributary that flows through wetland W-D to Pleasant Run Creek. During the delineation site visit, the stream exhibited interstitial flow and receives stormwater input from the roadway west of the stream.
S-5	69	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-5 is an intermittent tributary that flows into wetland W-E. The stream is approximately 4 feet in width. During the delineation site visit, the stream contained isolated pools with no flow.
S-7	114	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S-7 is an intermittent tributary to Pleasant Run Creek. The stream is approximately 2-3 feet in width. The stream receives stormwater input from the developed area to the west and from wetland W-E. During the delineation site visit, the stream contained isolated pools with no flow.



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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
W-A	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-A is adjacent to streams S-1a and S-2. W-A is located within the Pleasant Run Creek floodway.
W-B	0.12	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-B is adjacent to and drained by stream S-2 which flows directly into Pleasant Run Creek. W-B is located within the Pleasant Run Creek floodway.
W-D	0.13	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-D is adjacent to stream S-4 and is connected to wetland W-E by a culvert. W-D is located within the Pleasant Run Creek floodway.
W-E	2.94	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-E is adjacent to Pleasant Run Creek and S-7. W-E is located within the Pleasant Run Creek floodway.
W-F	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-F is adjacent to Pleasant Run Creek. W-F is located within the Pleasant Run Creek floodway.
W-G	0.36	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	W-G is adjacent to Pleasant Run Creek and the Ohio River. W-G is located within the Pleasant Run Creek and Ohio River floodway.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
S-6	65	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S-6 is an ephemeral feature that flows into wetland W-E. During the delineation site visit, the stream feature contained moist soils, however there was no flow or isolated pools. The feature is approximately 4 feet in width and contained leaf litter.
S-8	48	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	S-8 is an ephemeral feature that receives overflow from S-7 that dissipates into wetland W-E. During the delineation site visit, the feature exhibited no pooling or flow.
W-C	0.01	acre(s)	(b)(1) Non-adjacent wetland	W-C is located in a depressional area along-side a road embankment. W-C is isolated as there are no drainages that connect to any other “waters of the U.S.”

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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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: [Pre-Constuction Notification, Bromley-Crescent Springs Road Conveyance Piping, September 1, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [The Pre-Construction Notification provided preliminary construction designs for the project that contained contour lines at 2 foot intervals. These contour lines and wetland delineation forms were used to confirm the wetland boundaries.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Other: Photos submitted by Agent](#)
- 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: [NRCS WebSoil Survey](#)
- USFWS NWI maps: [USFWS NWI included in Delineation](#)
- USGS topographic maps: [1:24K, Covington](#)

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	FEMA Floodplain Map

B. Typical year assessment(s): [The Antecedent Precipitation Tool was used for the date of the delineation site visit, August 17, 2020. The site visit was conducted during the dry season while conditions were wetter than normal.](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)