



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): March 2, 2021

ORM Number: LRL-2020-960-sea

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Louisville County/Parish/Borough: Jefferson County

Center Coordinates of Review Area: Latitude 38.223813 Longitude -85.492008

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
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

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
INT 1	1285 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	INT 1 originates on the western side of the property from a culvert under English Station Road and flows east until it leaves the site. INT 1 flows into an unnamed tributary (UT) of Floyd's Fork to the Salt River, a Section 10 water, to the Ohio River, a Traditional Navigable Water (TNW). During the site visit on December 8, 2020, flowing and pooling water was observed along the entire length of the channel which indirectly contributes to an (a)(1) water.
INT 2	695 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1)	During the July 14, 2020 and December 8, 2020 site visits, INT 2 contained flowing and pooled water which indirectly contributes to an (a)(1) water. INT 2 flows into

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 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.

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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		water in a typical year	INT 1 which flows into an unnamed tributary (UT) of Floyd's Fork to the Salt River, a Section 10 water, to the Ohio River, a TNW.
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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
OW 1	0.471 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	OW 1 is an impoundment of INT 1. INT 1 is an (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
WET 1	0.154 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WET 1 abuts OW 1 as a fringe wetland. OW 1 is an impoundment of INT 1. INT 1 is an (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
WET 2	0.112 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WET 2 abuts INT 1. INT 1 is an (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EPH 2	110 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	EPH 2 only contains surface water flowing or pooling in direct response to precipitation. EPH 2 is a (b)(3) water and is therefore excluded from the rule.
EPH 3	160 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	EPH 3 only contains surface water flowing or pooling in direct response to precipitation. EPH 3 is a (b)(3) water and is therefore excluded from the 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: Request for Jurisdictional Determination – 1007 South English Station Road.

This information is not sufficient for purposes of this AJD.

Rationale: After the Corps site visit on December 8, 2020, changes to the delineation were made and new maps were required.

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

Photographs: Aerial and Other: kygisserverky.gov ArcGIS Services (2019) and site photographs July 14, 2020.

Corps Site visit(s) conducted on: December 8, 2020.

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- 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: SSURGO, Jefferson Co, KY (2008).
- USFWS NWI maps: *Title(s) and/or date(s)*.
- USGS topographic maps: 1:24,000 – Fisherville, Kentucky Quad

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	Weather Underground Historic Precipitation Data (WUHPD)

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: WUHPD was reviewed for July 14, 2020 and December 8, 2020 to see the precipitation totals for the days leading up to the assessment date and site visits. In July 2020, the Louisville International Airport Station, located approximately 14 miles away from the review area, recorded 0.51 of rainfall two days prior to the assessment date. The Corps conducted a site visit on December 8, 2020 and 0.01 inches of rain was recorded in the 6 days prior to the site visit.

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