



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): 04-JUN-2021

ORM Number: LRL-2021-00234

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Walton County/Parish/Borough: Boone County

Center Coordinates of Review Area: Latitude 38.892441 Longitude -84.62254

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
S-1c	244 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-1c is an (a)(2) water with an intermittent flow regime, a bankfull width of 3-5 feet, and a watershed area of approximately 20 acres.
S-1d	932 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-1d is an (a)(2) water with an intermittent flow regime, a bankfull width of 5-7 feet, and a watershed area of approximately 50 acres.
S-1e	1352 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-1e is an (a)(2) water with an intermittent flow regime, a bankfull width of 5-7 feet, and a watershed area of approximately 700 acres.

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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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S-6a	515 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-6a is an (a)(2) water with an intermittent flow regime, a bankfull width of 2-4 feet, and a watershed area of approximately 17 acres.
S-6b	724 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-6b is an (a)(2) water with an intermittent flow regime, a bankfull width of 3-5 feet, and a watershed area of approximately 45 acres.
S-7	955 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 (a)(2) water with an intermittent flow regime, a bankfull width of 2-4 feet, and a watershed area of approximately 66 acres.
S-8a	161 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-8a is an (a)(2) water with an intermittent flow regime, a bankfull width of 2-4 feet, and a watershed area of approximately 11 acres.
S-8b	290 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-8b is an (a)(2) water with an intermittent flow regime, a bankfull width of 2-4 feet, and a watershed area of approximately 24 acres.
S-8c	1611 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-8c is an (a)(2) water with an intermittent flow regime, a bankfull width of 5-7 feet, and a watershed area of approximately 53 acres.
S-9	184 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-9 is an (a)(2) water with an intermittent flow regime, a bankfull width of 2-4 feet, and a watershed area of approximately 11 acres.

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

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
W-C	0.027 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-C is an (a)(4) water with a direct connection to an intermittent stream (S-4b).
W-F	0.904 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-F is an (a)(4) water with a direct connection to an intermittent stream (S-1e).
W-G	0.737 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-G is an (a)(4) water with a direct connection to an intermittent stream (S-8b).
W-H	0.002 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-H is an (a)(4) water with a direct connection to an intermittent stream (S-8c).
W-I	0.086 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-I is an (a)(4) water with a direct connection to an intermittent stream (S-8c).
W-J	0.185 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	W-J is an (a)(4) water with a direct connection to an intermittent stream (S-9).

D. Excluded Waters or Features

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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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Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion⁵	Rationale for Exclusion Determination
P-1	0.21 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 a (b)(8) excluded water. P-1 was created by impounding an ephemeral stream (S-1b).
S-1a	607 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-1a is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 3-5 feet, a watershed area of approximately 4 acres, and no identified groundwater connection.
S-1b	336 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-1b is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 3-5 feet, a watershed area of approximately 11 acres, and no identified groundwater connection.
S-2	90 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-2 is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 2-4 feet, a watershed area of <1 acre, and no identified groundwater connection.
S-3	1062 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-3 is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 5-7 feet, a watershed area of approximately 11 acres, and no identified groundwater connection.
S-4a	625 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-4a is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 2-4 feet, a watershed area of approximately 8 acres, and no identified groundwater connection.
S-4b	464 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-4b is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 2-4 feet, a watershed area of approximately 12 acres, and no identified groundwater connection.
S-5	493 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-5 is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 5-7 feet, a watershed area of approximately 1 acre, and no identified groundwater connection.
S-7-1	553 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-7-1 is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 2-4 feet, a watershed area of approximately 50 acres, and no identified groundwater connection. S-7-1 terminated at a groundwater seep/connection. The groundwater seep was used to make the ephemeral/intermittent break for Stream-7. The stream system has a large watershed and multiple offsite impoundments. The stream was investigated multiple times and the only groundwater connection within the ephemeral stream reach was identified at the location of the ephemeral/intermittent flow regime break between S-7 and S-7-1.
S-9-1	330 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	S-9-1 is a (b)(8) excluded water with an ephemeral flow regime, a bankfull width of 2-4 feet, a watershed area of approximately 5 acres, and no identified groundwater connection. The feature receives flow from an offsite

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			stormwater basin via a culvert through a berm.
W-A	0.101 acres	(b)(1) Non-adjacent wetland	W-A is a (b)(1) excluded water with no direct connection to downstream waters.
W-B	0.02 acres	(b)(1) Non-adjacent wetland	W-B is a (b)(1) excluded water. W-B is a fringe wetland located at the confluence of a pond and an ephemeral stream (P-1 and S-1a). The wetland is connected to downstream waters via an ephemeral stream (S-1b).
W-D	0.083 acres	(b)(1) Non-adjacent wetland	W-D is a (b)(1) excluded water connected to downstream waters via a swale and an ephemeral stream (S-3).
W-E	0.216 acres	(b)(1) Non-adjacent wetland	W-E is a (b)(1) excluded water connected to downstream waters via an ephemeral channel (offsite).
W-K	0.099 acres	(b)(1) Non-adjacent wetland	W-K is a (b)(1) excluded water located at a low water crossing and is connected to downstream waters via an ephemeral stream (S-4b).

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: *Wetland Delineation Report: Green Field Farms. Submitted by Terracon. Dated: November 24, 2020. Submitted: March 5, 2021 & Wetland Delineation Map dated May 2021.*
This information (*is and is not*) sufficient for purposes of this AJD.
Rationale: *The wetland delineation report was updated via the May 2021 Wetland Delineation Map to show flow regime/size corrections made during the April 28, 2021 site visit.*
- Data sheets prepared by the Corps: *Title(s) and/or date(s).*
- Photographs: *(aerial and other) Google Earth, 2021 and Maps/photos submitted by the agent.*
- Corps Site visit(s) conducted on: *April 28, 2021.*
- 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: *Title(s) and/or date(s).*
- USFWS NWI maps: *Title(s) and/or date(s).*
- USGS topographic maps: *1:24,000 Independence, KY.*

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.

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- B. Typical year assessment(s):** The PDSI Index indicates “Moderate Wetness” at the project location. The Web WIMP H2O Balance indicates the determination was conducted during a wet season. The Antecedent Precipitation Tool determined that during the 30 days prior to the date of the site inspection by Corps personnel (Cody Thayer) on April 28, 2021, dry conditions existed at the project site.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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