



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): June 14, 2021

ORM Number: LRL-2021-00368

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Lewisport County/Parish/Borough: Hancock County

Center Coordinates of Review Area: Latitude 37.907937 Longitude -86.858041

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
Intermittent 1	346 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Intermittent Stream 1 is three to five feet wide with silt, sand, and gravel substrate. Int 1 has areas of standing water and dry sections. Int 1 indirectly contributes to an (a)(1) water.

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):

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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(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.254 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	Wetland 1 connects to Intermittent Stream 1 via flow through a roadside ditch. Intermittent Stream 1 is considered an (a)(2) water.
Wetland 3	0.164 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	Wetland 3 receives flow from Intermittent Stream 1. Intermittent Stream 1 is considered an (a)(2) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral 1 Lower	127 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Eph 1 is six inches to three feet wide with silt, sand, and gravel substrate and half a foot to two foot bank heights. Eph 1 only contains surface water flowing or pooling in direct response to precipitation. Eph 1 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral 1 Upper	62 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Eph 1 is six inches to three feet wide with silt, sand, and gravel substrate and half a foot to two foot bank heights. Eph 1 only contains surface water flowing or pooling in direct response to precipitation. Eph 1 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral 2	394 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Eph 2 is one to five feet wide with silt, sand, and gravel substrate and half a foot to two-foot bank heights. 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.
Ephemeral 3	256 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Eph 3 is two feet wide with silt, sand, and gravel substrate and six-inch bank heights. 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.
Ephemeral 4	49 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Eph 4 is one foot wide with silt, sand, and gravel substrate and five-foot bank heights. Eph 4 only contains surface water flowing or pooling in direct response to precipitation. Eph 4 is a (b)(3) water and is therefore excluded from the rule.
Wetland 2	0.209 acres	(b)(1) Non-adjacent wetland	Wet 2 is isolated and has no defined outlet. Wet 2 is a (b)(1) water and is therefore excluded from the rule.

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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: *Request for Jurisdictional Determination GN Excavating Fill Site Expansion (April 21, 2021), GN Excavating Fill Site Expansion - Water-Wetland Table - 6-9-21, Revised GN Excavating Fill Site Water-Wetland Map - 6-9-21.*

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps:

Photographs: aerial and other: Site photographs by agent July 29, 2020.

Corps Site visit(s) conducted on: *Date(s).*

Previous Jurisdictional Determinations (AJDs or PJDs):

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

USDA NRCS Soil Survey: *SSURGO, Hancock County, Kentucky (2014).*

USFWS NWI maps:

USGS topographic maps: *1:24,000 – Lewisport and Tell City, Kentucky Quadrangles.*

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	Regulatory viewer with 3DEP Elevation contours, DEM, and hill-shade layers.
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth Pro (2020) with NHD and USGS Earth point Topo map layers and Google maps with terrain overlay.

B. Typical year assessment(s): Typical year assessment was conducted utilizing desktop tools identified above 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: *N/A*

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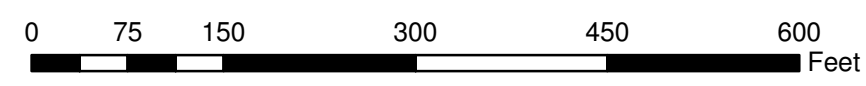
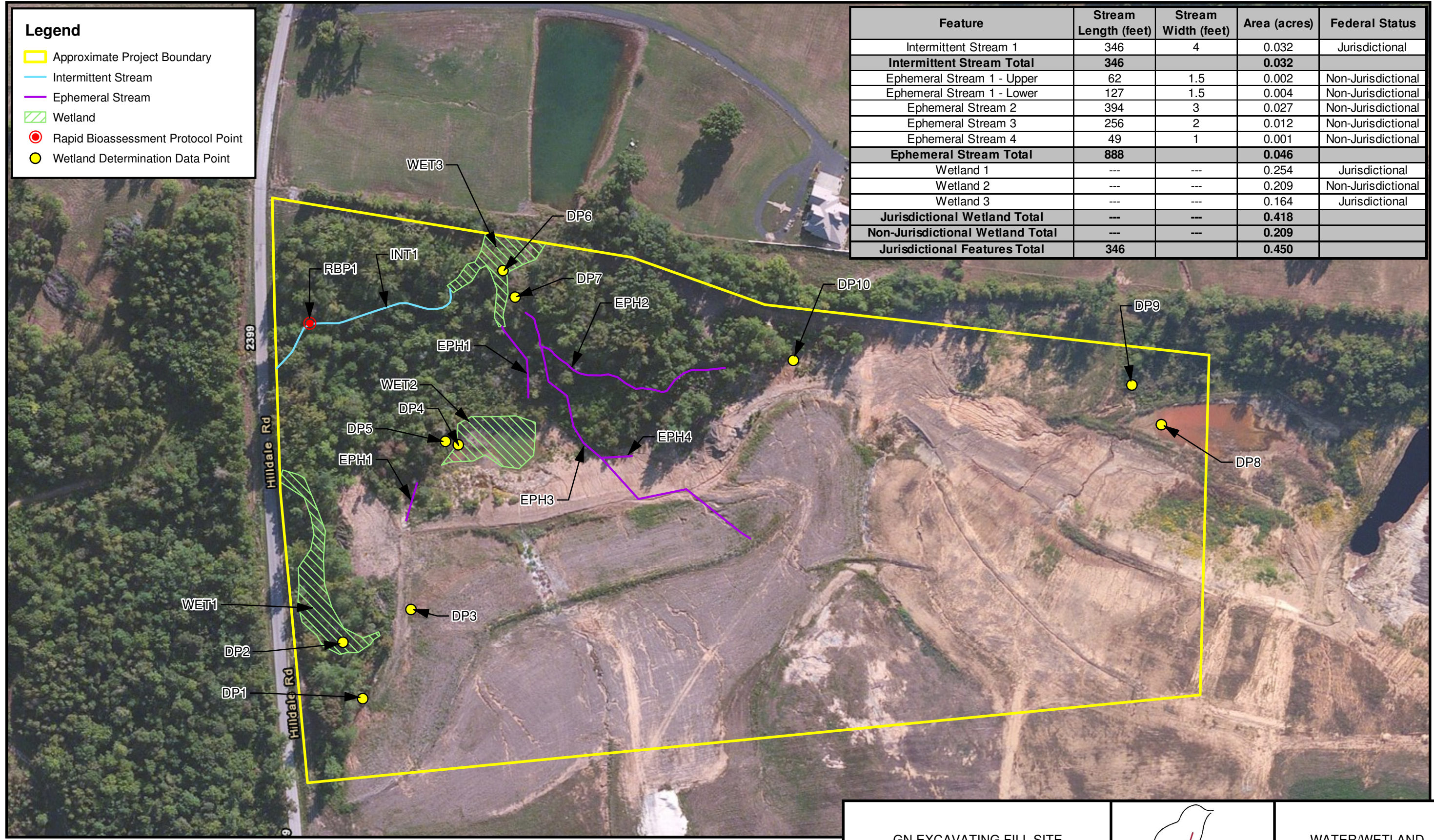
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Source: Aerial - 60cm color orthoimagery of the Commonwealth of Kentucky (NAIP-FSA) from kygisserver.ky.gov ArcGIS services (2016).; 2-foot Contours extracted from DEM (2012).

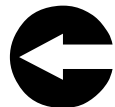
Legend

- Approximate Project Boundary
- Intermittent Stream
- Ephemeral Stream
- Wetland
- Rapid Bioassessment Protocol Point
- Wetland Determination Data Point

Feature	Stream Length (feet)	Stream Width (feet)	Area (acres)	Federal Status
Intermittent Stream 1	346	4	0.032	Jurisdictional
Intermittent Stream Total	346		0.032	
Ephemeral Stream 1 - Upper	62	1.5	0.002	Non-Jurisdictional
Ephemeral Stream 1 - Lower	127	1.5	0.004	Non-Jurisdictional
Ephemeral Stream 2	394	3	0.027	Non-Jurisdictional
Ephemeral Stream 3	256	2	0.012	Non-Jurisdictional
Ephemeral Stream 4	49	1	0.001	Non-Jurisdictional
Ephemeral Stream Total	888		0.046	
Wetland 1	---	---	0.254	Jurisdictional
Wetland 2	---	---	0.209	Non-Jurisdictional
Wetland 3	---	---	0.164	Jurisdictional
Jurisdictional Wetland Total	---	---	0.418	
Non-Jurisdictional Wetland Total	---	---	0.209	
Jurisdictional Features Total	346		0.450	



NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES WERE DELINEATED AND SURVEYED BY REDWING WETLAND SCIENTISTS ON JULY 29, 2020. THESE BOUNDARIES HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.



GN EXCAVATING FILL SITE
HANCOCK COUNTY, KENTUCKY

REVISED DATE: 06-09-21 | DRAWN BY: BJD/CRK

REDWING
ECOLOGICAL SERVICES, INC.

WATER/WETLAND
LOCATION MAP

FIGURE 3

R:\Archives\Redwing\Projects\20-046-BRM GN Excavating Fill Site\Figures\Water_Wetland\locationMap.mxd_06-9-2021_temp