



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): May 10, 2021

ORM Number: LRL-2021-00404-MAD

Associated JDs: N/A

Review Area Location<sup>1</sup>:

State/Territory: KY City: County/Parish/Borough: Hardin County

Center Coordinates of Review Area: Latitude 37.587758 Longitude -85.899955

**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)<sup>2</sup>**

| § 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)<sup>3</sup>

| (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 |
|-------------|-------------|-----------------|------------------------------------|
| N/A         | N/A         | N/A             | N/A                                |

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 |
|-------------|-------------|-----------------|------------------------------------|
| N/A         | N/A         | N/A             | N/A                                |

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> If the navigable water is not subject to the ebb and flow of the tide and 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.

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> 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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**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12))<sup>4</sup>:

| Exclusion Name               | Exclusion Size | Exclusion <sup>5</sup>   | Rationale for Exclusion Determination  |
|------------------------------|----------------|--|--|
| LRL-2021-00404, Stream 1     | 2,706 feet     | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool   | Stream 1 is a first order stream which exhibits a morphology typical of ephemeral streams in the region. The stream only contains surface water flowing or pooling in direct response to precipitation and had no flow in the channel during the field assessment even during wetter than normal conditions in the wet season. |
| LRL-2021-00404, Open Water 1 | 0.24 acres     | (b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year | The open water pond is connected to Wetland C. These features are physically isolated in the landscape. There is no indication of consolidated flow leaving the feature, or potential connection to or flooding from downstream waters.  |
| LRL-2021-00404, Wetland A    | 0.04 acres     | (b)(1) Non-adjacent wetland  | The wetland is physically isolated in the landscape. There is no indication of consolidated flow leaving the wetland, or potential connection to or flooding from downstream waters.   |
| LRL-2021-00404, Wetland B    | 0.12 acres     | (b)(1) Non-adjacent wetland  | The wetland is physically isolated in the landscape located in a depression within a forested tract. There is no indication of consolidated flow leaving the wetland, or potential connection to or flooding from downstream waters.   |
| LRL-2021-00404, Wetland C    | 1.1 acres      | (b)(1) Non-adjacent wetland  | The wetland is connected to Open Water 1. These features are physically isolated in the landscape located in a depression within a forested tract. There is no indication of consolidated flow leaving the wetland, or potential connection to or flooding from downstream waters.   |
| LRL-2021-00404, Wetland D    | 0.03 acres     | (b)(1) Non-adjacent wetland  | The wetland is an emergent wetland with sparse vegetation formed in a shallow depression. There is no indication of potential connection to or flooding from downstream waters.  |
| LRL-2021-00404, Wetland E    | 0.74 acres     | (b)(1) Non-adjacent wetland  | The wetland is physically isolated in the landscape located in a depression within a forested tract. There is no indication of consolidated flow leaving the wetland, or potential connection to or flooding from downstream waters.   |

**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.

  x   Information submitted by, or on behalf of, the applicant/consultant: *Request for JD dated April 22, 2021 and Waters of the US Delineation and Jurisdictional Determination Glendale Megasite prepared by Third Rock Consultants, LLC dated April 12, 2021.*  
This information (is) sufficient for purposes of this AJD.

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Rationale: N/A

- \_\_\_\_\_ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *(aerial and other) Photos submitted by requestor dated 4/8/2021; Google Earth Aerials dated (9/24/2004, 4/04/2013, 6/14/2008, 6/19/2004, 2/24/1997, 12/30/1985*
- \_\_\_\_\_ Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *PJD for LRL-2004-00083 dated 8/17/2009*
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.sc.egov.usda.gov/>. Accessed 05/10/2021*
- USFWS NWI maps: *National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. Available online at <http://www.fws.gov/wetlands/>. Accessed 05/10/2021*
- USGS topographic maps: *24K Sonora, 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.  |

**B. Typical year assessment(s):** The Antecedent Precipitation Tool was utilized for the April 8, 2021 site assessment. The data shows that the assessment was during wetter than normal conditions during the wet season. The site assessment was during wetter than typical year conditions

**C. Additional comments to support AJD:** N/A

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