



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): July 21, 2021

ORM Number: LRL-2021-00495

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 37.996771 Longitude -85.70979

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 Stream 1	465 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Intermittent Stream 1 enters the site near the northwest corner of the site and flows south along the western site boundary for 465 feet until it flows into Intermittent Stream 2. The stream exhibited flowing water measuring up to 6-inches in depth during a field assessment and contributes flow indirectly to an (a)(1) water.
Intermittent Stream 2	1065 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Intermittent Stream 2 enters the site near the southeast corner of the site and flows northwest along the southern site boundary for 1,065 feet before exiting the site through a culvert at the western site boundary. Intermittent Stream 2 ranges from 4 to 12 feet wide,

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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			with bank heights ranging from six inches to two feet, and a substrate consisting of silt and sand. The stream exhibited flowing water measuring up to one foot in depth during a field assessment. Intermittent 2 contributes flow indirectly to an (a)(1) water.
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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

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1	0.149 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 1 abuts Intermittent Stream 2, which is an (a)(2) water.
Wetland 11	0.17 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 11 abuts Intermittent Stream 2, which is an (a)(2) water.
Wetland 12	0.202 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 12 abuts Intermittent Stream 2, which is an (a)(2) water.
Wetland 7	0.131 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 7 abuts Intermittent Stream 2, which is an (a)(2) water.
Wetland 8	0.017 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 8 abuts Intermittent Stream 2, which is an (a)(2) water.
Wetland 9	0.108 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland 9 abuts Intermittent Stream 2, which is 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
Wetland 10	0.013 acres	(b)(1) Non-adjacent wetland	Wetland 10 is an isolated feature. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore, excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland 2	0.118 acres	(b)(1) Non-adjacent wetland	Wetland 2 is an isolated feature. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore, excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland 3	0.01 acres	(b)(1) Non-adjacent wetland	Wetland 3 is an isolated feature. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore, excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland 4	0.013 acres	(b)(1) Non-adjacent wetland	Wetland 4 is an isolated feature. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore, excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland 5	0.119 acres	(b)(1) Non-adjacent wetland	Wetland 5 is an isolated feature. The wetland

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			does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore, excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland 6	0.021 acres	(b)(1) Non-adjacent wetland	Wetland 6 is an isolated feature. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore, excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.

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 Adam Shepherd Parkway Property, with supporting documentation (May 25, 2021).*

This information is sufficient for purposes of this AJD.

Data sheets prepared by the Corps: *N/A*

Photographs: *(aerial and other) Site photographs, submitted by agent, (April 27-28 / May 4, 2021).*

Corps Site visit(s) conducted on: *N/A*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*

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

USDA NRCS Soil Survey: *SSURGO, Bullitt County, Kentucky (2008)*

USFWS NWI maps: *1:4, 514 37.997 | -85.702*

USGS topographic maps: *1:24 K Brooks and Shepherdsville, 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	Regulatory viewer with 3DEP Elevation contours, DEM, and hill-shade layers.
State/Local/Tribal Sources	N/A.
Other Sources	Google Earth Pro (2004, 2018, 2020) with NHD and USGS Earth point Topo map layers and Google maps with terrain overlay.

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- 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

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

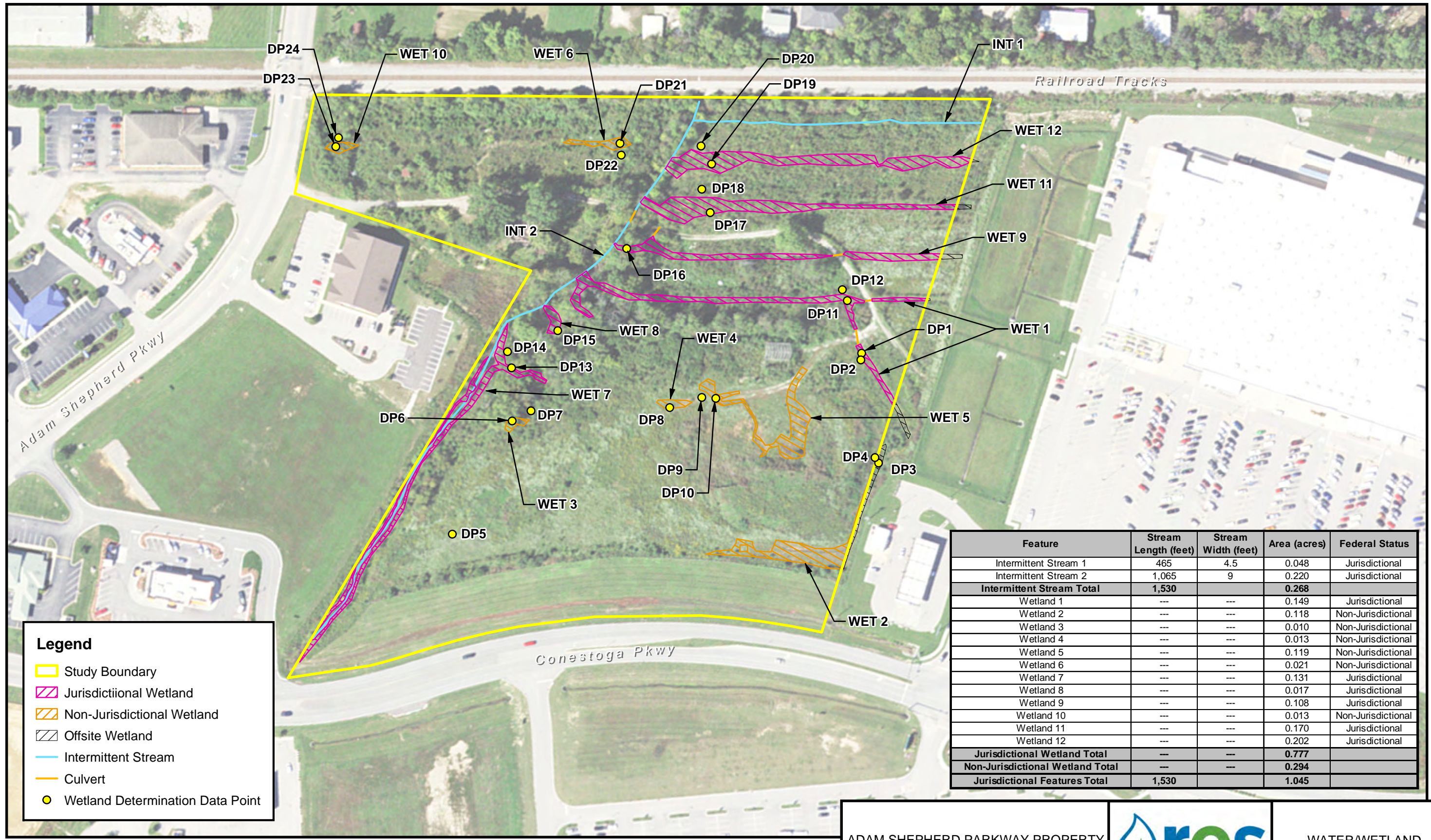
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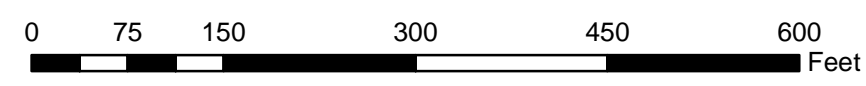
Source: Aerial - (NAIP-FSA) from kygisserver.ky.gov ArcGIS services (2018); Bullitt County KY Parcel Data.



Feature	Stream Length (feet)	Stream Width (feet)	Area (acres)	Federal Status
Intermittent Stream 1	465	4.5	0.048	Jurisdictional
Intermittent Stream 2	1,065	9	0.220	Jurisdictional
Intermittent Stream Total	1,530		0.268	
Wetland 1	---	---	0.149	Jurisdictional
Wetland 2	---	---	0.118	Non-Jurisdictional
Wetland 3	---	---	0.010	Non-Jurisdictional
Wetland 4	---	---	0.013	Non-Jurisdictional
Wetland 5	---	---	0.119	Non-Jurisdictional
Wetland 6	---	---	0.021	Non-Jurisdictional
Wetland 7	---	---	0.131	Jurisdictional
Wetland 8	---	---	0.017	Jurisdictional
Wetland 9	---	---	0.108	Jurisdictional
Wetland 10	---	---	0.013	Non-Jurisdictional
Wetland 11	---	---	0.170	Jurisdictional
Wetland 12	---	---	0.202	Jurisdictional
Jurisdictional Wetland Total			0.777	
Non-Jurisdictional Wetland Total			0.294	
Jurisdictional Features Total	1,530		1.045	

Legend

- Study Boundary
- Jurisdictional Wetland
- Non-Jurisdictional Wetland
- Offsite Wetland
- Intermittent Stream
- Culvert
- Wetland Determination Data Point



NOTE: JURISDICTIONAL WATER/WETLAND BOUNDARIES WERE DELINEATED AND SURVEYED BY RES WETLAND SCIENTISTS ON APRIL 27-28 AND MAY 4, 2021. THESE BOUNDARIES HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.



ADAM SHEPHERD PARKWAY PROPERTY
BULLITT COUNTY, KENTUCKY



WATER/WETLAND
LOCATION MAP

REVISED DATE: 05-11-21 | DRAWN BY: BJD/EDB/LMB

FIGURE 3

R:\Res\gis\Projects\103905 Adam_Shepherd_Parkway\MXD\J Request\Water\WetlandMap.mxd, 05-11-2021, ebowman