



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): 5-AUG-2021  
ORM Number: LRL-2015-00172  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: KY City: Eighty-Eight County/Parish/Borough: Barren County  
Center Coordinates of Review Area: Latitude 36.910512 Longitude -85.773784

**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
NWPR S-10 Eph (Crossing 5)	N/A	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral stream S-10 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral stream S-10 is a (b)(3) water and is therefore excluded from the rule.
NWPR S-12 Eph (Crossing 5)	N/A	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral stream S-12 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral stream S-12 is a (b)(3) water and is therefore excluded from the rule.
NWPR S-14 Eph (Crossing 6)	N/A	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral stream S-14 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral stream S-14 is a (b)(3) water and is therefore excluded from the rule.
NWPR S-3 Eph (Crossing 3)	N/A	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral stream S-3 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral stream S-3 is a (b)(3) water and is therefore excluded from the rule.
NWPR S-4 Eph (Crossing 3)	N/A	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral stream S-4 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral stream S-4 is a (b)(3) water and is therefore excluded from the rule.
NWPR S-7 Eph (Crossing 5)	N/A	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral stream S-7 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral stream S-7 is a (b)(3) water and is therefore excluded from the rule.
NWPR S-9 Eph (Crossing 5)	N/A	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral stream S-9 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral stream S-9 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: *Title(s) and date(s)*.  
This information is sufficient for purposes of this AJD.  
Rationale: N/A
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: (*NA, aerial, other, aerial and other*) *Title(s) and/or date(s)*. Photos taken February 8, 2021, submitted with permit application.
- Corps Site visit(s) conducted on: *Date(s)*. April 5, 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)*.

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<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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- \_\_\_ USFWS NWI maps: *Title(s) and/or date(s)*.  
\_\_\_ USGS topographic maps: *Title(s) and/or date(s)*.

**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 (APT) was used to evaluate climatic conditions for the date of the site visit, April 5, 2021. The APT analysis shows that precipitation and climatic conditions were within the normal periodic range, therefore typical year conditions were present. Additionally, Weather Underground rainfall records were obtained from the weather station located at the Nashville, Tennessee International Airport Station for dates prior to the site visit. Records show 0 inches of precipitation fell 2 days prior to the site visit on April 5, 2021, and 0.0 inches fell on the date of the site visit. No water was observed in any of the ephemeral streams during the field visit. As typical year conditions were present, and no flow was observed in the streams, the assessment provides further evidence that the streams are ephemeral features.
- C. Additional comments to support AJD:** N/A

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