



**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): 3/18/2021

ORM Number: LRL-2020-00669

Associated JDs: NA

Review Area Location¹: State/Territory: KY City: Frenchburg County/Parish/Borough: Menifee

Center Coordinates of Review Area: Latitude 37.939679 Longitude -83.649362

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

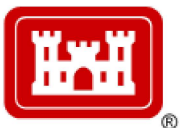
Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination	
N/A.	N/A.	N/A.	N/A.	

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination	
PER 1	65	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Indian Creek. Indian Creek falls within the watershed of the Kentucky River, a TNW.

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

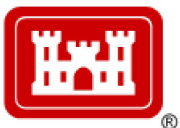
² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 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 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.



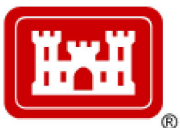
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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
PER 2	506	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Beaver Creek. Beaver Creek falls within the watershed of the Licking River, a TNW.
PER 3	1352	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Beaver Creek. Beaver Creek falls within the watershed of the Licking River, a TNW
PER 4	568	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Indian Creek. Indian Creek falls within the watershed of the Kentucky River, a TNW.
PER 5	261	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Indian Creek. Indian Creek falls within the watershed of the Kentucky River, a TNW.
PER 6	656	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Indian Creek. Indian Creek falls within the watershed of the Kentucky River, a TNW.
PER 7	93	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Indian Creek. Indian Creek falls within the watershed of the Kentucky River, a TNW.



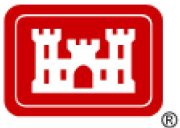
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(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
PER 8	198	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Indian Creek. Indian Creek falls within the watershed of the Kentucky River, a TNW.
PER 9	380	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes year-round flow indirectly to a Section 10 water in a typical year by flowing into Adams Creek. Adams Creek empties into Beaver Creek which falls within the watershed of the Licking River, a TNW
INT 1	771	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Indian Creek. Indian Creek falls within the watershed of the Kentucky River, a TNW.
INT 2	93	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Beaver Creek. Beaver Creek falls within the watershed of the Licking River, a TNW
INT 3	140	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Beaver Creek. Beaver Creek falls within the watershed of the Licking River, a TNW
INT 4	51	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Beaver Creek. Beaver Creek falls within the watershed of the Licking River, a TNW



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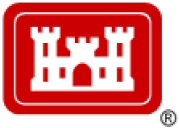
Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
INT 5	1613	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
INT 6	1154	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
INT 7	304	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
INT 8	69	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
INT 9	225	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.



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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
P-1	4.15	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	P-1 has a direct hydrologic connection up and downstream of PER-6 [(a)(2) stream]. PER-6 is a tributary that contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Indian Creek. Indian Creek falls within the watershed of the Kentucky River, a TNW.
P-2	0.02	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	P-2 has a direct hydrologic connection up and downstream of PER-3 [(a)(2) stream]. PER-3 is a tributary that contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Beaver Creek. Beaver Creek empties into the Licking River, a TNW.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
WET-1	0.10	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	WET-1 is inundated by flooding from PER-7 in a typical year, an (a)(2) tributary.
WET-2	0.11	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WET-2 is inundated by flooding from PER-8 and PER-6 in a typical year, an (a)(2) tributary.
WET-3	0.21	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Wet-3 is inundated by flooding from P-1 and PER-4 in a typical year, an (a)(2) tributary.
WET-4	0.12	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	WET-4 is inundated by flooding from P-1 and PER-5 in a typical year, an (a)(2) tributary.



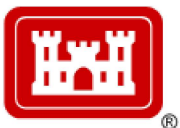
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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EPH 1	147	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 2	585	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 3	76	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 4	180	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 5	497	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 6	166	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 7	525	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 8	246	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Tributary surface water only flows or pools in direct response to precipitation.

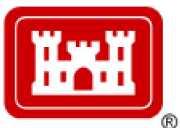
⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	
EPH 9	111	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 10	244	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 11	244	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 12	135	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 13	578	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 14	131	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 15	52	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 16	331	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 17	254	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
EPH 18	90	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 19	204	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 20	262	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 21	90	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 22	87	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 23	265	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 24	388	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 25	838	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 26	55	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary surface water only flows or pools in direct response to precipitation.
EPH 27	210	linear feet	(b)(3) Ephemeral feature, including	Tributary surface water only flows or pools in direct response to precipitation.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EPH 28	753	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.
EPH 29	223	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.

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: [Jackson Consulting Group](#)
This information [Select](#). sufficient for purposes of this AJD.
Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).
- ☐ Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- ☒ Photographs: [Other: See Jackson Consultants report](#).
- ☒ Corps site visit(s) conducted on: [March 9, 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: [Web Soil Survey, Menifee County, KY \(See report\)](#)
- ☒ USFWS NWI maps: [Digital NWI Map \(See report\)](#)
- ☐ 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	ORM
State/Local/Tribal Sources	ArcGIS KY DEM Tool
Other Sources	N/A.

B. Typical year assessment(s): [APT indicates field work was completed under normal typical year conditions during the wet and dry season.](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)

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.