



**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): 8/19/2021  
 ORM Number: LRL-2021-00564-mlk  
 Associated JDs: NA  
 Review Area Location<sup>1</sup>: State/Territory: KY City: Richmond County/Parish/Borough: Madison  
 Center Coordinates of Review Area: Latitude 37.686964 N Longitude 84.15870 W

**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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
S06	0.03	acre(s)	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S06 is an unnamed intermittent channel to Hickory Lick, which is a tributary of Muddy Creek, to the Kentucky River, which is a Traditionally Navigable Water or an (a)(1) water. The unnamed intermittent channel is deeply incised with banks six to nine feet high. The ordinary high water mark is approximately three feet wide and two feet deep. Water present at the time of survey (March 9, 2021) was approximately three feet wide and less than one foot deep.

<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 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.

<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 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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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.	

**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	
W07	0.08 acre(s)	(b)(1) Non-adjacent wetland.	W07 is an emergent wetland. It is a sidehill seep surrounded by pasture and is not abutting or connected to the downstream waters by an (a)(1)-(a)(3) water, nor inundated by (a)(1)-(a)(3) waters in a typical year. This wetland is physically separated from all (a)(1)-(a)(3) waters. Therefore, this wetland would be considered a (b)(1) non-adjacent wetland.	
W08	0.01 acre(s)	(b)(1) Non-adjacent wetland.	W08 is an emergent wetland. It is a sidehill seep surrounded by pasture and is not abutting or connected to the downstream waters by an (a)(1)-(a)(3) water, nor inundated by (a)(1)-(a)(3) waters in a typical year. This wetland is physically separated from all (a)(1)-(a)(3) waters. Therefore, this wetland would be considered a (b)(1) 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: [SIAP 904 Wetland Delineation Report, June 2021](#)  
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: [Aerial and Other: SIAP 904 Wetland Delineation Report, June 2021](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- 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: [Maps located in the SIAP 904 Wetland Delineation Report dated June 2021](#)

<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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- USFWS NWI maps: [Maps located in the SIAP 904 Wetland Delineation Report dated June 2021 and also <https://www.fws.gov/wetlands/data/mapper.html>, accessed on August 11, 2021.](#)
- USGS topographic maps: [Maps located in the SIAP 904 Wetland Delineation Report dated June 2021](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	<a href="#">Map showing location of site, Google Earth Pro.</a>

**B. Typical year assessment(s):** N/A.

**C. Additional comments to support AJD:** Wetlands W07 and W08 were both observed to be hillside seeps with hydrologic vegetation with soils assumed to be hydric due to landscape position and the hydrologic vegetation present. W07 is located approximately 200 feet away from S06. The only hydrologic connection to the tributary is via overland flow during rain events. W08 is located approximately 200 feet from S06 and also contributes flow to S06 via overland flow only during rain events. These wetlands do not abut S06 and are not inundated by flooding events and are therefore considered to be (b)(1) Non-adjacent wetlands. This area which includes W07, W08 and S06, as depicted in the maps and delineation report dated June 2021, is a part of a much larger survey. However, the applicant requested an AJD for this section of the survey only.