



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): 23-FEB-2021

ORM Number: LRL-2013-00680-cat

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Williamstown County/Parish/Borough: Grant County

Center Coordinates of Review Area: Latitude 38.621397 Longitude -84.586271

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
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

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
A-11-A	650 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	A-11-A is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
A-11-D	300 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	A-11-D is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
A-11-D-1	180 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	A-11-D-1 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
A-11-D-2	120 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	A-11-D-2 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
A-7-A	150 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	A-7-A is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
A-8	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	A-8 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
A-9	440 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	A-9 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
B-3	290 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	B-3 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
C-2	350 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	C-2 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
C-3	265 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	C-3 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
C-4	220 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	C-4 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
C-5	740 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	C-5 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
C-6	800 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	C-6 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
C-7	1020 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	C-7 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
C-7-A	430 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	C-7-A is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
C-7-B	240 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	C-7-B is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified

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		rill, or pool	by the agent.
D	440 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	D is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
D-1	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	D-1 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
E	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	E is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
E-1	800 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	E-1 is an ephemeral stream with a bankfull width of 1-3 feet. Ground water connections were not identified by the agent.
Pond-1	0.04 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	Pond-1 lacks a direct connection to (a)(1) waters and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.
Pond-2	0.1 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	Pond-2 lacks a direct connection to (a)(1) waters and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.

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: *Jurisdictional Determination Request: Ark Encounter, LLC. Submitted by Otte Enterprises. Dated: December 11, 2020.*

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) Google Earth, 2021; Maps submitted by the agent.*

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: *Title(s) and/or date(s).*

USFWS NWI maps: *Title(s) and/or date(s).*

USGS topographic maps: *1:24,000 Williamstown, KY.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
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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 PDSI drought Index indicates “Extreme Wetness” at the project location. The Web WIMP H2O Balance indicates the determination was conducted during the wet season. The Antecedent Precipitation Tool determined that during the month of October wet conditions existed at the project site.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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