



**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): 7/29/2020

ORM Number: LRL-2019-753

Associated JDs: N/A

Review Area Location¹: State/Territory: Kentucky City: Cedar Grove County/Parish/Borough: Bullitt

Center Coordinates of Review Area: Latitude 37.971752 Longitude -85.664356

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 1	330	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Intermittent Stream 1 is three to four feet wide with bank heights of one to two feet, and substrate consisting of silt, sand and gravel. Geomorphology characteristics including riffle pool sequences and substrate sorting were observed during the site visit and field assessment. The stream’s morphology is consistent with intermittent channels in the region. The stream flows downstream to Licksillet Creek, then to Cedar Creek, and onto Salt River, an (a)(1) water.

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
Intermittent 2	620	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent Stream 2 is one to four feet wide with bank heights of two to twelve inches, and substrate consisting of silt, sand, gravel and some cobble. The stream's morphology is consistent with intermittent channels in the region. Pooled water was observed in the stream during the dry season. The stream flows downstream to Buffalo Run and onto Salt River, an (a) (1) water.
Intermittent 3	970	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent Stream 3 is two to ten feet wide with one-foot bank heights and substrate consisting of silt, sand, gravel, cobble and some boulders and bedrock. The stream's morphology is consistent with intermittent channels in the region. Pooled water at a maximum of two inches was observed in the channel during the dry season. The stream flows downstream to Buffalo Run and onto Salt River, an (a)(1) water.

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.	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.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral 1	400	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	During the field assessment and site visit, the stream was primarily dry with a few areas of pooled water even during wetter than normal conditions. The feature only exhibited flow in direct response to precipitation. The feature has a morphology typical of an ephemeral stream in this region
Ephemeral 2	295	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	During the field assessment and site visit, the stream was primarily dry with a few areas of pooled water even during wetter than normal conditions. The feature only exhibited flow in direct response to precipitation. The feature has

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	
				a morphology typical of an ephemeral stream in this region
Ephemeral 3	210	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	During the field assessment and site visit, the stream was primarily dry with a few areas of pooled water even during wetter than normal conditions. The feature only exhibited flow in direct response to precipitation. The feature has a morphology typical of an ephemeral stream in this region
Ephemeral 4	375	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	During the field assessment and site visit, the stream was primarily dry with a few areas of pooled water even during wetter than normal conditions. The feature only exhibited flow in direct response to precipitation. The feature has a morphology typical of an ephemeral stream in this region
Ephemeral 5	230	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	During the field assessment and site visit, the stream was primarily dry with a few areas of pooled water even during wetter than normal conditions. The feature only exhibited flow in direct response to precipitation. The feature has a morphology typical of an ephemeral stream in this region
Ephemeral 6	45	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	During the field assessment and site visit, the stream was primarily dry with a few areas of pooled water even during wetter than normal conditions. The feature only exhibited flow in direct response to precipitation. The feature has a morphology typical of an ephemeral stream in this region
Ephemeral 7	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	During the field assessment and site visit, the stream was primarily dry with a few areas of pooled water even during wetter than normal conditions. The feature only exhibited flow in direct response to precipitation. The feature has a morphology typical of an ephemeral stream in this region
Ephemeral 8	195	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	During the field assessment and site visit, the stream was primarily dry with a few areas of pooled water even during wetter than normal conditions. The feature only exhibited flow in direct response to precipitation. The feature has a morphology typical of an ephemeral stream in this region
Man-made Ditch	350	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of	Aerial photography indicates that the ditch appears to have been constructed around 2010 in association with the construction of Park Loop Road. The feature was constructed in the upland



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	and drains through a culvert under Park Loop Road and into an unnamed tributary to Buffalo Run.
Wetland 1	0.407	acre(s)	(b)(1) Non-adjacent wetland.	This feature is connected downstream only through the man-made ditch, a (b) (5) excluded feature, and is physically isolated from form all other on-site resources.
Wetland 2	0.044	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is abutting ephemeral stream 3, a (b) (3) excluded feature, and is physically isolated from all other on-site resources.
Wetland 3	0.534	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is abutting Ephemeral stream 1, a (b) (3) excluded feature, and is physically isolated from form all other on-site resources.
Wetland 4	0.023	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is abutting Ephemeral stream 2, a (b) (3) excluded feature, and is physically isolated from all other on-site resources.

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: [PCN for NWP #29 for Prologis dated August 5, 2019](#)

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: Site Photos included in PCN dated July 8-9, 2019. Google Earth aeriels dated\(10/21/18; 2/25/18; 9/12/16; 11/6/13; 6/20/10; 6/14/08; 3/14/98\)](#)

Corps site visit(s) conducted on: [8/28/19](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [/](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [SSURGO, Bullitt County, KY \(2008\)](#)

USFWS NWI maps: [NWI mapper](#)

USGS topographic maps: [1:24,000-Shepherdsville, KY 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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.



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- B. Typical year assessment(s):** The Antecedent Precipitation Tool was utilized for the Corps site visit on August 5, 2019 and the applicant's field assessment and site photos dated of July 9, 2019. The data shows that both dates were during wetter than normal conditions in the dry season.
- C. Additional comments to support AJD:** N/A