



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): 18-AUG-2021

ORM Number: LRL-2019-00191

Associated JDs:

Review Area Location<sup>1</sup>:

State/Territory: KY City: Lebanon County/Parish/Borough: Marion County

Center Coordinates of Review Area: Latitude 37.54493 Longitude -85.283043

**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
D-1, LRL-2019-00191	2050 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream originated from Pond 1 and drain through the project area directly to Indian Lick Creek, and then to Rolling Fork, and into the Salt River, an (a)(1) water. The stream has a morphology typical of an intermittent stream in the region and exhibited flow more than in response to precipitation.
D-2, LRL-2019-00191	1050 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream originated from Pond 2 and directly into stream D-1, an (a)(2). The stream has a morphology typical of an intermittent stream in the region and exhibited flow more than in response to precipitation.
D-3, LRL-2019-00191	910 feet	(a)(2) Intermittent tributary contributes surface water flow	The stream originates onsite and drains into stream D-1, and (a)(1) water off-site. The stream has 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 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 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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		directly or indirectly to an (a)(1) water in a typical year	morphology typical of an intermittent stream in the region and exhibited flow more than in response to precipitation.
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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
Pond 1, LRL-2019-00191	0.41 acres	(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	The pond has a direct hydrological connection to D-1, an (a)(2) water, and is an impoundment of the headwater of D-1.
Pond 2, LRL-2019-00191	1.34 acres	(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	The pond has a direct hydrological connection to D-2, an (a)(2) water, and is an impoundment of the headwater of D-2.

**Adjacent wetlands ((a)(4) waters):**

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 1, LRL-2019-00191	0.2 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	The wetland directly abuts Pond 2, an (a)(3) water.

**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
D-4, LRL-2019-00191	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature is a first order stream that was dry during the field assessment. The stream does not exhibit flow more than in response to precipitation and has a morphology typical of ephemeral stream in the region.
D-5, LRL-2019-00191	570 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature is a first order stream that was dry during the field assessment. The stream does not exhibit flow more than in response to precipitation and has a morphology typical of ephemeral stream in the region.
D-6, LRL-2019-00191	170 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature is a first order stream that was dry during the field assessment. The stream does not exhibit flow more than in response to precipitation and has a morphology typical of ephemeral stream in the region.
D-7, LRL-2019-00191	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The feature is a first order stream that was dry during the field assessment. The stream does not exhibit flow more than in response to precipitation and has a morphology typical of ephemeral stream in the region.

**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.

  x   Information submitted by, or on behalf of, the applicant/consultant: *Preliminary Jurisdictional Determination Request Project Workhorse (LRL-2019-191-mad) dated June 23, 2012*

<sup>1</sup> Map(s)/Figure(s) are attached to the AJD provided to the requestor.

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prepared by BDY Natural Sciences Consultants, *Stream an Wetland Jurisdictional Determinations Project Workhorse Site Marion County Industrial Park* dated February 2019 prepared by Smith Management Group.

This information (is) 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: *(aerial and other) Applicant photos dated 6/24/2021; Google Earth images dated 11/05/2020, 04/12/2017, 10/09/2013, 06/14/2008, 06/19/2004, 03/14/1998*

\_\_\_ Corps Site visit(s) conducted on: *Date(s).*

Previous Jurisdictional Determinations (AJDs or PJDs): *PJD for LRL-2019-00191-mad dated 3/13/2019*

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: *Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at <http://websoilsurvey.sc.egov.usda.gov/>. Accessed 08/18/2021*

USFWS NWI maps: *USFWS NWI maps: National Wetlands Inventory website. U.S. Department of the Interior, Fish and Wildlife Service, Washington, D.C. Available online at <http://www.fws.gov/wetlands/>. Accessed 08/18/2021*

USGS topographic maps: *1:24,000 Lebanon West, KY Quadrangle*

**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):** Typical year assessment(s): The Antecedent Precipitation Tool was utilized the applicant's site assessment date of 6/24/2021. The data shows that the assessment was during normal conditions during the dry season. The assessment was during typical year conditions.

**C. Additional comments to support AJD:** N/A

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