



**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): 8/11/2020
 ORM Number: LRL-2020-00301-mlk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: KY City: Springfield County/Parish/Borough: Washington
 Center Coordinates of Review Area: Latitude 37.632777 Longitude -85.231701

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
S1	273	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			S1 originates at a groundwater seep downstream from an ephemeral channel (ES3). S1 possessed moderate flow at the time the fieldwork for the delineation was being completed, had banks ranging from two to eight feet wide and one to three feet high, a bedrock and cobble/gravel substrate, and multiple macroinvertebrates were observed within the riffle substrate (e.g., stoneflies, caddisflies, and amphipods). S1 is a tributary of Servant Run, which flows to Cartwright Creek, to Beech Fork, to Rolling Fork, to the Salt River, which flows directly to the

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
				Ohio River, a traditionally navigable waterway ((a)(1) water).
S2	155	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	S2 originates at a groundwater seep located adjacent to a taxiway outfall and flows in a generally northeastern direction before converging with S1. The stream possesses a primarily silt/gravel substrate, ranges from approximately one to four feet wide, and has banks from one to two feet high. S2 is a tributary of Servant Run, which flows to Cartwright Creek, to Beech Fork, to Rolling Fork, to the Salt River, which flows directly to the Ohio River, a traditionally navigable waterway ((a)(1) water)
S5	265	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Based on the delineation, S5 has a bedrock-dominated substrate that is approximately 20 feet wide and has banks three feet high. The stream was flowing during the delineation and would appear to flow all year around. S5 is a tributary of Servant Run, which flows to Cartwright Creek, to Beech Fork, to Rolling Fork, to the Salt River, which flows directly to the Ohio River, a traditionally navigable waterway ((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
WA	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WA is located on the southeastern corner of the project site, adjacent to and abutting S1 (an (a)(2) water). WA has a dominance of hydrophytic tree species.
WB	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	WB is located within the floodplain and is directly abutting S5. This wetland is an emergent wetland with hydrophytic herbaceous species present.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
ES3	80	linear feet	(b)(3) Ephemeral feature, including an ephemeral	The unnamed tributary is a poorly-defined ephemeral drainage that conveys stormwater from the northern portion of the property to the

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.	southeast. It begins as a vegetated swale that develops a significant bed-and-bank and cobble substrate within the forested area. No flowing water was present in the channel during the site visit. A groundwater seep flows into the channel approximately 80 feet downstream from its origin, which begins the intermittent stream (S1).
ES4	180	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. The unnamed tributary is a poorly-defined ephemeral drainage that conveys stormwater from the central portion of the property to the northwest. The stream is dominated by invasive, exotic wintercreeper in much of the reach, and only a few isolated pools were observed during the delineation. The substrate is primarily silt, and the banks range from one to two feet wide and are one to two feet high.

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: [S&ME, Inc. Jurisdictional Waters Report, dated March 26, 2020](#)

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: Figures 3 and 4 in JD Waters Report, dated 1/16/2020](#)
- 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: [Figure 2 in JD Waters Report](#)
- USGS topographic maps: [Springfield, 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	Weather Underground Historic Precipitation data (WUHPD), accessed 8/11/2020, https://www.wunderground.com/history/monthly/us/ky/lexington/KLEX/date/2020-1



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B. Typical year assessment(s): The Antecedent Precipitation Tool was utilized for the day of the agent's delineation site visit on January 16, 2020. The data indicated that conditions were wetter than normal conditions during the wet season. Based on precipitation data from the WUHPD, there was a total of approximately 1.05 inches of rain within the previous 5 days prior to the agent's delineation visit. At this time and location it was considered a wetter than normal time during the wet season. Therefore, the ground was saturated, so even some pooling in the ephemeral tributaries would be reasonable. ES3 ES3 identified above had no flowing water during the delineation, therefore, if it was wetter than normal conditions, and there wasn't any flow in the stream, this ephemeral would be considered ephemeral. ES4 exhibited isolated pooling water but was a poorly defined feature with a domination of wintercreeper within the channel for most of the reach. Conditions do not represent a typical year, but given the wetter than normal conditions during the wet season, the ephemeral streams appear to be ephemeral.

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