



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): 29-OCT-2020

ORM Number: LRL-2020-00916-MAD

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Mt. Washington County/Parish/Borough: Bullitt County

Center Coordinates of Review Area: Latitude 38.034542° Longitude -85.574157°

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
LRL-2020-00916, Intermittent 1	115 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream exhibited flow greater than in response to precipitation and had flowing water during both assessments. The stream flows through a culvert under State Route 66, and into and unnamed tributary which flows into Bethel Branch, and into Floyds Fork and then into the Salt River, and (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

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 and 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 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.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
LRL-2020-00916, Wetland 1	0.464 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	The wetland is separated from an intermittent unnamed tributary to McCullough Run by a berm created by Armstrong Lane. A culvert between the wetland and the intermittent tributary creates a hydrological connection between the resources. The unnamed tributary flows into McCullough Run then directly into the Salt River, and (a) (1) water.
LRL-2020-00916, Wetland 6	0.004 acres	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water in a typical year	The wetland is separated from an intermittent unnamed tributary to Bethel Branch by a berm created by State Route 44. A culvert between the wetland and the intermittent tributary creates a hydrological connection between the resources. The unnamed tributary flows into Bethel Branch, and into Floyds Fork and then into the Salt River, and (a) (1) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion⁵	Rationale for Exclusion Determination
LRL-2020-00916, Ephemeral 1	335 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has a morphology typical of ephemeral streams in the region and exhibited flow only in direct response to precipitation even in wetter than typical year conditions.
LRL-2020-00916, Ephemeral 2	305 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream has a morphology typical of ephemeral streams in the region and exhibited flow only in direct response to precipitation even in wetter than typical year conditions.
LRL-2020-00916, Wetland 2	0.149 acres	(b)(1) Non-adjacent wetland	The wetlands flow into ephemeral 1, which is a (b)(3) excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00916, Wetland 3	0.012 acres	(b)(1) Non-adjacent wetland	The wetlands flow into ephemeral 1, which is a (b)(3) excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00916, Wetland 4	0.047 acres	(b)(1) Non-adjacent wetland	The wetlands flow into ephemeral 1, which is a (b)(3) excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00916, Wetland 5	0.006 acres	(b)(1) Non-adjacent wetland	The wetlands flow into ephemeral 1, which is a (b)(3) excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00916, Wetland 7	0.012 acres	(b)(1) Non-adjacent wetland	The wetlands flow into ephemeral 2, which is a (b)(3) excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00916, Wetland 8	0.024 acres	(b)(1) Non-adjacent wetland	The wetlands flow into ephemeral 2, which is a (b)(3) excluded feature. The wetland does not abut nor receive flooding from any other resources.

III. SUPPORTING INFORMATION

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

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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: *Hall Property Development Jurisdictional Determination of Waters of the U.S. dated August 2020 prepared by EcoSource, Inc.*
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: *(Applicant provided photos February and August 2020, Google Earth aerials (10/21/2018, 12/30/2016, 9/22/2014, 12/30/2003, 12/31/2001, 03/14/1998)*
- Corps Site visit(s) conducted on: *Date(s).*
- Previous Jurisdictional Determinations (AJDs or PJDs):
- 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 10/29/2020*
- 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 10/29/2020.*
- USGS topographic maps: *24K Mt. Washington, Kentucky*

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): The Antecedent Precipitation Tool was utilized for both assessment dates of February 24, 2020 and August 6, 2020. The data shows that the February assessment was during wetter than normal conditions in the wet season, and August assessment date was during wetter than normal conditions during the dry season. Both dates are considered wetter than typical year conditions.

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

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