



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): 21-DEC-2020  
ORM Number: LRL-2020-01031-MAD  
Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE)  
Review Area Location<sup>1</sup>:  
State/Territory: KY City: County/Parish/Borough: Jefferson County  
Center Coordinates of Review Area: Latitude 38.207314 Longitude -85.462845

**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
INT1	1023 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream is three to five feet wide with bank heights of one to two feet and substrate consisting of mainly silt/clay, sand, gravel and cobble. Intermittent Stream 1 flows into and out of Wetland 1 and 3. During the site visit the channel contained flowing and pooled water which flows directly into Long Run Creek an (a) (2) water. The stream has an order and morphology typical of intermittent streams in the region.
INT2	3631 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream is three to six feet wide with bank heights of two to six inches and substrate consisting of mainly silt, sand, gravel and cobble. During the site visit the channel contained flowing and pooled water which

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<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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			flows directly into Long Run Creek an (a) (2) water. The stream has an order and morphology typical of intermittent streams in the region.
INT3	3063 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream is four to eight feet wide with bank heights of six inches to one foot and substrate consisting of mainly silt/clay, sand, gravel and cobble. During the site visit the channel contained flowing and pooled water which flows directly into INT 2 an (a) (2) water. The stream has an order and morphology typical of intermittent streams in the region.
INT4	841 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream is six feet wide with bank heights of six inches to two feet and substrate consisting of mainly silt, gravel, cobble, and bedrock. During the site visit the channel contained flowing and pooled water which flows directly into INT 3 an (a) (2) water. The stream has an order and morphology typical of intermittent streams in the region.
INT5	501 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream is two to four feet wide with bank heights of two to eight inches and substrate consisting of mainly silt. During the site visit the channel contained flowing and pooled water which indirectly contribute to an (a)(1) water. The stream flows into Long Run Creek an (a) (2) water.
INT6	148 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream is two to four feet wide with bank heights of six inches to one foot and substrate consisting of mainly silt, gravel and cobble. During the site visit the channel contained flowing and pooled water which flows directly into INT 2 an (a) (2) water. The stream has an order and morphology typical of intermittent streams in the region.
INT7	500 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The stream is three to five feet wide with bank heights of six inches to one foot and substrate consisting of mainly silt, sand, gravel and cobble. During the site visit the channel contained flowing and pooled water which flows directly into Long Run Creek an (a) (2) water. The stream has an order and morphology typical of intermittent streams in the region.
PER1	1720 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Perennial Stream 1 is 20 to 30 feet wide with silt, sand, gravel, cobble and bedrock substrate. During the field assessment, Perennial Stream 1 had pooled water at depths of up to one foot. The stream has a morphology typical of perennial streams in the region. During the site visit the channel contained flowing and pooled water which flowed into Long Run Creek, an (a)(2) water.
Long Run Creek (PER2)	6980 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Long Run Creek is 60 feet wide with silt, sand, gravel, cobble and bedrock substrate. The stream has a morphology typical of perennial stream in the region. During the field assessment the channel contained flowing and pooled water which indirectly contribute to an (a)(1) water. The stream flows directly into Floyd's Fork, and into the Salt River, an (a)(1) water.

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Shakes Run (PER3)	520 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Shakes Run is 20 to 40 feet wide with silt, sand, gravel, cobble and bedrock substrate. The stream has a morphology typical of perennial stream in the region, and flows. During the field assessment the channel contained flowing and pooled water. The stream flows into Long Run Creek, which flows to Floyd's Fork, and into the Salt River, an (a)(1) water.
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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
OW1	0.091 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	Open Water 1 is located adjacent to Intermittent Stream 1 and is directly connected via EPH 2 at the pond outlet.

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

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
WET1	0.151 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wet 1 is directly abutting Int 1, which is an (a)(2) water.
WET2	0.618 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wet 2 is directly abutting Int 1, which is an (a)(2) water.
WET3	0.036 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wet 3 is directly abutting Int 5, which is an (a)(2) 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
EPH1	120 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH10	328 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH11	118 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH12	502 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.

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EPH13	476 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH14	568 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH15	579 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH16	64 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH17	154 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH18	509 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH19	247 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH2	59 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH20	165 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH21	21 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.

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EPH22	146 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH23	225 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH24	98 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH25	212 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH26	132 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH27	107 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH28	147 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH29	54 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH3	864 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH30	637 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.

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EPH32	167 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH33	441 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH34	64 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH4	65 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH5	52 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH6	121 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH7	364 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH8	489 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.
EPH9	147 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is a first order stream with a small watershed, unstructured silt substrate and has a morphology typical of ephemeral stream in the region. The stream does not exhibit flow more than in response to precipitation.

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OW2	0.038 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	OW2 is an open water pond that is physically isolated in the landscape and lacks any connection to downstream resources.
WET4	0.037 acres	(b)(1) Non-adjacent wetland	Wetland 4 is an isolated feature which does not receive flooding from an a(1)-(3) waters. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded

**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: *Request for Jurisdictional Determination, 2605 Echo Trail Property dated November 30, 2020, prepared by Redwing Ecological Services, Inc.*  
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 date January 22 and November 2-3, 2020. Google Earth aerial dated (3/7/1997, 3/28/1998 12/31/2001, 11/6/2013, 10/21/2018)*
- 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: *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 12/21/2020*
- 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 12/21/2020*
- USGS topographic maps: *Title(s) and/or date(s). 24K Fisherville, KY*

**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.

<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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- B. Typical year assessment(s):** The Antecedent Precipitation Tool shows that the field assessment on November 2-3, 2020 was during normal conditions in the wet season. The field assessment was during typical year conditions.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

<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.

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