



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): April 28, 2021

ORM Number: LRL-2020-243-sea

Associated JDs: AJD and PJD dated July 30, 2020

Review Area Location¹:

State/Territory: KY City: Cecilia County/Parish/Borough: Hardin County

Center Coordinates of Review Area: Latitude 37.665382 Longitude -86.002620

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
S-MRR-18(1)	923.6 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-MRR-18(1) is a perennial tributary that contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. S-MRR-18(1) flows through S-MRR-18 (documented in PJD dated 7/30/20) to Blacks Branch to Nolin River, to the Green River, a Section 10 Water, to the Ohio River, a Traditional Navigable Water (TNW).
S-TJR-01	976.3 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	S-TJR-01 flows into S-MRR-18(1). The intermittent tributary contributes surface water flow continuously during certain times of the year and more than in direct response to precipitation to an (a)(1) -(a)(3) water in a typical year.

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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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

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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
D-TPT-1	162.7 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	D-TPT-1 only contains surface water flowing or pooling in direct response to precipitation. D-TPT-1 is a (b)(3) water and is therefore excluded from the rule.
P-TJR-1	0.01 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	P-TJR-1 was excavated in an upland area prior to 1932 according to historic aerials and topographic maps. P-TJR-1 is physically isolated in the landscape and 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.
W-TPT-01 PEM	0.36 acres	(b)(1) Non-adjacent wetland	W-TPT-01 PEM abuts a stream located outside of the review area that flows north. However, this stream flows into a sinkhole that is not mapped. Therefore, W-TPT-03 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.
W-TPT-01 PFO	3.39 acres	(b)(1) Non-adjacent wetland	W-TPT-01 PFO abuts a stream located outside of the review area that flows north. However, this stream flows into a sinkhole that is not mapped. Therefore, W-TPT-03 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.
W-TPT-02	0.73 acres	(b)(1) Non-adjacent wetland	W-TPT-02 does not physically abut an (a)(1)-(a)(3) water and is not inundated by water from an (a)(1)-(a)(3) water in a typical year.
W-TPT-03	3.06 acres	(b)(1) Non-adjacent wetland	W-TPT-03 abuts a stream located outside of the review area that flows north. However, this stream flows into a sinkhole that is not mapped. Therefore, W-TPT-03 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.

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: Wetland Delineation

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Report received February 23, 2021.

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: Google Earth Pro Aerials and site visit photos taken November 30, December 1, and December 29, 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: Web Soil Survey for Hardin County, KY (2018) accessed July 23, 2018.

USFWS NWI maps: USFWS NWI Website (2010) accessed December 3, 2020

USGS topographic maps: Cecilia and Howe Valley, KY; 1:24,000

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrography Dataset (NHD) accessed via Louisville District Regulatory Viewer April 8, 2021.
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 April 7, 2021. Historic Aerials.com accessed April 23, 2021. Kentucky Geologic Map Service (karst map) accessed April 8, 2021

B. Typical year assessment(s): *N/A* or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: Upon review of aerial and NHD maps, it appears a stream begins approximately 300 feet north of pond P-TJR-1 that flows north and ultimately flows into a sinkhole located at 37.681320, -86.005353. Review of the karst map determined that this sinkhole is not mapped and does not have a known trajectory or surface outlet.

WUHPD was reviewed for December 29, 2020 to see the precipitation totals for the days leading up to the assessment date and site visits for stream S-TJR-01. In December 2020, the Louisville International Airport Station, located approximately 37 miles away from the review area, recorded 0.35 inches 5 days before the site visit and was the only rainfall recorded within a week before the site visit.

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