



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): October 14, 2020

ORM Number: LRL-2020-00735

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Payneville County/Parish/Borough: Meade County

Center Coordinates of Review Area: Latitude 37.988694 Longitude -86.306168

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
N/A	N/A	N/A	N/A

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

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral Tributary	414 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The identified ephemeral tributary appears to only convey hydrology as a result of a precipitation event. In addition, the tributary does not appear to exhibit a discernable connection to downstream waters indicating isolation within the watershed. Based on submitted documentation by Redwing Ecological Services, the area received previous rainfall within a 24 to 48 hour period contributing to the presence of hydrology at the time of the field visit conducted, by Redwing, on August 11, 2020. Given the function of ephemeral tributaries within the watershed, surface flow could still be present if a precipitation event were to occur within a 24 to 48 hours period.

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 for Payneville Road property dated August 19, 2020.*

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps:

Photographs: *Aerial and Other: World Imagery – Esri and the GIS User Community (2019) and site photographs dated August 11, 2020 submitted by Redwing Ecological Services. Google Earth Pro.*

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: *SSURGO, Meade County, Kentucky (2012).*

USFWS NWI maps: *https://www.fws.gov/wetlands/Data/Mapper.html*

USGS topographic maps: *1:24K Irvington.*

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	https://www.google.com/maps/@37.9869657,-86.3033267,16.07z/data=!5m1!1e4

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- B. Typical year assessment(s):** In addition to the above-mentioned resources, the ATP tool was utilized to determine typical conditions regarding the identified aquatic resources. Based on the ATP results, observed precipitation for August 11, 2017, 2018, 2019, and 2020 produced an average observed precipitation amount of 4.08 inches. The observed precipitation amount for the current year was 6.66 inches exceeding the upper 70th percentile of 3.41 inches for the rolling 30-year normal range in 2020. The ATP results for 2020 showed wetter than normal conditions indicated the presence of hydrology would not be unusual given the increase in precipitation.
- C. Additional comments to support AJD:** N/A

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