



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): June 15, 2021

ORM Number: LRL-2020-757-sea

Associated JDs: LRL-2020-757-sea AJD dated February 22, 2021

Review Area Location¹:

State/Territory: KY City: Summer Shade County/Parish/Borough: Metcalfe County

Center Coordinates of Review Area: Latitude 36.906886 Longitude -85.706711

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
Stream 10	1182 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	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.
Stream 18	78 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	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.
Stream 19	77 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	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 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 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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UT-7A (1)	2574 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	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.
UT-7A Braid	61 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	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.

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
WL-25	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-25 is an emergent wetland that abuts Stream 10, an (a)(2) water.
WL-26	0.04 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-26 is an emergent wetland that abuts Stream 10, an (a)(2) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Stream 11	201 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 11 only contains surface water flowing or pooling in direct response to precipitation. Stream 11 is a (b)(3) water and is therefore excluded from the rule.
Stream 12	259 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 12 only contains surface water flowing or pooling in direct response to precipitation. Stream 12 is a (b)(3) water and is therefore excluded from the rule.
Stream 13	1061 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 13 only contains surface water flowing or pooling in direct response to precipitation. Stream 13 is a (b)(3) water and is therefore excluded from the rule.
Stream 14	255 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 14 only contains surface water flowing or pooling in direct response to precipitation. Stream 14 is a (b)(3) water and is therefore excluded from the rule.
Stream 15	247 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 15 only contains surface water flowing or pooling in direct response to precipitation. Stream 15 is a (b)(3) water and is therefore excluded from the rule.
Stream 16	538 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 16 only contains surface water flowing or pooling in direct response to precipitation. Stream 16 is a (b)(3) water and is therefore excluded from the rule.
Stream 17	141 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 17 only contains surface water flowing or pooling in direct response to precipitation. Stream 17 is a (b)(3) water and is therefore excluded from the rule.
Stream 20	182 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 20 only contains surface water flowing or pooling in direct response to precipitation. Stream 20 is a (b)(3) water and is therefore excluded from the rule.
Stream 21	700 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	Stream 21 only contains surface water flowing or pooling in direct response to precipitation. Stream 21 is

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		rill, or pool	a (b)(3) water and is therefore excluded from the rule.
Stream 22	570 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 22 only contains surface water flowing or pooling in direct response to precipitation. Stream 22 is a (b)(3) water and is therefore excluded from the rule.
WL-27	3.32 acres	(b)(1) Non-adjacent wetland	WL-27 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.
WL-28	0.51 acres	(b)(1) Non-adjacent wetland	WL-28 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.
WL-29	0.14 acres	(b)(1) Non-adjacent wetland	WL-29 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.

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: Approved Jurisdictional Determination Request dated April 13, 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 (June 7, 2018) and Site Visit Photos taken March 17, 2021.

Corps Site visit(s) conducted on: *Date(s)*.

Previous Jurisdictional Determinations (AJDs or PJDs): LRL-2020-757-sea AJD dated February 22, 2021.

Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

USDA NRCS Soil Survey: USDA NRCS 2021b Web Soil Survey accessed March 2021

USFWS NWI maps: USFWS 2021 NWI Mapper accessed March 2021

USGS topographic maps: Summer Shade, Kentucky Quad – 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	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): N/A

C. Additional comments to support AJD: N/A

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