



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): February 22, 2021  
 ORM Number: LRL-2020-00757-sea  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>:  
 State/Territory: KY City: Summer Shade County/Parish/Borough: Metcalfe County  
 Center Coordinates of Review Area: Latitude 36.89890 Longitude -85.71456

**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
Glover Creek	9010.91 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Glover Creek flows west along the southern edge of the survey area and receives flow from most of the tributaries within the survey area. Glover Creek flows in to Falling Timber Creek to Barren River lake to the Barren River to the Green River, a Section 10 Water, to the Ohio River, a Traditional Navigable Water (TNW).
UT-1	1749.89 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-3 INT	2538 feet	(a)(2) Intermittent tributary contributes surface water flow	The intermittent tributary contributes surface water flow continuously during certain times of the year and more

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		directly or indirectly to an (a)(1) water in a typical year	than in direct response to precipitation to an (a)(1) - (a)(3) water in a typical year.
UT-5	596.73 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-6	5530.34 feet	(a)(2) Perennial 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-6B	783.94 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-6B1	635.32 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-7	4357.11 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	672.27 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-7B	115.15 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-7C	515.33 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-8	453.42 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The perennial tributary contributes surface flow continuously to an (a)(1) water in a typical year.
UT-9	566.89 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	The perennial tributary contributes surface flow continuously to an (a)(1) 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-01	0.16 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3)	WL-01 is a scrub-shrub wetland that abuts UT-6, an

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		water	(a)(2) water.
WL-08	0.03 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-08 is a forested wetland that abuts UT-7, an (a)(2) water.
WL-09	0.65 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-09 is a forested wetland that abuts UT-7, an (a)(2) water.
WL-10	0.13 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-10 is a forested wetland that abuts UT-7, an (a)(2) water.
WL-12	0.31 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-12 is an open water pond that abuts UT-3, an (a)(2) water.
WL-13	2.23 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-13 is a forested wetland that abuts UT-6B, an (a)(2) water.
WL-14	0.15 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-14 is an emergent wetland that abuts UT-6B1, an (a)(2) water.
WL-15	0.47 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-15 is an emergent wetland that abuts UT-6B, an (a)(2) water.
WL-18	0.28 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-18 is a forested wetland that abuts UT-6B, an (a)(2) water.
WL-19	0.06 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-19 is a scrub shrub wetland that abuts UT-7, an (a)(2) water.
WL-20	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-20 is a forested wetland that abuts UT-1, an (a)(2) water.
WL-21	0.12 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-21 is an emergent wetland in the footprint of a drained pond that abuts UT-3, an (a)(2) water.
WL-23	0.14 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WL-23 is an open water pond that abuts Glover Creek, 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
UT-1A	249.66 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	UT-1A only contains surface water flowing or pooling in direct response to precipitation. UT-1A is a (b)(3) water and is therefore excluded from the rule.
UT-2	698.07 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	UT-2 only contains surface water flowing or pooling in direct response to precipitation. UT-2 is a (b)(3) water and is therefore excluded from the rule.
UT-3 EPH	375 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	UT-3 EPH only contains surface water flowing or pooling in direct response to precipitation. UT-3 EPH is a (b)(3) water and is therefore excluded from the rule.
UT-4	663.83 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	UT-4 only contains surface water flowing or pooling in direct response to precipitation. UT-4 is a (b)(3) water and is therefore excluded from the rule.
UT-6A	5286.56 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	UT-6A only contains surface water flowing or pooling in direct response to precipitation. UT-6A is a (b)(3) water and is therefore excluded from the rule.
UT-6C	957.01 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	UT-6C only contains surface water flowing or pooling in direct response to precipitation. UT-6C is a (b)(3) water and is therefore excluded from the rule.
UT-6D	284.92 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	UT-6D only contains surface water flowing or pooling in direct response to precipitation. UT-6D is a (b)(3) water and is therefore excluded from the rule.

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WL-02	0.07 acres	(b)(1) Non-adjacent wetland	WL-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.
WL-03	0.3 acres	(b)(1) Non-adjacent wetland	WL-03 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-04	0.45 acres	(b)(1) Non-adjacent wetland	WL-04 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-05	0.38 acres	(b)(1) Non-adjacent wetland	WL-05 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-06	0.04 acres	(b)(1) Non-adjacent wetland	WL-06 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-07	0.08 acres	(b)(1) Non-adjacent wetland	WL-07 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-11	0.14 acres	(b)(1) Non-adjacent wetland	WL-11 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-16	0.44 acres	(b)(1) Non-adjacent wetland	WL-16 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-17	0.61 acres	(b)(1) Non-adjacent wetland	WL-17 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-22	0.51 acres	(b)(1) Non-adjacent wetland	WL-22 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-24	0.11 acres	(b)(1) Non-adjacent wetland	WL-24 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 September 2, 2020.

This information *is and is not* sufficient for purposes of this AJD.

Rationale: After the Corps site visit on November 18, 2020, changes to the delineation map and stream and wetland descriptions was required.

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 January 22, 23, 29, and 30, 2020.

Corps Site visit(s) conducted on: November 18, 2020.

Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.

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- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: *Title(s) and/or date(s).*
- USFWS NWI maps: *Title(s) and/or date(s).*
- 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	Weather Underground Historic Precipitation Data (WUHPD), Historic Aerials.com accessed October 29, 2020 and November 17, 2020.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was utilized for the stream assessment date of January 23 and 24, 2020. The data shows that the assessment was conducted and photos were taken during the wet season during wetter than normal conditions.
- C. Additional comments to support AJD:** WUHPD was reviewed for January 23 and 24, 2020 and November 17, 2020 to see the precipitation totals for the days leading up to the assessment date and site visits. In January 2020, the Nashville International Airport Station, located approximately 75 miles away from the review area, recorded 0.22 inches 3 days before the site visit and was the only rainfall recorded 5 days before the site visit. In November 2020, 0.15 inches of rain was recorded 2 days prior to the site visit and was the only rainfall recorded 5 days before the site visit.

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