



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): 15-OCT-2020

ORM Number: LRL-2020-00842-MAD

Associated JDs: N/A Review Area Location<sup>1</sup>:

State/Territory: KY City: County/Parish/Borough: Jefferson County

Center Coordinates of Review Area: Latitude 38.124703 Longitude -85.705331

**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
LRL-2020-00842, Mud Creek	1550 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Mud Creek exhibits a morphology typical of perennial streams in the region. The stream had a water depth a one foot during the site visit and is mapped as a perennial stream on the USGS map, and contained water in the channel in numerous aerial photos. The stream flows directly into Southern Ditch, then to Pond Creek, and into Salt River, an (a)(1) water.

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

<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 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.

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

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))<sup>4</sup>:

Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
LRL-2020-00842, Ephemeral 1	250 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is one to two feet wide, with one to two-foot bank heights and a silt substrate and exhibits a morphology typical of ephemeral streams in the region. The stream only exhibits flow in response to precipitation and had no water in the channel during the site visit or field assessment.
LRL-2020-00842, Ephemeral 2	815 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is one to two feet wide, with one to two-foot bank heights and a silt substrate and exhibits a morphology typical of ephemeral streams in the region. The stream only exhibits flow in response to precipitation and had no water in the channel during the site visit or field assessment.
LRL-2020-00842, Ephemeral 4	608 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	The stream is one to two feet wide, with one to two-foot bank heights and a silt substrate and exhibits a morphology typical of ephemeral streams in the region. The stream only exhibits flow in response to precipitation and had no water in the channel during the site visit or field assessment.
LRL-2020-00842, Wetland 1	5.583 acres	(b)(1) Non-adjacent wetland	The wetlands flow into ephemeral 1, which is a (b)(3) excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00842, Wetland 10	0.378 acres	(b)(1) Non-adjacent wetland	Wetland 10 abuts roadside ditch, which is an excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00842, Wetland 2	0.87 acres	(b)(1) Non-adjacent wetland	Wetland 2 flows into Ephemeral 2 which is a (b)(3) excluded features. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00842, Wetland 3	0.114 acres	(b)(1) Non-adjacent wetland	Wetland 3 is in depression and is isolated in the landscape. The feature has no defined outlet or any surface connection to downstream waters. The wetland does not abut nor receive flooding from any resources.
LRL-2020-00842, Wetland 4	1.568 acres	(b)(1) Non-adjacent wetland	Wetland 4 abuts Ephemeral 4, which is a (b)(3) excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00842, Wetland 5	1.264 acres	(b)(1) Non-adjacent wetland	Wetland 5 abuts a roadside ditch, which is an excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00842, Wetland 6	0.099 acres	(b)(1) Non-adjacent wetland	Wetland 6 is in depression and is isolated in the landscape. The feature has no defined outlet or any surface connection to downstream waters. The wetland does not abut nor receive flooding from any resources.

<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 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.

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

LRL-2020-00842, Wetland 7	0.007 acres	(b)(1) Non-adjacent wetland	Wetlands 7 is in depression and is isolated in the landscape. The feature has no defined outlet or any surface connection to downstream waters. The wetland does not abut nor receive flooding from any resources.
LRL-2020-00842, Wetland 8	0.693 acres	(b)(1) Non-adjacent wetland	Wetland 8 abuts a roadside ditch, which is an excluded feature. The wetland does not abut nor receive flooding from any other resources.
LRL-2020-00842, Wetland 9	0.155 acres	(b)(1) Non-adjacent wetland	Wet 9 abuts a roadside ditch, which is an excluded feature. The wetland does not abut nor receive flooding from any other resources.

**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 Thurman Property* dated 9/29/2020 submitted by Redwing Ecological Services. 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: (*Applicant provided photos dated 9/17/2020, Corps Site Photos dated 10/7/2020, Google Earth aeriels (10/21/2018, 2/25/2018, 2/18/2016, 11/6/2013, 12/31/2001, 2/26/1997, 3/28/1993)*)
- Corps Site visit(s) conducted on: *10/7/2020*
- Previous Jurisdictional Determinations (AJDs or PJDs):
- 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 10/06/2020*
- 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 10/06/2020.*
- USGS topographic maps: *24K Louisville East, Kentucky*

**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 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.

<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.



U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE

- B. Typical year assessment(s):** The Antecedent Precipitation Tool was utilized for the Corps site visit on October 7, 2020 and the applicant site assessment date of September 17, 2020. The data shows that the Corps site visit was during the normal conditions in the wet season, and the applicant's assessment date was during normal conditions in the dry season. Both dates are considered during typical year conditions.
- C. Additional comments to support AJD:** 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.