



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): November 25, 2020

ORM Number: LRL-2020-889-sea

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Shepherdsville County/Parish/Borough: Bullitt County

Center Coordinates of Review Area: Latitude 37.959119 Longitude -85.689004

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
Intermittent Stream 1	253 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Intermittent Stream 1 ranges from 2 to 6 feet wide with a substrate of sand, gravel, cobble, and bedrock. Flowing and pooled water was observed during the Corps' site visit on November 4, 2020. Intermittent Stream 1 flows through unnamed tributaries of Long Lick Creek to the Salt River, a Section 10 Water, to the Ohio River, a traditional navigable 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

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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
Ephemeral Stream 1	165 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 1 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 1 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 2	329 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 2 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 2 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 13	413 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 3 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 3 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 4	587 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 4 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 4 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 5	401 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 5 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 5 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 6	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 6 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 6 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 7	609 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 7 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 7 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 8	98 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 8 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 8 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 9	588 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 9 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 9 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 10	288 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 10 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 10 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 11	361 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	Ephemeral Stream 11 only contains surface water flowing or pooling in direct response to precipitation.

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		rill, or pool	Ephemeral Stream 11 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 12	174 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 12 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 12 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 13	313 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 13 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 13 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 14	149 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 14 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 14 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 15	149 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 15 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 15 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 16	70 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 16 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 16 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 17	118 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 17 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 17 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 18	81 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 18 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 18 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 19	76 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 19 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 19 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 20	155 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 20 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 20 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 21	164 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 21 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 21 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 22	149 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 22 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 22 is a (b)(3) water and is therefore excluded from the rule.
Ephemeral Stream 23	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Ephemeral Stream 23 only contains surface water flowing or pooling in direct response to precipitation. Ephemeral Stream 23 is a (b)(3) water and is therefore excluded from the rule.
Wetland 1	0.012 acres	(b)(1) Non-adjacent wetland	Wetland 1 does not physically abut an (a)(1)-(a)(3) water and is not inundated by water from an (a)(1)-

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			(a)(3) water in a typical year.
Wetland 2	0.025 acres	(b)(1) Non-adjacent wetland	Wetland 2 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: Request for Jurisdictional Determination Velocity 65 South – Parcels 3-9 dated October 16, 2020.
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: kygissserver.ky.gov (2016) and site photographs January 16, 2020
- Corps Site visit(s) conducted on: November 4, 2020
- 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: SSRUGO, Bullitt Co, KY (2016).
- USFWS NWI maps: *Title(s) and/or date(s)*.
- USGS topographic maps: 1:24,000 - Shepherdsville, 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	Weather Underground Historic Precipitation Data (WUHPD)

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was utilized for the stream and wetland assessment date of January 16, 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 16, 2020 and November 4, 2020 to see the precipitation totals for the days leading up to the assessment date and site visits. Data from the Louisville International Airport Station, located approximately 16 miles away from the review area, was reviewed. Prior to the January 16, 2020 site visit, 0.73 inches of rain was recorded 5

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days and 1.16 inches of rain was recorded 4 days prior to the site visit. No rain was recorded 4 days prior to the November 4, 2020 site visit.

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