



**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): 11/19/2020  
 ORM Number: LRL-2020-00091  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Kentucky City: Albia County/Parish/Borough: Pulaski  
 Center Coordinates of Review Area: Latitude 37.2959° Longitude -84.5746°

**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>**

t§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Long Branch (Per 1)	1393	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Perennial Stream 1 is 15 to 20 feet wide with two to three-foot-high banks. Contributes water to an (a)(1) indirectly.
Per 2	50	linear feet	(a)(2) Perennial tributary contributes	Perennial Stream 2 is 1-2 feet wide with silt, gravel, and cobble substrate. Contributes water to an (a)(1) indirectly.

<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 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.



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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	
Int 1	49	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. Intermittent Stream 1 ties Wet 1 to Per 1, is 1-2 feet wide with silt/clay substrate. Contributes water to an (a)(1) indirectly.

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
Wet 1	1.257	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water. Wet1 directly abuts Per 1 and Int 1.

**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
Eph 1	18	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Ephemeral Stream 1 is one to three feet wide and has bedrock substrate. Eph 1 is a (b)(3) water and is therefore excluded from the rule.
Eph 2	66	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Ephemeral Stream 2 is one to 1.5 feet in width with banks three feet in height and has silt/cobble/gravel substrate. Ephemeral stream 2 is a (b)(3) water and are therefore excluded from the rule.
Eph 3	13	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Ephemeral Stream 3 is one to 1.5 feet in width with banks three feet in height and has silt/cobble/gravel substrate. Ephemeral stream 3 is a (b)(3) water and are therefore excluded from the rule.

<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.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Eph 4	32	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Ephemeral Stream 4 has banks one foot in height and has silt/gravel/cobble substrate. Eph 4 is a (b)(3) water and is therefore excluded from the rule.

**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; Page Property Mitigation Site - KYTC Item 8-59.25 & 8-59.26” Redwing Ecological Services, Inc dated October 23, 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: imagery ESRI and GIS user \(2015\); Site photos September 28 and October 12, 2020.](#)
- Corps site visit(s) conducted on: [June 25, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [N/A](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [SSURGO, Pulaski County, KY \(2016\)](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [1:24,000 Woodstock, KY Quadrangle](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">ArcGIS Kentucky Elevation Data Tool</a>
<a href="#">Other Sources</a>	<a href="#">Antecedent Precipitation Tool (APT)</a>

**B. Typical year assessment(s):** [For the June 2020 Corps site visit the APT tool was utilized and the site visits conducted by the applicant in September and October. The data supported wetter than normal conditions for September; and normal conditions for June and October 2020 visits. The June 25, 2020 site visit included the Corps, the KDOW and the Nature Conservancy and was considered a typical year condition.](#)

**C. Additional comments to support AJD:** [Redwing Ecological Services, Inc. conducted several site assessments in September and October and a Wetland Delineation dated September 28, 2020 that were included in the application.](#)