



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): 05-MAY-2021

ORM Number: LRL-2021-00331-MAD

Associated JDs: N/A

Review Area Location¹:

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

Center Coordinates of Review Area: Latitude 38.116908 Longitude -85.711418

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
N/A	N/A	N/A	N/A

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
N/A	N/A	N/A	N/A

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 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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
LRL-2021-00331, Intermittent 1	250 feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	Intermittent Stream 1 is approximately three to five feet wide with bank heights ranging from one to three feet. The substrate consists of silt/clay, sand, gravel, and cobble. The stream flows into an underground drainpipe immediately upon leaving the parcel and flows through a series of man-made conveyances including pipes, ditches, and smaller basins into a larger man-made regional detention basin located offsite constructed as part of Renaissance South Business Park Phase III LRL-2015-282. This basin has a high-water overflow which does not convey surface flow to downstream resources during a typical year.
LRL-2021-00331, Intermittent 2	350 feet	(b)(1) Surface water channel that does not contribute surface water flow directly or indirectly to an (a)(1) water in a typical year	This stream flows northeast beginning offsite before emptying and losing its channel at the upper portion of Wetland 3. Intermittent Stream 2 flows through a series of man-made conveyances including pipes, ditches, and smaller basins into a larger man-made regional detention basin located offsite constructed as part of Renaissance South Business Park Phase III LRL-2015-282. This basin has a high-water overflow which does not convey surface flow to downstream resources during a typical year.
LRL-2021-00331, Open Water 1	0.366 acres	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year	This open water feature is isolated in the landscape and does not have a direct hydrological connection to other resources.
LRL-2021-00331, Wetland 1	0.021 acres	(b)(1) Non-adjacent wetland	Wetland 1 is adjacent to upland area only and there is no evidence of a connection or potential to receive flooding from (a)(1) – (a)(3) waters in a typical year.
LRL-2021-00331, Wetland 2	0.038 acres	(b)(1) Non-adjacent wetland	Wetland 2 is adjacent to upland area only and there is no evidence of a connection or potential to receive flooding from (a)(1) – (a)(3) waters in a typical year.
LRL-2021-00331, Wetland 3	0.413 acres	(b)(1) Non-adjacent wetland	Wetland 3 is adjacent to upland area only and there is no evidence of a connection or potential to receive flooding from (a)(1) – (a)(3) waters 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.

 x Information submitted by, or on behalf of, the applicant/consultant: *Request for Jurisdictional Determination Renaissance South Business Park-3003 South Park Road & 9109 Minors Lane submitted by RES Kentucky LLC.*

This information (is) sufficient for purposes of this AJD.

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Rationale: N/A

- _____ Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *(aerial and other) Site Photos provided by RES Kentucky, LLC dated March 3, 2021. Google Earth aerial dated (June 6, 2020; February 25, 2018; September 12, 2016; February 28, 2016; June 20, 2010; March 28, 1993)*
- _____ Corps Site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *AJD for LRL-1999-1492 dated November 16, 1999 AJD for LRL-2006-179 dated May 26, 2006; PJD for LRL-2008-230 dated March 18, 2011; AJD for LRL-2011-52 dated May 2, 2012*
- 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 05/05/2021*
- 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 05/05/2021*
- USGS topographic maps: *24K: Brooks and Louisville East, KY*

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):** The Antecedent Precipitation Tool was utilized for the March 3, 2021 site photographs. The data shows that the assessment was during wetter than normal conditions during the wet season. The site assessment was during wetter than typical year conditions.
- C. Additional comments to support AJD:** N/A

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