



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): 08-APR-2021

ORM Number: LRL-2021-00201

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Taylor Mill County/Parish/Borough: Kenton County
Center Coordinates of Review Area: Latitude 38.997519 Longitude -84.506404

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 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.

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
Stream-1	N/A	(b)(1) Water or water feature that is not identified in (a)(1)-(a)(4) and does not meet the other (b)(1) sub-categories	Stream-1 is not an (a)(1-4) water. Stream-1 has a bank full width of 1.5 feet wide and has developed in a depressional area created between a raised roadbed and surrounding developments. Stream-1 was determined to have an intermittent flow regime due to the concentration of flow from the surrounding development's stormwater drainages. Stream-1 flows into a non-adjacent wetland which drains into a stormwater culvert under Pride Parkway. The storm water pipe does not reform a surface channel prior to discharging into a downstream water. Historic imagery indicates the area was located in an ephemeral head water system prior to development.
Stream-2	N/A	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream-2 is not an (a)(1-4) water. Stream-2 had a bank full width of 1.5 feet wide and an ephemeral flow regime. A groundwater connection was not identified by the agent during the November 6, 2020 site inspection.
Wetland-A	N/A	(b)(1) Non-adjacent wetland	Wetland-A is not a (a)(4) water. The wetland has developed in a depressional area created between a raised roadbed and surrounding developments. The wetland drains into a stormwater culvert under Pride Parkway. The storm water pipe does not reform a surface channel prior to discharging into a downstream water. Historic imagery indicates the area was located in an ephemeral head water system prior to development.

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: *Pre-Construction Notification: Scott High School Parking Lot. Dated: February 16, 2021. Submitted by Ramboll.*
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) Maps submitted by the applicant/agent; Google Earth, 2021.*
- Corps Site visit(s) conducted on: *Date(s).*
- 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: *Title(s) and/or date(s).*
- USFWS NWI maps: *Title(s) and/or date(s).*
- USGS topographic maps: *1:24,000 Independence, KY.*

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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	Archived Climate Date: https://www.weather.gov/media/iln/climo_webpage/lcd_archive/cvg_lcd_oct20.pdf ; https://www.weather.gov/media/iln/climo_webpage/lcd_archive/cvg_lcd_nov20.pdf
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The PDSI Index indicates “Severe Wetness” at the project location. The Web WIMP H2O Balance indicates the determination was conducted during a wet season. The Antecedent Precipitation Tool determined that during the 30 days prior to the date of the site inspection by Ramboll (agent) on November 6, 2020, normal conditions existed at the project site.
- C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.

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