



**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): 5/17/2021

ORM Number: LRL-2021-221

Associated JDs: N/A.

Review Area Location¹: State/Territory: KY City: Henderson County/Parish/Borough: Henderson

Center Coordinates of Review Area: Latitude 37.78453 Longitude -87.62989

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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
1MS1	2,000	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS1 (Canoe Creek) is a stream that has hydrological and physical characteristics of a perennial stream. Flows north west to the Ohio River. Precipitation at time met normal conditions according the Antecedent Precipitation Tool.
1MS1A	184	linear feet	(a)(2) Perennial tributary contributes	1MS1A is a stream that has hydrological and physical characteristics of a perennial stream. Flows east to Canoe Creek.

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 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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(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.	
1MS1G	729	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS1G is a stream that has hydrological and physical characteristics of an intermittent stream. Flows NE to Canoe Creek.
2AS1F	770	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2AS1F is a channelized stream that has hydrological and physical characteristics of an intermittent stream. Flows SW to Wilson Creek to Canoe Creek to Ohio River.
2AS1F-1	2,852	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2AS1F-1 is a channelized stream that has hydrological and physical characteristics of an intermittent stream. Flows SE through tributaries to Wilson Creek.
2AS1F2	17	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2AS1F2 is a channelized stream that has hydrological and physical characteristics of an intermittent stream. Flows SW through tributaries to Wilson Creek.
2AS1L3A	748	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2AS1L3A is a channelized stream that has hydrological and physical characteristics of an intermittent stream. Flows SW through tributaries to Wilson Creek.
2MS1	1,987	linear feet	(a)(2) Perennial tributary contributes	2MS1 (Wilson Creek) is a stream that has hydrological and physical characteristics of a



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(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.	perennial stream. Flows NE to Canoe Creek to Ohio River.
2MS1-1	780	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS1 (Wilson Creek) is a stream that has hydrological and physical characteristics of a perennial stream. Flows NE to Canoe Creek to Ohio River.
2MS1F3	412	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS1F3 is a channelized stream that has hydrological and physical characteristics of an intermittent stream. Flows NE through tributaries to Wilson Creek.
2MS1L	687	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS1L is a stream that has hydrological and physical characteristics of a perennial stream. Flows north to Wilson Creek.
2MS1L-1	2,313	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS1L-1 is a stream that has hydrological and physical characteristics of an intermittent stream. Flows north through tributaries to Wilson Creek.
2MS1L2	48	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS1L2 is a stream that has hydrological and physical characteristics of an intermittent stream. Originates from field tile pipe. Flows north through tributaries to Wilson Creek.
2MS1L-2	1,439	linear feet	(a)(2) Intermittent tributary contributes	2MS1L-2 is a channelized stream that has hydrological and physical characteristics of an



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(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.	intermittent stream. Flows north through tributaries to Wilson Creek.
2MS1L3	2,421	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS1L3 is a channelized stream that has hydrological and physical characteristics of an intermittent stream. Flows NW through tributaries to Wilson Creek.
2MS1L4	118	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS1L4 is a channelized stream that has hydrological and physical characteristics of an intermittent stream. Flows NW through tributaries to Wilson Creek.

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.	N/A.

Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
1MW1	0.14	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	1MW1 met wetland criteria and indicators of annual flooding were observed. Adjacent to Canoe Creek to Ohio River. Precipitation at time met normal conditions according the Antecedent Precipitation Tool.
1MW2	0.14	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	1MW2 met wetland criteria and indicators of annual flooding were observed. Adjacent to Canoe Creek to Ohio River.
1MW4	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	1MW2 met wetland criteria and is not separated from a tributary by an upland. Has direct hydrological surface connection. Abuts Canoe Creek to Ohio River.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
1MW6	0.26	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	1MW6 met wetland criteria and is not separated from a tributary by an upland. Has direct hydrological surface connection. Abuts Canoe Creek to Ohio River.
2MW1	0.11	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	2MW1 met wetland criteria and indicators of annual flooding were observed. Adjacent to Wilson Creek to Canoe Creek to Ohio River.
2MW13	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	2MW13 met wetland criteria and is not separated from a tributary by an upland. Has direct hydrological surface connection. Abuts tributary to Wilson Creek to Canoe Creek to Ohio River.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
1MS1B	378	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1B displayed hydrological and physical characteristics of an ephemeral drainage. Flows north to Canoe Creek to Ohio River. Precipitation at time met normal conditions according the Antecedent Precipitation Tool.
1MS1B-1	197	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1B displayed hydrological and physical characteristics of an ephemeral drainage. Flows north to Canoe Creek to Ohio River.
1MS1C	151	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1C displayed hydrological and physical characteristics of an ephemeral drainage. Flows north to Canoe Creek to Ohio River.
1MS1C-1	105	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1C-1 displayed hydrological and physical characteristics of an ephemeral drainage. Flows north to Canoe Creek to Ohio River.

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
1MS1D	239	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1D displayed hydrological and physical characteristics of an ephemeral drainage. Flows north to Canoe Creek to Ohio River.
1MS1E	507	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1E displayed hydrological and physical characteristics of an ephemeral drainage. Flows north to Canoe Creek to Ohio River.
1MS1F	131	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1F displayed hydrological and physical characteristics of an ephemeral drainage. Flows north to Canoe Creek to Ohio River.
1MS1G1	153	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1G1 displayed hydrological and physical characteristics of an ephemeral drainage. Flows north through tributary to Canoe Creek to Ohio River.
2AS1F1	35	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	1MS1F1 displayed hydrological and physical characteristics of an ephemeral drainage. Flows west through tributary to Wilson Creek to Canoe Creek to Ohio River.
2MS1A	51	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	2MS1A displayed hydrological and physical characteristics of an ephemeral drainage. Flows east to Wilson Creek to Canoe Creek to Ohio River.
2MS1B	47	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	2MS1B displayed hydrological and physical characteristics of an ephemeral drainage. Flows east to Wilson Creek to Canoe Creek to Ohio River.
2MS1C	41	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	2MS1B displayed hydrological and physical characteristics of an ephemeral drainage. Flows east to Wilson Creek to Canoe Creek to Ohio River.
2MS1I	208	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	2MS1I displayed hydrological and physical characteristics of an ephemeral drainage. Flows west to Wilson Creek to Canoe Creek to Ohio River.
2MS1L3C	194	linear feet	(b)(3) Ephemeral feature, including	2MS1L3C displayed hydrological and physical characteristics of an ephemeral drainage. Flows



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			an ephemeral stream, swale, gully, rill, or pool.	NE through tributary to Wilson Creek to Canoe Creek to Ohio River.
2MS1L5	124	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	2MS1L4 displayed hydrological and physical characteristics of an ephemeral drainage. Flows SE through tributary to Wilson Creek to Canoe Creek to Ohio River.
2MS1O6	188	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	2MS1O6 displayed hydrological and physical characteristics of an ephemeral drainage. Flows west through tributary to Wilson Creek to Canoe Creek to Ohio River.
1MW3	0.07	acre(s)	(b)(1) Non-adjacent wetland.	1MW3 met wetland criteria but does not physically abut, nor is inundated by an a(1) – a(3) water in a typical year. Drains north through b(3) to Canoe Creek to Ohio River.
1MW5	0.08	acre(s)	(b)(1) Non-adjacent wetland.	1MW5 met wetland criteria but does not physically abut, nor is inundated by an a(1) – a(3) water in a typical year. Drains north through b(3) to Canoe Creek to Ohio River.
2MW10	0.03	acre(s)	(b)(1) Non-adjacent wetland.	2MW10 met wetland criteria but does not physically abut nor is inundated by an a(1) - (3) water in a typical year. Surrounded by upland.
2MW14	0.17	acre(s)	(b)(1) Non-adjacent wetland.	2MW14 met wetland criteria but does physically abut, nor is inundated by an a(1) - a(3) water in a typical year. Surrounded by upland.
2MW30	0.09	acre(s)	(b)(1) Non-adjacent wetland.	2MW30 met wetland criteria but does not physically abut, nor is inundated by an a(1) – a(3) water in a typical year. Drains west through b(3) to tributary to Wilson Creek to Canoe Creek to Ohio River.
2ASC1F4	1,741	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	2ASC1F4 displayed hydrological and physical characteristics of an ephemeral drainage in the position of a hillside diversion. Flows west through tributary to Wilson Creek to Canoe Creek to Ohio River.
2ASC1L3B	644	linear feet	(b)(3) Ephemeral feature, including an ephemeral	2ASC1L3B displayed hydrological and physical characteristics of an ephemeral drainage. Agricultural gully. Flows north through tributary to Wilson Creek to Canoe Creek to Ohio River.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		stream, swale, gully, rill, or pool.	

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: [JD Report](#), [Data Sheets](#), [Location/Topo & JD Map](#)

This information [Select](#). sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\)](#).

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

Photographs: [Aerial and Other: Google Earth \(1993-2019\), ESRI World Imagery. NAIP 2014. Also see photos attached to point in time data sheets.](#)

Corps site visit(s) conducted on: [13May2021](#)

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: [Web Soil Survey, 8MAY20 & 6OCT20](#)

USFWS NWI maps: [USFWS NWI \(Wetland Mapper\), 30MAY19](#)

USGS topographic maps: [Wilson & Henderson, 1:24,000](#)

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 indicates that determinations were made during a time frame of normal conditions. Weather was typical for the season upon determination. See JD Report for a more detailed description of location conditions.](#)

C. Additional comments to support AJD: [See JD report, point in time data collection and adjoining JD maps.](#)