



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-MAY-2021

ORM Number: LRL-2021-00289

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Dry Ridge County/Parish/Borough: Grant County

Center Coordinates of Review Area: Latitude 38.671635 Longitude -84.551163

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
A	650 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream A is an (a)(2) water with an intermittent flow regime and a bankfull width of 3-6 feet. Stream A has a watershed area of 25 acres and a groundwater connection was identified by the applicant/agent below the dam of Pond-1.
A-1	100 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream A-1 is an (a)(2) water with an intermittent flow regime and a bankfull width of 4-5 feet. The stream continues off site and has a watershed area of approximately 13 acres.
B	325 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1)	Stream B is an (a)(2) water with an intermittent flow regime. Stream B had a bankfull width of 3-4 feet and a watershed size of 11 acres.

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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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C	225 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream C is an (a)(2) water with an intermittent flow regime. Stream C had a bankfull width of 3-4 feet and a watershed size of 7 acres.
D	200 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream D is an (a)(2) water with an intermittent flow regime. Stream D had a bankfull width of 2-3 feet and a watershed size of 19 acres.

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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
E-1	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-1 is not an (a)(1-4) water. Stream E-1 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-10	40 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-10 is not an (a)(1-4) water. Stream E-10 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-11	40 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-11 is not an (a)(1-4) water. Stream E-11 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-12	40 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-12 is not an (a)(1-4) water. Stream E-12 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-13	75 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-13 is not an (a)(1-4) water. Stream E-13 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-14	65 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-14 is not an (a)(1-4) water. Stream E-14 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-15	70 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-15 is not an (a)(1-4) water. Stream E-15 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-16	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-16 is not an (a)(1-4) water. Stream E-16 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-17	400 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-17 is not an (a)(1-4) water. Stream E-17 had a watershed of 6 acres in size and a groundwater connection was not identified by the applicant/agent.
E-18	110 feet	(b)(3) Ephemeral feature, including	Stream E-18 is not an (a)(1-4) water. Stream E-18 had

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U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
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		an ephemeral stream, swale, gully, rill, or pool	a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-19	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-19 is not an (a)(1-4) water. Stream E-19 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-2	75 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-2 is not an (a)(1-4) water. Stream E-2 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-20	125 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-20 is not an (a)(1-4) water. Stream E-20 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-21	150 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-21 is not an (a)(1-4) water. Stream E-21 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-22	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-22 is not an (a)(1-4) water. Stream E-22 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-23	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-23 is not an (a)(1-4) water. Stream E-23 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-24	45 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-24 is not an (a)(1-4) water. Stream E-24 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-25	40 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-25 is not an (a)(1-4) water. Stream E-25 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-26	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-26 is not an (a)(1-4) water. Stream E-26 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-27	40 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-27 is not an (a)(1-4) water. Stream E-27 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-28	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-28 is not an (a)(1-4) water. Stream E-28 had a watershed of 3 acres in size and a groundwater connection was not identified by the applicant/agent.
E-29	90 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-29 is not an (a)(1-4) water. Stream E-29 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-3	75 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-3 is not an (a)(1-4) water. Stream E-3 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-30	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-30 is not an (a)(1-4) water. Stream E-30 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-31	120 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-31 is not an (a)(1-4) water. Stream E-31 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-32	90 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-32 is not an (a)(1-4) water. Stream E-32 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-33	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	Stream E-33 is not an (a)(1-4) water. Stream E-33 had a watershed of under 1 acre in size and a groundwater

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REGULATORY PROGRAM
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		rill, or pool	connection was not identified by the applicant/agent.
E-34	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-34 is not an (a)(1-4) water. Stream E-34 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-35	95 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-35 is not an (a)(1-4) water. Stream E-35 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-36	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-36 is not an (a)(1-4) water. Stream E-36 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-37	110 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-37 is not an (a)(1-4) water. Stream E-37 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-38	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-38 is not an (a)(1-4) water. Stream E-38 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-39	40 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-39 is not an (a)(1-4) water. Stream E-39 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-4	70 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-4 is not an (a)(1-4) water. Stream E-4 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-40	40 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-40 is not an (a)(1-4) water. Stream E-40 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-41	30 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-41 is not an (a)(1-4) water. Stream E-41 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-42	375 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-42 is not an (a)(1-4) water. Stream E-42 had a watershed of 9 acre in size and a groundwater connection was not identified by the applicant/agent.
E-43	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-43 is not an (a)(1-4) water. Stream E-43 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-44	85 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-44 is not an (a)(1-4) water. Stream E-44 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-45	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-45 is not an (a)(1-4) water. Stream E-45 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-5	75 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-5 is not an (a)(1-4) water. Stream E-5 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-6	80 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-6 is not an (a)(1-4) water. Stream E-6 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-7	50 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-7 is not an (a)(1-4) water. Stream E-7 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
E-8	175 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-8 is not an (a)(1-4) water. Stream E-8 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.

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REGULATORY PROGRAM
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E-9	50 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream E-9 is not an (a)(1-4) water. Stream E-9 had a watershed of under 1 acre in size and a groundwater connection was not identified by the applicant/agent.
Pond-1	0.2 Acre	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6)	Pond-1 is not an (a)(1-4) water. Pond-1 is an impoundment of an ephemeral stream. The water levels in the pond fluctuate with precipitation indicating an ephemeral flow regime. The pond is separated from down stream waters by a dam and an outflow pipe was not identified by the applicant/agent.

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: *Jurisdictional Determination Request: Davis Property. Dated March 25, 2021. Submitted by Otte Enterprises.*

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) Google Earth, 2021; Maps submitted by the applicant/agent.*

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 Williamstown, 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 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 Otte Enterprises on January 20, 2021, 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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