



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): August 19, 2021  
ORM Number: LRL-2021-408-sea  
Associated JDs: LRL-2009-1299 – AJD and PJD dated September 8, 2010  
Review Area Location<sup>1</sup>:  
State/Territory: KY City: Cecilia County/Parish/Borough: Hardin County  
Center Coordinates of Review Area: Latitude 37.664996 Longitude -85.937139

**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>**

§ 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)<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

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

<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 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.

<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 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.

<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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**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
Stream 1	1897 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 1 only contains surface water flowing or pooling in direct response to precipitation. Stream 1 is a (b)(3) water and is therefore excluded from the rule.
Stream 2	2753 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 2 only contains surface water flowing or pooling in direct response to precipitation. Stream 2 is a (b)(3) water and is therefore excluded from the rule.
Stream 3	202 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 3 only contains surface water flowing or pooling in direct response to precipitation. Stream 3 is a (b)(3) water and is therefore excluded from the rule.
Stream 4	1364 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 4 only contains surface water flowing or pooling in direct response to precipitation. Stream 4 is a (b)(3) water and is therefore excluded from the rule.
Stream 5	405 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 5 only contains surface water flowing or pooling in direct response to precipitation. Stream 5 is a (b)(3) water and is therefore excluded from the rule.
Stream 6	394 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 6 only contains surface water flowing or pooling in direct response to precipitation. Stream 6 is a (b)(3) water and is therefore excluded from the rule.
Stream 7	54 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Stream 7 only contains surface water flowing or pooling in direct response to precipitation. Stream 7 is a (b)(3) water and is therefore excluded from the rule. During the August 8, 2021 site visit, pooled water was observed at the convergence of Stream 7 and Stream 1. However, this appears to be a result of scour just outside of the concrete culvert of Stream 7. No water was observed upstream or downstream of the pool.
Wetland A	0.5 acres	(b)(1) Non-adjacent wetland	Wetland A does not physically abut an (a)(1)-(a)(3) water and is not inundated by water from an (a)(1)-(a)(3) water 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.

Information submitted by, or on behalf of, the applicant/consultant: Request for Corps Jurisdictional Determination dated May 3, 2021 and Waters of the US Delineation dated April 27, 2021

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 – ArcGIS Online Aerial Imagery accessed April 20, 2021 and site visit photos taken April 21, 2021

Corps Site visit(s) conducted on: August 4, 2021

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- Previous Jurisdictional Determinations (AJDs or PJDs): LRL-2009-1299 – AJD and PJD dated September 8, 2010.
- Antecedent Precipitation Tool: provide detailed discussion in Section III.B.
- USDA NRCS Soil Survey: Web Soil Survey accessed April 12, 2021.
- USFWS NWI maps: USFWS NWI Wetland Map accessed April 20, 2021.
- USGS topographic maps: Cecilia, Kentucky Quad – 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	Weather Underground Historic Precipitation Data (WUHPD)

- B. Typical year assessment(s):** The Antecedent Precipitation Tool (APT) was utilized for the stream assessment date of April 21, 2021 and the site visit date of August 4, 2021. The data shows that the assessment was conducted and photos were taken during the wet season during normal conditions. The data for the August 4, 2021 shows that the site visit was conducted during the dry season under normal conditions.
- C. Additional comments to support AJD:** On-site waters were first delineated in 2010 and documented in an PJD and AJD dated September 8, 2010. At that time, the site was highly disturbed by cattle and the top of the watershed was agricultural land. Between 2010 and 2012, a commercial/industrial development was constructed to the north of the review area which eliminated a portion of the upper watershed and the left branch of a tributary that flows to Stream 2.

Multiple sinkholes have been identified within the review area. Two sinkholes were identified within Stream 2 and three were identified within Stream 5. These sinkholes are not mapped on the Kentucky Geological Survey Karst Map.

WUHPD was reviewed for April 21, 2021 and August 4, 2021 to see the precipitation totals for the days leading up to the assessment date and site visit. The Louisville International Airport Station, located approximately 37 miles away from the review area, recorded no rainfall 4 days prior to the April 20, 2021 assessment date. Prior to the August 4, 2021 0.01 inches was recorded 3 days prior and no other rainfall was recorded for more than 7 days. During the April 21, 2021 site visit, pooled water was observed in sections of Stream 2 and Stream 7 however this appears to be due to deeper portions of the channel that retained water. No water was observed downstream of these pools and upstream of the sinkholes.

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