



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, 2020

ORM Number: LRL-2020-86-sea

Associated JDs: N/A

Review Area Location¹:

State/Territory: Kentucky City: Shepherdsville County/Parish/Borough: Bullitt

Center Coordinates of Review Area: Latitude: 37.923390°N; Longitude: 85.682468°W

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
INT 1	1903 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	INT 1 ranges from three to six feet wide with substrate that consists of silt/clay and gravel. The channel was dry during a September 2019 site visit and contained either flowing water or pooled water during subsequent site visits. INT 1 flows directly into PER 1.
PER 1	1677 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	PER 1 ranges from six to ten feet wide with substrate consists of silt/clay, sand, gravel, and cobble. PER 1 flows directly into Long Lick Creek (PER 3).
PER 2	423 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a	PER 2 ranges from eight to ten feet wide with substrate of silt/clay, sand, and gravel. PER 2 flows directly into Long Lick Creek (PER 3).

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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		typical year	
Long Lick Creek (PER 3)	139 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Long Lick Creek ranges from 30-60 feet wide with substrate that consists of silt/clay, sand, and gravel. Long Lick Creek flows directly into the Salt River, a Section 10 water.

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
WET 1	0.125 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET 1 is located within an old pond and is a mixture of emergent and forested wetland habitat. WET 1 is directly connected to INT 1, an (a)(2) water, and is therefore jurisdictional.
WET 2	0.042 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET 2 is a scrub-shrub wetland which is adjacent to and regularly inundated by INT 1, an (a)(2) water, and is therefore jurisdictional.
WET 3	0.21 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET 3 is a scrub-shrub and forested wetland directly connected to PER 1, an (a)(2) water, and is therefore jurisdictional.
Wet 4	1.043 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET 4 is a forested wetland directly connected to PER 1, an (a)(2) water, and is therefore jurisdictional.
WET 5	0.109 acres	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year	WET 5 is a forested wetland which is adjacent to and is regularly inundated by PER 2, an (a)(2) water, and is therefore jurisdictional.
WET 6	0.184 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	WET 6 is a forested wetland connected to PER 1 via an off-site intermittent stream. Water was observed in the channel during a site visit conducted on August 7, 2020. This stream had a defined bed and bank and exhibited the characteristics of an intermittent stream. Additional information can be found below in Section III.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
EPH 1	175 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	EPH 1 only contains surface water flowing or pooling in direct response to precipitation. EPH 1 is a (b)(3) water and is therefore excluded from the rule.
EPH 2	83 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	EPH 2 only contains surface water flowing or pooling in direct response to precipitation. EPH 2 is a (b)(3) water and is therefore excluded from the rule.
WET 7	0.019 acres	(b)(1) Non-adjacent wetland	WET 7 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.

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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: Preconstruction Notification for Nationwide Permit #12 dated July 2020.
- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: Aerial: kygissserver.ky.gov ArcGIS services (2019) and Site Photos taken January 13-14, 2020, March 3 and 25, 2020
- Corps Site visit(s) conducted on: February 3, 2020, August 7, 2020
- 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: SSURGO, Bullitt Co, KY (2008)
- USFWS NWI maps: *Title(s) and/or date(s)*.
- USGS topographic maps: 1:24,000 – Shepherdsville, KY Quad

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 Corps' WET 6 assessment date of August 7, 2020. The data shows that the assessment was conducted and photos were taken during the dry season during normal conditions.
- C. Additional comments to support AJD:** During the site visit on August 7, 2020, the channel that connected WET 6 to PER 1 contained approximately 4 inches of water that was flowing into PER 1. According to WUHPD historic rainfall data, in the 4 days leading up to the site visit, it rained 0.11 inches.

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