



**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): [8/17/2021](#)  
 ORM Number: [LRL-2021-337](#)  
 Associated JDs: [N/A](#)  
 Review Area Location<sup>1</sup>: State/Territory: [KY](#) City: [Robards](#) County/Parish/Borough: [Henderson](#)  
 Center Coordinates of Review Area: Latitude [37.62858 N](#) Longitude [-87.50934 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)<sup>2</sup>**

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
<a href="#">2MS - Green River</a>	<a href="#">40</a> <a href="#">linear feet</a>	<a href="#">RHA Non-tidal water is on the district's Section 10 waters list</a>	<a href="#">Green River is a traditionally navigable water listed as a Section 10 water under USACE jurisdiction for Louisville District.</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
<a href="#">2MS – Green River</a>	<a href="#">40</a> <a href="#">linear feet</a>	<a href="#">(a)(1) Water is currently used, was used in the past, or may be susceptible to use in interstate or foreign commerce, including waters subject to the ebb and flow of the tide (CWA</a>	<a href="#">Green River is a traditionally navigable water listed as a Section 10 water under USACE jurisdiction for Louisville District.</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 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.

<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 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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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
		Section 404 ONLY).	

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
1MS1	197 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS1 is an intermittent stream that flows north to Groves Creek, which then reports to the Green River, an (a)(1) water.
1MS2	40 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS2 (Groves Creek) is a perennial stream that flows east and reports to the Green River, an (a)(1) water.
1MS3	62 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS3 is an intermittent stream that flows west to Groves Creek, which then reports to the Green River, an (a)(1) water.
1MS6	17 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS6 is an intermittent stream that flows east to Groves Creek, which then reports to the Green River, an (a)(1) water.
1MS7	19 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS7 is a perennial stream that flows east to Groves Creek, which then reports to the Green River, an (a)(1) water.



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
2MS2	7	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS2 is an intermittent stream that flows east and reports to the Green River, an (a)(1) water.
2MS2A	7	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	2MS2A is an intermittent stream that flows east to the Green River, an (a)(1) water.
1MS7A	94	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	1MS7A is an intermittent stream that flows south to 1MS7, which indirectly contributes flow to the Green River, an (a)(1) water, via Groves 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	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	1MW1 is a PEM wetland that abuts and directly contributes flow to an offsite intermittent stream that flows north to Groves Creek, which reports to Green River, an (a)(1) water.
1MW2	0.15	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	1MW2 is a PFO wetland that is flooded annually by Green River, an (a)(1) water. 1MW2 also directly contributes flow to 1MS1, that flows north to Groves Creek, which reports to Green River, an (a)(1) water.
1MW3	0.33	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	1MW3 is a PFO wetland that is flooded annually by Green River, an (a)(1) water. 1MW3 also directly contributes flow to Groves Creek, which reports to Green River, an (a)(1) water.



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
1MW4	0.10	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	1MW4 is a PFO wetland that is flooded annually by Green River, an (a)(1) water. 1MW4 also directly contributes flow to Groves Creek, which reports to Green River, an (a)(1) water.
1MW8	0.09	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	1MW8 is a PEM wetland that drains north to intermittent offsite stream, then flows west and south to Groves Creek, which then reports to the Green River, an (a)(1) water.
1MW9	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	1MW9 is a PFO wetland that abuts 1MS7A, an intermittent stream that flows south to 1MS7, which indirectly contributes flow to the Green River, an (a)(1) water, via Groves Creek.
1MW11	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	1MW11 is a PFO wetland that drains north to intermittent offsite stream, then flows west and south to Groves Creek, which then reports to the Green River, an (a)(1) water.
2MW1	0.01	acre(s)	(a)(4) Wetland inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	2MW1 is a PFO wetland that abuts and is flooded annually by Green River, an (a)(1) water.
2MW4	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	2MW4 is a PEM wetland that contributes flow directly to an intermittent offsite stream, that flows east to Green River, an (a)(1) water.
2MW6	0.15	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	2MW6 is a PFO wetland that drains south via intermittent offsite stream, then flows east to Green River, an (a)(1) water.

**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
1MS4	44	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary that only flows in direct response to precipitation. Does not serve as a connection between and upstream and downstream channel.
1MS5	41	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Tributary that only flows in direct response to precipitation. Does not serve as a connection between and upstream and downstream channel.

<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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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
		stream, swale, gully, rill, or pool.		
1MS8	18	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch does not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland. Only flows in direct response to precipitation. Does not serve as a connection between and upstream and downstream channel.
2MS1	13	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary that only flows in direct response to precipitation. Does not serve as a connection between and upstream and downstream channel.
2MS2B	66	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Tributary that only flows in direct response to precipitation. Does not serve as a connection between and upstream and downstream channel.
1MW5	0.06	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1) – (a)(3) water and there is no indication that any (a)(1) – (a)(3) water inundates these wetlands in a typical year. The wetlands are not separated from an (a)(1) – (a)(3) water by a natural feature or artificial feature.
1MW6	0.07	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1) – (a)(3) water and there is no indication that any (a)(1) – (a)(3) water inundates these wetlands in a typical year. The wetlands are not separated from an (a)(1) – (a)(3) water by a natural feature or artificial feature.
1MW7	0.02	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1) – (a)(3) water and there is no indication that any (a)(1) – (a)(3) water inundates these wetlands in a typical year. The wetlands are not separated from an (a)(1) – (a)(3) water by a natural feature or artificial feature.
2MW2	0.32	acre(s)	(b)(1) Non-adjacent wetland.	This wetland does not abut an (a)(1) – (a)(3) water and there is no indication that any (a)(1) – (a)(3) water inundates these wetlands in a typical year. The wetlands are not separated from an (a)(1) – (a)(3) water by a natural feature or artificial feature.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
2MW3	0.01	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch does not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland. Only flows in direct response to precipitation. Does not serve as a connection between and upstream and downstream channel.
2MW5	0.01	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Ditch does not relocate a tributary, was not constructed in a tributary, and was not constructed in an adjacent wetland. Only flows in direct response to precipitation. Does not serve as a connection between and upstream and downstream channel.
2MW7	0.08	acre(s)	(b)(1) Non-adjacent wetland.	N/A.

**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: [Wetland and Stream Delineation Report \(ECT, Inc., December 2020\)](#)  
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: Wetland and Stream Delineation Report \(ECT Inc., December 2020\)](#)
- Corps site visit(s) conducted on: [17AUG2021](#)
- 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: [Wetland and Stream Delineation Report \(ECT Inc., December 2020\)](#)
- USFWS NWI maps: [Wetland and Stream Delineation Report \(ECT Inc., December 2020\)](#)
- USGS topographic maps: [Wetland and Stream Delineation Report \(ECT Inc., December 2020\)](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">NHD Map in Wetland and Stream Delineation Report (ECT Inc., December 2020)</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>



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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** Antecedent Precipitation Tool was used to run a report on 21JUN2021. Data shown in report suggests drier than normal conditions at time of delineation assessment.

**C. Additional comments to support AJD:** N/A