

December 12, 2012

Operations Division
Regulatory Branch (South)
ID No. LRL-2012-974-let

Mr. Ron Thomas
Redwing Ecological Services, Inc.
1139 South Fourth Street
Louisville, Kentucky 40203

Dear Mr. Thomas:

This is in regard to your request, submitted on behalf of Copart, Inc., for a jurisdictional waters determination for a 58-acre project site located at 3100 Pond Station Road in Louisville, Jefferson County, Kentucky.

Representatives from this office inspected the site on November 15, 2012. Based on a review of the submitted information and site reconnaissance, we concur with your determination that the property contains both jurisdictional and isolated waters. We have determined that Wetlands 8, 9 and 10 are not considered to be "waters of the United States (U.S)". This determination is based on the wetlands exhibiting no direct surface connection or nexus to "waters of the U.S.", no adjacency to any "waters of the U.S.", and no connection to interstate or foreign commerce. Therefore, a Department of the Army (DA) permit is not required for any work in these waters.

However, the property also contains 0.34 acre of wetlands and 1,114 linear feet of ephemeral streams that are considered to be jurisdictional "waters of the U.S." This determination is based on the waters possessing a significant nexus to a Traditionally Navigable Water (TNW), the Ohio River. A DA permit will be required for the discharge of dredged or fill material into these waters.

This letter contains an approved jurisdictional determination for the isolated waters and a preliminary jurisdictional determination for the jurisdictional waters on the 58-acre project site at 3100 Pond Station Road in southwestern Jefferson County, Kentucky. If you object to the approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. However, a preliminary jurisdictional determination is not appealable and impacting "waters of the U.S." identified in the preliminary jurisdictional determination will result in you waiving the right to request an approved jurisdictional determination at a later date.

The approved jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal the approved jurisdictional determination you must submit a completed RFA form to the Lakes and Rivers Division Office at the following address:

Appeal Review Officer
Great Lakes and Ohio River Division
CELRD-CM-O
550 Main Street, Room 10524
Cincinnati, OH 45201-3222
(513) 684-6212

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **February 8, 2013**.

It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

If you have any questions concerning this matter, please contact this office at the above address, ATTN: CELRL-OP-FS, or by calling Layna Thrush at (502) 315-6689. Any correspondence should reference the assigned ID Number indicated above.

Sincerely,

Lee Anne Devine
Chief, South Section
Regulatory Branch

Enclosures