DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM[1]
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 15, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Louisville, Fall Creek Estates JD, LRL-2018-854-jwr

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Kentucky County/parish/borough: Hardin City: Elizabethtown
Center coordinates of site (lat/long in degree decimal format): Lat. 37.729727 °N, Long. -85.857568 °W
Universal Transverse Mercator:
Name of nearest waterbody: Freeman Creek
Name of watershed or Hydrologic Unit Code (HUC): 0511000110 Middle Nolin River

- ☑ Check if map/diagram of review area is available upon request.
- ☑ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- ☑ Office (Desk) Determination. Date: October 11, 2018
- ☑ Field Determination. Date(s): September 27, 2018

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **are no** "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **are and are not** "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.

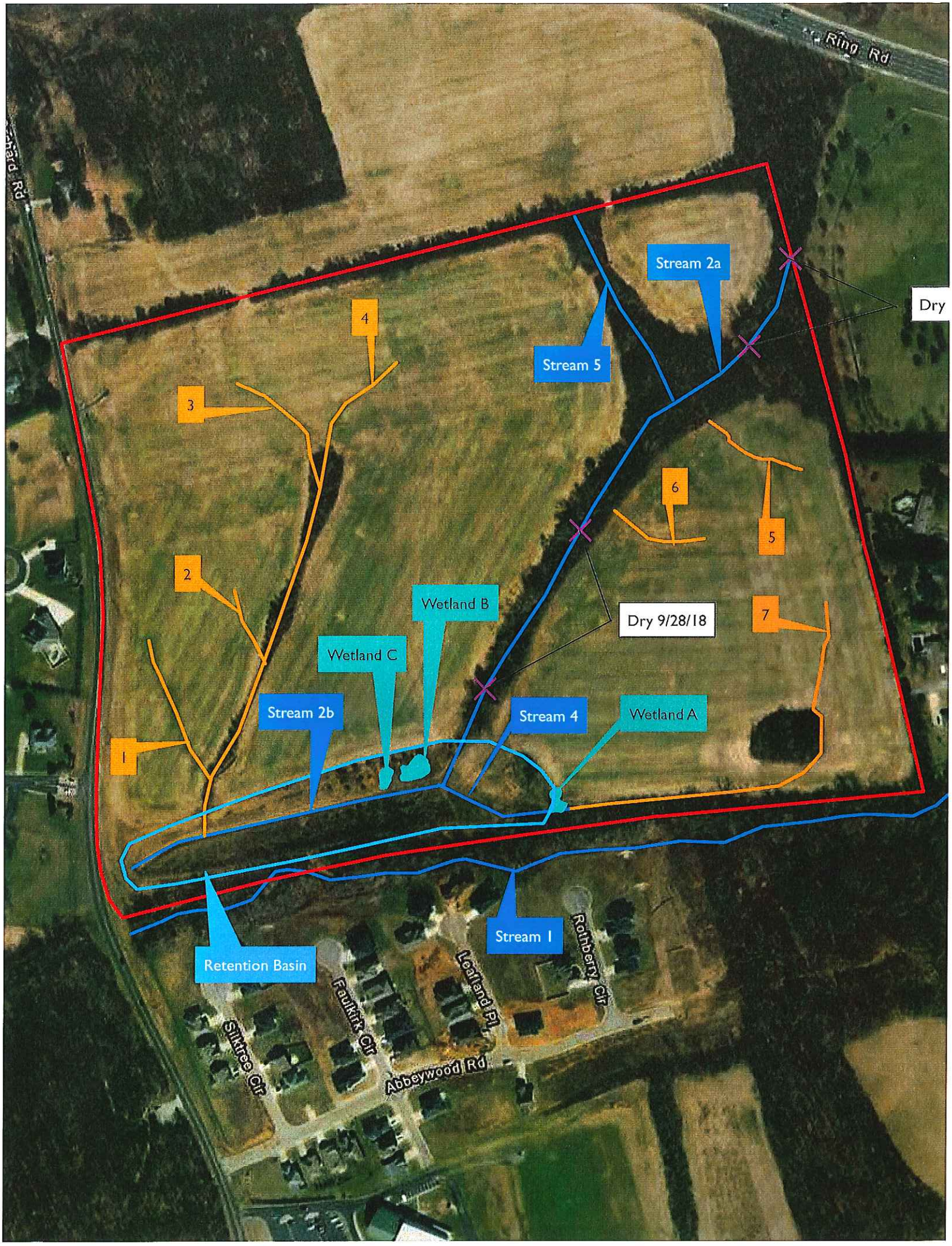
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Initial maps and photos dated September 18, 2018 by Third Rock Consultants. Updated, by Third Rock, on October 1st and October 12, 2018.
- ☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☑ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☑ U.S. Geological Survey map(s). Cite scale & quad name: 1:24K Elizabethtown

[1] This form is for use only in recording approved JDs involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.

- ☑ USDA Natural Resources Conservation Service Soil Survey. Citation: websoilsurvey.sc.egov.usda.gov – accessed by agent July 11, 2018
- ☐ National wetlands inventory map(s). Cite name:
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)
- ☑ Photographs: ☑ Aerial (Name & Date): Google Earth Pro
- ☐ or ☑ Other (Name & Date): Photo log prepared by Third Rock Consultants
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Applicable/supporting case law:
- ☐ Applicable/supporting scientific literature:
- ☐ Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA INCLUDES DRY LAND: During a site visit conducted by Corps representatives on September 27, 2018, features associated with field erosion were identified within an estimated 71.5 acres of agricultural land located in Elizabethtown, Hardin County, Kentucky (37.732044°N and -85.852415°W). A delineation report was submitted to the Corps by Third Rock Consultants dated June 28, 2018. A finalized version of aerial imagery titled "Final Exhibit_1_Aquatic_Resources", with aquatic resources overlay based on the September 27, 2018 site visit, was submitted by Third Rock on October 15, 2018. The 7 erosional features, identified in orange on the attached image, appear to be man-made manipulations and surface runoff as part of an ongoing agricultural practice. At the time of the aforementioned site visit soy beans were present on the parcel. The observed erosional features lacked characteristics associated with jurisdictional "waters of the United States" in that they did not contain a bed and bank, ordinary high water mark, or any observable change in vegetation and soil consistency. Direct precipitation and adjacent surface runoff appear to provide the primary source of hydrology. These features are not jurisdictional "waters of the United States" and are not susceptible to use in interstate or foreign commerce.


Ring Rd
Stream 2a
Dry
Stream 5
4
3
6
5
2
Wetland B
Dry 9/28/18
7
Wetland C
Stream 2b
Stream 4
Wetland A
1
Stream 1
Retention Basin
Faulkirk Cir
Lealand Pl
Rothberry Cir
Silktree Cir
Abbeywood Rd