



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): 25-JAN-2021

ORM Number: LRL-2020-01062-JLB

Associated JDs: N/A

Review Area Location¹:

State/Territory: KY City: Isom County/Parish/Borough: Letcher County

Center Coordinates of Review Area: Latitude 37.1946 Longitude -82.8997

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
Stamper Branch Int	1066 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Stamper Branch of Rockhouse Creek. Rockhouse Creek is a tributary of the North Fork Kentucky River, a TNW.
Stamper Branch Per	9682 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Stamper Branch of Rockhouse Creek. Rockhouse Creek is a tributary of the North Fork Kentucky River, a TNW.
Stream S-12 Int	1025 feet	(a)(2) Intermittent tributary contributes surface water flow	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by

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		directly or indirectly to an (a)(1) water in a typical year	flowing into Stamper Branch of Rockhouse Creek. Rockhouse Creek is a tributary of the North Fork Kentucky River, a TNW.
Stream S-13 Int	2186 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Stamper Branch of Rockhouse Creek. Rockhouse Creek is a tributary of the North Fork Kentucky River, a TNW.
Stream S-17 Int	2439 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Tributary contributes surface and ground water indirectly to a Section 10 water in a typical year by flowing into Stamper Branch of Rockhouse Creek. Rockhouse Creek is a tributary of the North Fork Kentucky River, a TNW.

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

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Impoundment Pit	0.01 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	Isolated, water filled pit constructed during mining in an upland location. Does not contribute surface or ground water directly or indirectly to any tributary.
Stream S-1 Eph	560 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-10 Eph	565 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-11 Eph	113 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-12 Eph	975 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-13 Eph	1047 feet	(b)(3) Ephemeral feature, including	Tributary with surface water that only flows in direct

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		an ephemeral stream, swale, gully, rill, or pool	response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-14 Eph	966 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-15 Eph	225 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-16 Eph	1380 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-17 Eph	1168 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-18 Eph	1478 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-2 Eph	310 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-3 Eph	363 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-4 Eph	490 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-5 Eph	630 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-6 Eph	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-7 Eph	1300 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-8 Eph	1080 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary with surface water that only flows in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Stream S-9 Eph	400 feet	(b)(3) Ephemeral feature, including	Tributary with surface water that only flows in direct

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		an ephemeral stream, swale, gully, rill, or pool	response to precipitation. Tributary does not serve as a connection between an upstream and downstream channel.
Wetland WA	0.03 acres	(b)(1) Non-adjacent wetland	Small isolated wetland that is not adjacent to any tributary. The feature is either seep fed or formed as a result of mining along terraces, ruts or concave grading. The feature does not contribute flow directly or indirectly to any type of aquatic resource.
Wetland WB	0.06 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	Isolated, water filled ditch along a constructed road used during mining in an upland location. Does not contribute surface or ground water directly or indirectly to any tributary.
Wetland WC	0.03 acres	(b)(1) Non-adjacent wetland	Small isolated wetland that is not adjacent to any tributary. The feature is either seep fed or formed as a result of mining along terraces, ruts or concave grading. The feature does not contribute flow directly or indirectly to any type of aquatic resource.
Wetland WD	0.011 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	Isolated, water filled depression constructed during mining in a non jurisdictional water body. Feature does not serve as a connection between upstream and downstream channels and does not flow directly or indirectly to a Section 10 water.
Wetland WE	0.13 acres	(b)(1) Non-adjacent wetland	Small isolated wetland that is not adjacent to any tributary. The feature is either seep fed or formed as a result of mining along terraces, ruts or concave grading. The feature does not contribute flow directly or indirectly to any type of aquatic resource.
Wetland WF	0.03 acres	(b)(1) Non-adjacent wetland	Isolated, water filled depression constructed during mining in a non jurisdictional water body. Feature does not serve as a connection between upstream and downstream channels and does not flow directly or indirectly to a Section 10 water.
Wetland WG	0.06 acres	(b)(1) Non-adjacent wetland	Small isolated wetland that is not adjacent to any tributary. The feature is either seep fed or formed as a result of mining along terraces, ruts or concave grading. The feature does not contribute flow directly or indirectly to any type of aquatic resource.
Wetland WH	0.45 acres	(b)(1) Non-adjacent wetland	Small isolated wetland that is not adjacent to any tributary. The feature is either seep fed or formed as a result of mining along terraces, ruts or concave grading. The feature does not contribute flow directly or indirectly to any type of aquatic resource.
Wetland WI	0.03 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-	Isolated, water filled depression constructed during mining in an upland. Feature does not serve as a connection between upstream and downstream channels and does not flow directly or indirectly to a Section 10 water.

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		jurisdictional water to obtain fill/sand/gravel	
Wetland WJ	0.05 acres	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel	Isolated, water filled depression constructed during mining in an upland. Feature does not serve as a connection between upstream and downstream channels and does not flow directly or indirectly to a Section 10 water.
Wetland WK	0.02 acres	(b)(1) Non-adjacent wetland	Small isolated wetland that is not adjacent to any tributary. The feature is either seep fed or formed as a result of mining along terraces, ruts or concave grading. The feature does not contribute flow directly or indirectly to any type of aquatic resource.

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: *Letcher County JD Waters Report 2020 (11-17-2020)*

This information *is* sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *Approved Jurisdictional Determination Form NWPR 1-26-2021*

Photographs: *Aerial, Google Earth Imagery 4-21-2019*

Corps Site visit(s) conducted on: *Date(s)*.

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: *Title(s) and/or date(s)*.

USFWS NWI maps: *Title(s) and/or date(s)*.

USGS topographic maps: *1:24K Blackey, Kentucky*

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	N/A.

B. Typical year assessment(s): *N/A.*

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- C. Additional comments to support AJD:** Project is located within an atypical landscape setting due to historical mining, reclamation and blasting of subsurface strata. The majority of the features within the review area are ephemeral tributaries with small catchment areas that have been impacted by the previous mining.

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