



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): 13-MAY-2021

ORM Number: LRL-2020-01061-JLB

Associated JDs: LRL-2014-0811-JLB

Review Area Location¹:

State/Territory: KY City: White Oak County/Parish/Borough: Morgan County

Center Coordinates of Review Area: Latitude 37.84223 Longitude -83.21565

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
N/A	N/A	N/A	N/A

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

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Reach 1 (U.T. Vance Fork)	620 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 10 (U.T. Vance Fork)	475 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 11 (U.T. Vance Fork)	975 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 12 (U.T. Vance Fork)	460 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 13 (U.T. Vance Fork)	1000 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 14 (U.T. Vance Fork)	720 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 15 (U.T. May Branch)	1250 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 16 (U.T. May Branch)	300 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 17 (U.T. May Branch)	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 2 (U.T. Vance Fork)	750 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 3 (U.T. Vance Fork)	475 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 4 (U.T. Vance Fork)	600 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream

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			jurisdictional channel.
Reach 5 (U.T. Vance Fork)	725 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 6 (U.T. Vance Fork)	1275 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 7 (U.T. Vance Fork)	525 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 8 (U.T. Vance Fork)	400 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 9 (U.T. Vance Fork)	725 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 9-A (U.T. Vance Fork)	550 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.
Reach 9-B (U.T. Vance Fork)	325 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Tributary surface water only flows or pools in direct response to precipitation. Tributary does not serve as a connection between an upstream and downstream jurisdictional channel.

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: *JD Request submitted by Randall Stephens/Southbound Coal, LLC on 11-13-2020*
This information is sufficient for purposes of this AJD.
Rationale: *N/A*
- Data sheets prepared by the Corps: *NWPR AJD Form prepared 05-13-2021*
- Photographs: *Google Earth Aerial Imagery 9-18-2019*
- Corps Site visit(s) conducted on: *Virtual Site Visit conducted 05-13-2021*
- Previous Jurisdictional Determinations (AJDs or PJDs): *LRL-2014-811-jlb, 10-08-2014*
- 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 White Oak, Kentucky*

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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.

C. Additional comments to support AJD: Site has been visited on multiple occasions between October 2014 and December 2019 in addition to virtual site visits.

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