

**DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM<sup>1</sup>**  
**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): March 23, 2018**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRL-RDS, LRL-2018-280, Nally & Hamilton Enterprises, Inc. – Stinnett Project KDNR # 866-0373**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State: Kentucky County/parish/borough: Leslie City: Hoskinston  
Center coordinates of site (lat/long in degree decimal format): Lat. 37.080368 °, Long. -83.409510 °  
Universal Transverse Mercator:

Name of nearest waterbody: Stinnett Creek  
Name of watershed or Hydrologic Unit Code (HUC): 051002020205

- 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:  
 Field Determination. Date(s): January 31, 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 **no** “*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: Submitted by Biological Systems Consultants, Inc. 2-6-2018  
 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: Completed for formatting  
 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 Hoskinston, KY  
 USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey  
 National wetlands inventory map(s). Cite name: FWS Wetland Mapper  
 State/Local wetland inventory map(s):  
 FEMA/FIRM maps:  
 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)  
 Photographs:  Aerial (Name & Date): USDA 2016  
 or  Other (Name & Date): Site visit photos 1-22-2018 & 1-29-2018  
 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 ONLY INCLUDES DRY LAND:** The applicant requested that the areas upslope of the end of jurisdiction be included in the

<sup>1</sup> 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.

determination in order to document that any potential surface mining operation would not impact WOUS located in this area. This upland referred to as Upland 1 includes the upland area within the review area that is upslope of the documented aquatic resources and is comprised of 190 acres of land that contains upland vegetation and upland soils. No evidence of confined surface flow or historic flow events is visible within this Upland area.