

DRY LAND APPROVED JURISDICTIONAL DETERMINATION FORM¹
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):

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRL-RDS, LRL-2012-824, Wellmore Coal Corporation – Shop Branch Upland Areas 1R (21.5 acres), 2R (8 acres), 3R (22 acres), 4R & 4R-A (8 acres), 5R (26 acres), 1L (3 acres), 2L (12 acres), 3L (22 acres), and 4L & 4L-A (16 acres)

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Kentucky County/parish/borough: Pike City: Dunleary
Center coordinates of site (lat/long in degree decimal format): Lat. 37.330761°, Long. -82.357471 °
Name of nearest waterbody: Shop Branch of Russell Fork
Name of watershed or Hydrologic Unit Code (HUC): 050702020703

- 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: April 8, 2020
- Field Determination. Date(s):

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 Summit Engineering 8-19-19
- 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 by PM 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 Elkhorn City,
- KY USDA Natural Resources Conservation Service Soil Survey. Citation:
- National wetlands inventory map(s). Cite name:
- State/Local wetland inventory map(s):
- FEMA/FIRM maps:
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth 10-18-2015
 - or Other (Name & Date): Submitted site visit photos 8-27-2012
- Previous determination(s). File no. and date of response letter: LRL-2012-824; 9-20-2012
- Applicable/supporting case law:
- Applicable/supporting scientific literature:
- Other information (please specify): This is a reverification of LRL-2012-824. No changes have occurred to warrant modifying the original jurisdictional determination.

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: The uplands referenced on this form includes the areas within the review area that are upslope of the end of jurisdiction for all topographic depressions within Shop Branch. The upland areas encompass 50 acres of land. The upland areas included on this form contain upland vegetation and upland soils. Erosional rills and gullies are present, however no evidence of a defined bed/bank and OHWM are visible within the review area. The project location is forested and has been impacted by numerous slides and timbering operations.

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.

 4-8-2020