

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): November 15, 2018

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRL-RDS, LRL-2018-1001, Mine Rite Coal Company, Inc. – U.T. Mudlick Creek Upland Area

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Kentucky County/parish/borough: Johnson City: Kerz
Center coordinates of site (lat/long in degree decimal format): Lat. 37.903190 °, Long. -82.877311 °
Universal Transverse Mercator:

Name of nearest waterbody: Mudlick Creek
Name of watershed or Hydrologic Unit Code (HUC): 050702030405

- 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): September 4, 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 Randall Stephens 10-4-2018
 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 by PM for formatting purposes
 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 Redbush, Kentucky
 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 4-4-16
or Other (Name & Date): Field photos submitted 10-4-2018
 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 100 acre review area was visited on 9-4-2018 by USACE staff and the applicant. The agent had delineated two stream reaches within the review area and requested that the upland located immediately upslope of the end of jurisdiction be included in order to receive a No Permit Required Letter for any impacts that would occur outside of jurisdictional waters.

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.

Based upon the conducted site visit, there are no indications of a defined bed and bank and an ordinary high water mark within the upland location. The 60 acre upland consists of upland soils and upland vegetation with only small amounts of concentrated surface flow in the form of rills and gullies. Therefore the area is considered uplands and is not considered a Waters of the U.S.

A handwritten signature in black ink, consisting of the letters 'JLB' in a cursive, stylized font.