

**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): September 28, 2018**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRL-RDS, LRL-2018-876, Hyden Development East, LLC. – KDNR. No. 866-0362 Feds Creek Upland Area**

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

State: Kentucky County/parish/borough: Leslie City: Helton  
Center coordinates of site (lat/long in degree decimal format): Lat. 36.979376 °, Long. -83.305017 °  
Universal Transverse Mercator:  
Name of nearest waterbody: Feds Creek  
Name of watershed or Hydrologic Unit Code (HUC): 051002020202

- 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 11, 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 CBC Engineers, Inc. 7-25-2018  
 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: [Click here to enter text.](#)  
 USGS NHD data.  
 USGS 8 and 12 digit HUC maps.  
 U.S. Geological Survey map(s). Cite scale & quad name: 1:24K Bledsoe, Kentucky  
 USDA Natural Resources Conservation Service Soil Survey. Citation: [Click here to enter text.](#)  
 National wetlands inventory map(s). Cite name: [Click here to enter text.](#)  
 State/Local wetland inventory map(s): [Click here to enter text.](#)  
 FEMA/FIRM maps: [Click here to enter text.](#)  
 100-year Floodplain Elevation is: [Click here to enter text.](#) (National Geodetic Vertical Datum of 1929)  
 Photographs:  Aerial (Name & Date): Google Earth 6-13-2014  
 or  Other (Name & Date): Field photos submitted 7-25-2018  
 Previous determination(s). File no. and date of response letter: [Click here to enter text.](#)  
 Applicable/supporting case law: [Click here to enter text.](#)  
 Applicable/supporting scientific literature: [Click here to enter text.](#)  
 Other information (please specify): [Click here to enter text.](#)

**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 9-11-2018 by USACE staff and the applicant. The consultant had delineated one stream 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. 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 94 acre

<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.

upland consists of upland soils and upland vegetation with only small amounts of concentrated surface flow. Therefore the area is considered uplands and is not considered a Waters of the U.S.

YLB