

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): February 11, 2019

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Nashville District, Kopper Glo Mining, LLC, Lawson Mountain Project, LRN-2012-00682

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: KY County/parish/borough: Whitley City: Siler
Center coordinates of site (lat/long in degree decimal format): Lat. 36.692453 °, Long. -83.944557°

Universal Transverse Mercator: [Click here to enter text.](#)

Name of nearest waterbody: Poplar Creek

Name of watershed or Hydrologic Unit Code (, HUC): 051301010403, Poplar Creek

- ☒ 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: January 22, 2019
- ☒ Field Determination. Date(s): November 27-28, 2018 and January 16, 2019

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: From delineation report titled “RE: Kopper Glo Mining, LLC / Jurisdictional Determination Amendment / Revalidation Request” dated November 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: [Click here to enter text.](#)
- ☐ 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: 1:24,000, Frakes, KY
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: Web Soil Survey
- ☒ National wetlands inventory map(s). Cite name: FWS Wetlands Mapper
- ☐ 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): 1951, 1972, 1976, 1984, 1995 USGS Aerial Maps, 2004, 2006, 2008, 2010, USDA, Google Earth 2013, 2015.
- ☐ or ☒ Other (Name & Date): Original JD report and photos
- ☒ Previous determination(s). File no. and date of response letter: LRN-2012-00682; February 20, 2012
- ☐ 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: There are no aquatic resources or potential aquatic resources in the AJD review area that would warrant the application of a wetland delineation, significant nexus analysis,

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.

navigability determination, and/or delineation of the ebb and flow of the tides. There are no features that have lateral limits of jurisdiction (e.g., OHWM).