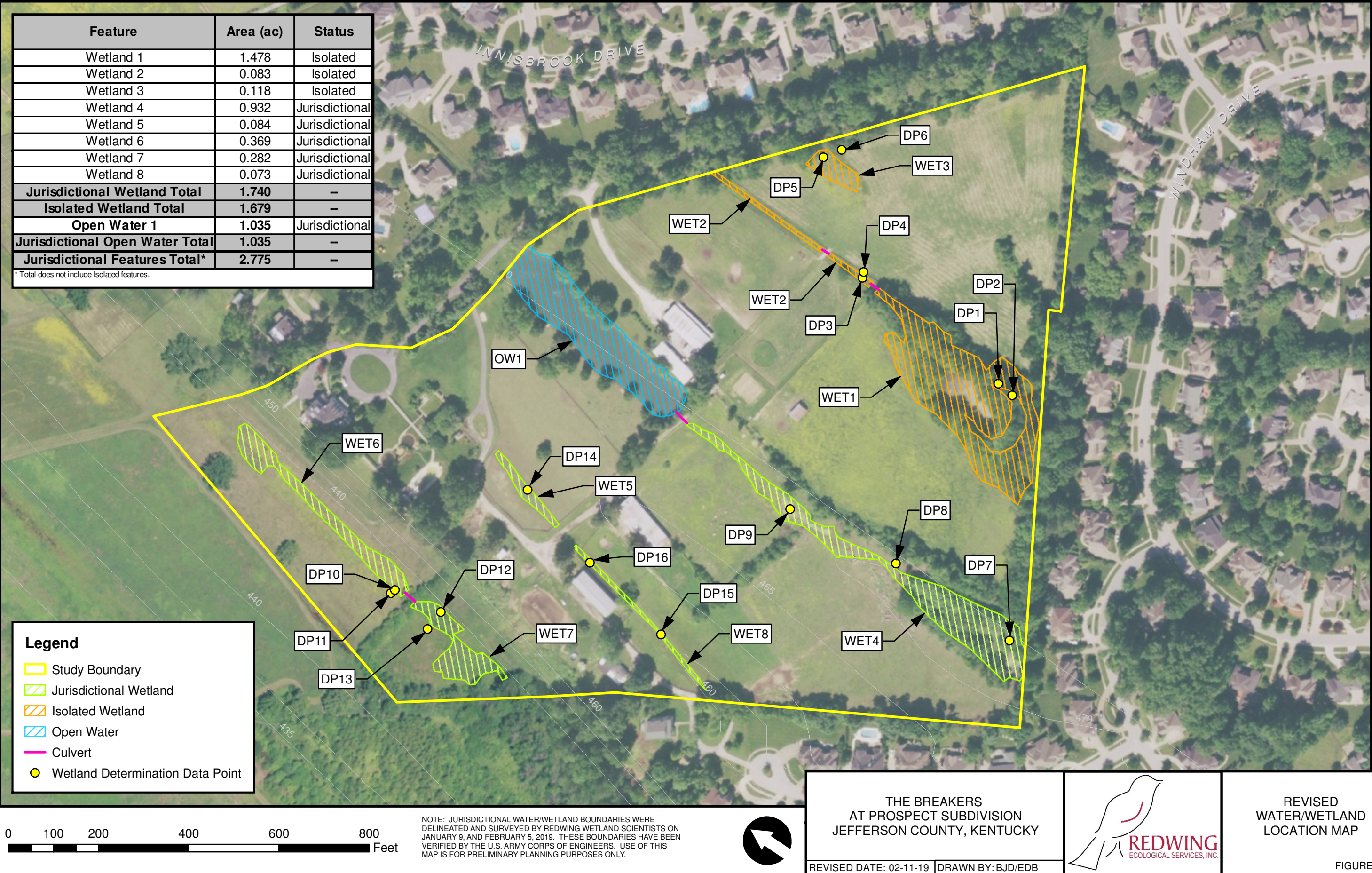






DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, LOUISVILLE DISTRICT
600 DR. MARTIN LUTHER KING JR PL
LOUISVILLE, KY 40202

March 20, 2019

Regulatory Division
South Branch
ID No. LRL-2019-76-sea

Mr. Patrick Dominik
Sabak, Wilson, & Lingo, Inc.
The Henry Clay
608 S. Third Street
Louisville, Kentucky 40202

Dear Mr. Dominik:

This is in regard to your request for a jurisdictional determination dated January 17, 2019, concerning the 49-acre site located east of the dead-end of Sutherland Farm Road located in Prospect, Jefferson County, Kentucky (Latitude: 38.357318°N; Longitude: 85.624927°W). Please refer to the property on the enclosed map titled, "Revised Water/Wetland Location Map," revised February 11, 2019.

The U.S. Army Corps of Engineers exercises regulatory authority under Section 404 of the Clean Water Act (33 USC 1344) for certain activities in "waters of the United States (U.S.," including streams and wetlands.

Representatives from this office inspected the site on February 5, 2019. Based on the information provided by your agent, Redwing Ecological Services, Inc., and the site visit, we have determined that the property contains 5 wetlands (1.740 acres) and an open water pond (1.035 acres) that may be considered jurisdictional "waters of the U.S.," in accordance with the Regulatory Guidance Letter for Jurisdictional Determinations issued by the U.S. Army Corps of Engineers on October 31, 2016 (RGL No. 16-01).

In addition, we identified that the isolated waters, Wetland 1 (1.478 acres), Wetland 2 (0.083 acre), and Wetland 3 (0.118 acre) are not considered to be "waters of the U.S." This determination is based on the aforementioned wetlands exhibiting no surface or subsurface hydrological connection to "waters of the U.S.," no adjacency to any "waters of the U.S.," and are not susceptible to use in interstate or foreign commerce. Therefore, a Department of the Army (DA) permit is not required for any work in Wetlands 1, 2, and 3. This approved jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision of the determination before the expiration date.

This letter contains an approved jurisdictional determination and preliminary jurisdictional determination for the remaining waters identified on your subject site. If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. However, as indicated in the guidance, the preliminary jurisdictional determination is non-binding and cannot be appealed and only provides a written indication that "waters of the U.S.,"

including wetlands, may be present on-site. Impacting "waters of the U.S." identified in the preliminary jurisdictional determination will result in you waiving the right to request an approved jurisdictional determination at a later date. An approved jurisdictional determination may be requested (which may be appealed), by contacting me for further information.

Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Lakes and Rivers Division Office at the following address:

U.S. Army Corps of Engineers
ATTN: Jacob Siegrist
Appeal Review Officer CELRD-PD-REG
550 Main Street, Room 10524
Cincinnati, OH 45202-3222
TEL (513) 684-2699; FAX (513) 684-2460

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within **60 days** of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **May 20, 2019**.

It is not necessary to submit an RFA form to the Division office if you do not object to the determination in this letter.

Our comments on this project are limited to only those effects which may fall within our area of jurisdiction and thus do not obviate the need to obtain other permits from State or local agencies. Lack of comments on other environmental aspects should not be construed as either concurrence or non-concurrence with stated environmental effects.

Should your project proposal include the placement or discharge of dredge and/or fill material into any "waters of the U.S.," a DA Permit application must be submitted. Along with the DA permit application, we will need additional details regarding the project's design, scope, construction method, and purpose, as well as maps, a waters impact table (linear feet, width, and acreage), and any coordination or documentation with the United States Fish and Wildlife Service and the State Historic Preservation Officer (if possible). For purposes of computation of impacts, compensatory mitigation requirements, and other resources protection measures, a permit decision made on the basis of a preliminary jurisdictional determination will treat all waters and wetlands on the site as if they are jurisdictional "waters of the U.S." You are reminded that all drawings must be submitted on 8 ½ x 11-inch paper and be of reproducible quality.

Further information on the Regulatory Program, including the DA Permit application, can be obtained from our website at <http://www.lrl.usace.army.mil/Missions/Regulatory.aspx>. Please allow sufficient time in your preconstruction schedule for processing of a DA permit application.

If we can be of any further assistance, please contact us by writing to the above address, ATTN: CELRL-RDS, or call me at 502-315-6711. Any correspondence on this matter should refer to our ID Number LRL-2019-76-sea.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah Atherton", with a stylized flourish at the end.

Sarah Atherton
Project Manager, South Branch
Regulatory Division

Enclosures

AGENT

Mr. Ron Thomas

Redwing Ecological Services, Inc.

1139 S. Fourth Street

Louisville, Kentucky 40203