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**VIA EMAIL**

January 18, 2021

KJS, LLC  
c/o Mr. David Mindel  
Mindel, Scott & Associates, Inc  
5101 Jefferson Boulevard  
Louisville, Kentucky 40219  
dmindel@mindelscott.com

**Subject: Water/Wetland Delineation Summary Report  
KJS Multi-Family Development  
Jefferson County, Kentucky  
Redwing Project 20-227**

Dear Mr. Mindel:

RES Kentucky, LLC dba Redwing (Redwing) is pleased to submit this Water/Wetland Delineation Summary Report to KJS, LLC for the proposed KJS Multi-Family Development site in Jefferson County, Kentucky. The approximately 17-acre site is located on the north side of Bardstown Road, immediately east of South Watterson Trail and approximately one mile west of South Hurstbourne Parkway (Figure 1). The purpose of this report is to present the results of the delineation, along with a discussion of development-related permitting issues and mitigation requirements.

Based on the delineation, no jurisdictional waters are present on the site. However, three non-jurisdictional wetlands totaling 0.665 acre were identified.

**BACKGROUND**

Redwing was contracted to complete a delineation of waters/wetlands on the site to assist with site development planning. Jurisdictional waters of the U.S., including wetlands, are defined by 33 CFR Part 328.3 and are protected by Section 404 of the Clean Water Act (33 USC 1344), which is administered and enforced by the U.S. Army Corps of Engineers (USACE). Impacts to waters of the U.S. can require permitting ranging from activities that are pre-authorized, to those requiring a Nationwide Permit (NWP), to those requiring a full Individual Permit. Certain activities also require a Section 401 Water Quality Certification (WQC) from the Kentucky Division of Water (KDOW). Under the Navigable Waters Protection

Rule: Definition of “Waters of the United States” (NWPR), which became effective June 22, 2020, ephemeral streams and any waters/wetlands not directly adjacent to jurisdictional waters are considered non-jurisdictional and impacts to them are not regulated by the USACE or KDOW. Any intermittent or perennial streams, and their associated waters/wetlands, remain jurisdictional.

## METHODOLOGY

A delineation of jurisdictional waters of the U.S., including wetlands, on the site was completed by Redwing wetland scientists on January 12, 2021 using a combination of in-house research and field evaluation. In-house research included a review of the USGS topographic map, aerial photography, FEMA floodplain map, and the USDA Soil Survey Geographic Database for Jefferson County, Kentucky. The wetland delineation was accomplished through documentation of the presence/absence of hydric soils, wetland hydrology, and hydrophytic vegetation per the guidelines of the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region – Version 2.0* (April 2012). Soil, hydrology, and vegetation data were collected on Routine Wetland Determination Data Forms at eight data points located throughout the site. This delineation has not been verified by the USACE, who holds final authority over determinations of the location and extent of jurisdictional waters/wetlands.

## RESULTS

Based on the delineation and current regulations, no jurisdictional waters of the U.S. are present on the site. Non-jurisdictional water/wetland features identified include three emergent wetlands totaling 0.665 acre (Figure 2). Wetland 1 is an emergent wetland in the western open field portion of the site that is considered non-jurisdictional due to its lack of connection to jurisdictional waters. Wetlands 2 and 3 are located in the northeastern portion of the site immediately south of an off-site upland pond. These wetlands are present due to pond seepage through the berm into the open field. The off-site pond appears to have been dug in uplands and does not connect to downstream waters, therefore, Wetlands 2 and 3 are considered non-jurisdictional.

## DISCUSSION

Based on the delineation results, the on-site 0.665 acres of emergent wetlands are non-jurisdictional under the NWPR and impacts to the features does not require authorization from, or coordination with, the USACE

or KDOW. However, if you require a formal determination, we recommend submitting a Jurisdictional Determination Request package to the USACE requesting their concurrence with this delineation.

We appreciate the opportunity to assist you on this important project. Please call Ron Thomas or Kaitlin Ilnick with any questions regarding this report or the overall project.

Sincerely,

*Kaitlin J. Ilnick*

Kaitlin J. Ilnick (Jan 18, 2021 11:11 EST)

Kaitlin J. Ilnick  
Project Manager I

*Ronald L. Thomas*

Ronald L. Thomas (Jan 18, 2021 11:21 EST)

Ronald L. Thomas  
Senior Project Manager

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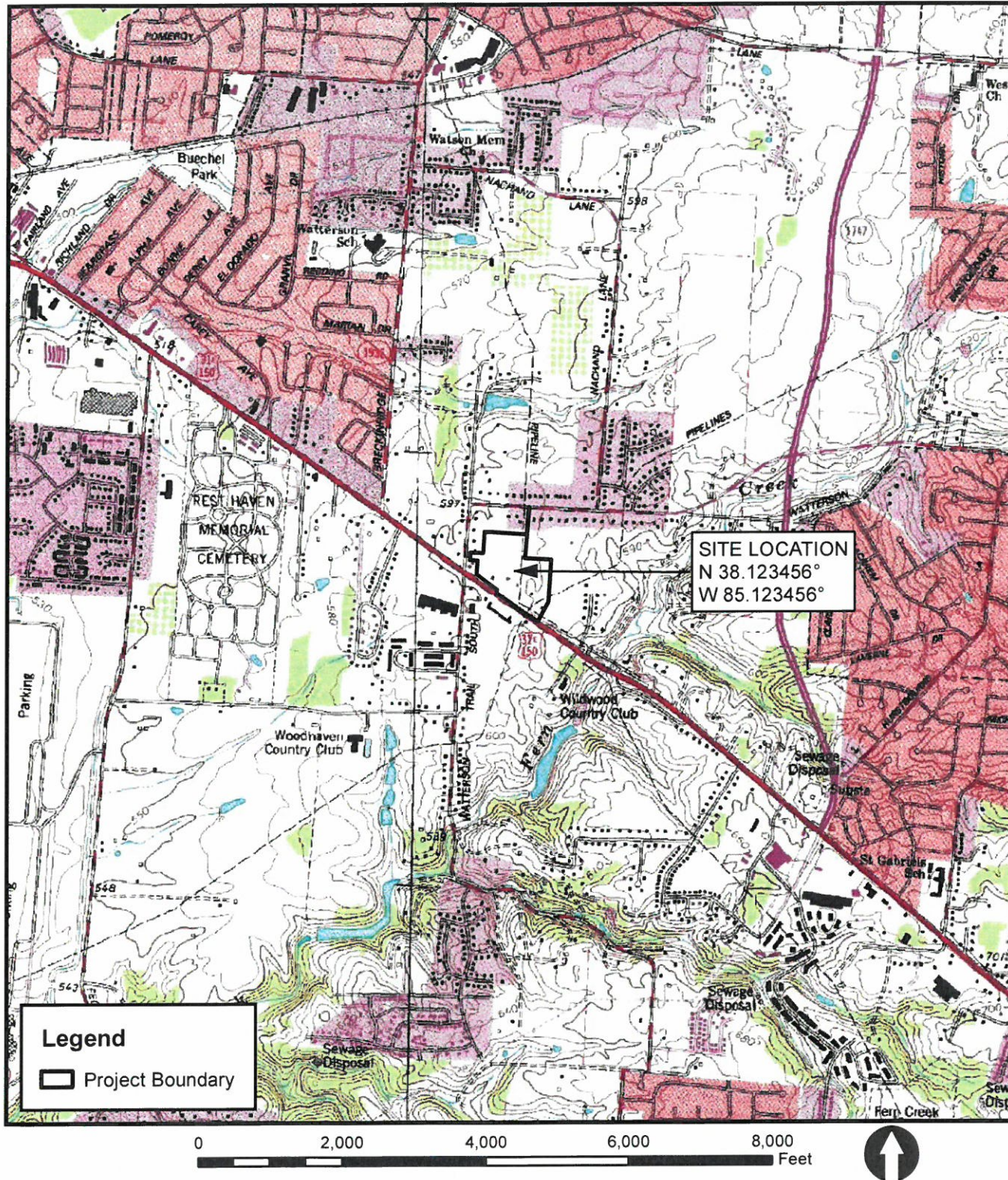
Attachments: Figures



## **FIGURES**



Source: USGS 7.5-minute Topographic Map - Louisville East and Jeffersontown, Kentucky Quadrangles.



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KJS MULTI-FAMILY DEVELOPMENT  
JEFFERSON COUNTY, KENTUCKY



SITE LOCATION MAP

REVISED DATE: 01-13-21

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FIGURE 1



Source: World Imagery - Esri and the GIS User Community (2019).

Feature	Area (acres)	Federal Status
Wetland 1	0.630	Non-Jurisdictional
Wetland 2	0.020	Non-Jurisdictional
Wetland 3	0.015	Non-Jurisdictional
<b>Non-Jurisdictional Wetland Total</b>	<b>0.665</b>	



**Legend**

- Project Boundary
- Non-Jurisdictional Wetland
- Wetland Determination Data Point



NOTE: JURISDICTIONAL WETLANDS AND POLYGNONES WERE DELINEATED AND SURVEYED BY REDWING WETLAND SCIENTISTS ON JANUARY 12, 2021. THESE BOUNDARIES HAVE NOT BEEN VERIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. USE OF THIS MAP IS FOR PRELIMINARY PLANNING PURPOSES ONLY.



KJS MULTI-FAMILY DEVELOPMENT  
JEFFERSON COUNTY, KENTUCKY



WATERWETLAND  
LOCATION MAP

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FIGURE 2