

**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): July 3, 2018**

**B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Norfolk District - NAO-2006-07163-CEMC- Laurel Branch Surface Mine**

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:** Lester/Baker Property (Amendment Area)

State: VA County/parish/borough: Buchanan City: Hurley

Center coordinates of site (lat/long in degree decimal format): Lat. 37.422728 °, Long. -82.035675 °

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

Name of nearest waterbody: Pounding Mill Creek of Knox Creek

Name of watershed or Hydrologic Unit Code (HUC): 05070201

- 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: July 3, 2018
- Field Determination. Date(s): [Click here to enter a date.](#)

**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: Clint wood Elkhorn Mining Co. LLC, Laurel Branch Surface Mine, DMLR PN 1101995 / Appl. No. 1010277 – USACE Jurisdictional Determination, Lester/Baker Property, Unnamed Tributary to Pounding Mill Creek revised 6-14-2018.
- 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: [Click here to enter text.](#)
- 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): [Click here to enter text.](#)
- or  Other (Name & Date): CEMC- Laurel Branch Mine – Lester/Baker Property revised reported dated 6-14-2018 and on file within the projects Administrative Record (file dated 7-3-2018)
- 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 delineated area is characteristic of hillslope topography with high gradient slopes where surface runoff is dominated by sheetflow. Land surface geometry is dominated by swale topography. No waters of the U. S. were found within the delineated boundary; therefore all areas within the delineated boundary have been determined to be uplands.

<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.