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VIA EMAIL

December 7, 2023

Mr. Nathan Lankford
The Marian Group
1801 Payne Street
Louisville, Kentucky 40206
nathan@themariangroup.com

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**Subject: Water/Wetland Delineation Summary Report
11801 East Orell Road
Jefferson County, Kentucky
RES Project No.: 110117**

Dear Mr. Lankford:

RES Kentucky, LLC (RES) is pleased to provide the Marian Group with this Water/Wetland Delineation Summary Report for the 11801 East Orell Road project in Jefferson County, Kentucky. The approximately 31-acre property is located to the east of the intersection of East Orell Road and Flowervale Road in Louisville, Kentucky. The goal of these services was to identify the location and extent of jurisdictional waters/wetlands to assist with preliminary project planning.

Based on the delineation, jurisdictional waters present within the project boundary include three wetlands which are located in a man-made drainage feature in the eastern portion of the project boundary.

METHODOLOGY

The water/wetland delineation included in-house and field components. In-house research involved review of the USGS topographic quadrangle map, aerial photography, the Jefferson County soil survey, and Federal Emergency Management (FEMA) floodplain mapping. Following review of these materials, RES conducted a field delineation on November 9, 2023, to identify the location and extent of jurisdictional waters/wetlands on the site. During the field visit, the presence of jurisdictional streams was evaluated based on ordinary high-water mark (OHWM), defined bed and bank features, and flow regimes. Potential wetland areas were investigated using the Routine On-Site Determination Method as defined in the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountain Piedmont Region – Version 2.0* (April 2012). This technique uses a multi-parameter approach that requires positive evidence of three criteria: wetland hydrology,

hydric soils, and hydrophytic vegetation. 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, jurisdictional waters present within the project boundary include three wetlands which are located in a man-made drainage feature in the eastern portion of the project boundary. The results of the water/wetland delineation are depicted on Figure 1 and detailed in the following table.

Feature	Stream Length (feet)	Stream Width (feet)	Area (acres)	Federal Status
Wetland 1	---	---	0.011	Jurisdictional
Wetland 2	---	---	0.010	Jurisdictional
Wetland 3	---	---	0.014	Jurisdictional
Jurisdictional Wetland Total	---	---	0.035	
Jurisdictional Features Total			0.035	

Habitat on the site consists primarily of open field with mixed-age woods and scrub-shrub habitat confined along the fence rows and southern edge of the property (Figure 1).

WATER/WETLANDS DISCUSSION

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 USACE. Many water/wetland impacts are also regulated by the Kentucky Division of Water (KDOW) – Water Quality Certification (WQC) Section. Current permitting thresholds are as follows:

- Avoidance of the jurisdictional water/wetland features would require no permits from, or coordination with, the USACE or KDOW. A formal Jurisdictional Determination (JD) can be obtained from the USACE, if desired.
- Impacts to less than 0.5 acre of waters can be authorized under the federal Nationwide Permit (NWP) program with the USACE.
- Impacts to greater than 0.5 acre of waters require an Individual Section 404 Permit (IP) from the USACE.
- Impacts to greater than 300 feet of intermittent/perennial stream or 0.5 acre of wetland or an in-line stream basin require an Individual Section 401 WQC from the KDOW.

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- Impacts to less than 300 feet of intermittent/perennial stream or 0.5 acre of wetland typically meet the conditions of a General WQC and do not require coordination with the KDOW.
- Impacts to greater than 0.1 acre of jurisdictional wetlands will require compensatory mitigation. Wetland mitigation must be provided at a 3:1 ratio for the Pond Creek watershed. If required, mitigation credits can be purchased from either a private mitigation bank or the Kentucky In-Lieu Fee (ILF) program, which requires a 20% markup to cover temporal losses. The Kentucky ILF program currently charges \$78,000 per wetland credit.

Final jurisdictional impacts and specific permit and mitigation requirements can be determined based on final site development plans.

CONCLUSION

In conclusion, based on the delineation, jurisdictional waters include three wetlands totaling 0.035 acre. A formal Jurisdictional Determination from the USACE can be obtained to verify the delineation, if required. If there are no impacts to jurisdictional streams or wetlands for the proposed project development, no permits from, or coordination with, the USACE or KDOW will be required. Permitting and mitigation scenarios will depend on the final site development plan.

We appreciate the opportunity to assist you on this important project. Please contact Zach Triplett at (502) 625-3009 with any questions on this report or the overall project.

Sincerely,

Zachary T. Triplett
Zachary T. Triplett (Dec 7, 2023 10:54 EST)
Zachary T. Triplett
Project Manager I

Neil A. Guthals
Neil A. Guthals (Dec 7, 2023 10:55 EST)
Neil A. Guthals
Project Manager III

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Attachment: Figure

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FIGURE

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Source: Aerial - (NMAP-FSA) from kygisserver.ky.gov ArcGIS services (2022).

Legend

Approximate Project Boundary

Wetland

Wetland Determination Data Point

Culvert

Feature	Feature	Stream Width (feet)	Area (acres)	Federal Status
Wetland 1	---	---	0.011	Jurisdictional
Wetland 2	---	---	0.010	Jurisdictional
Wetland 3	---	---	0.014	Jurisdictional
Jurisdictional Wetland Total		---	0.035	Jurisdictional
Jurisdictional Features Total		---	0.035	

NOTE: JURISDICTIONAL WETLAND BOUNDARIES WERE DELINEATED AND SURVEYED BY RES WETLAND SCIENTISTS ON NOVEMBER 9, 2023. THESE BOUNDARIES ARE BASED ON THE BEST AVAILABLE INFORMATION AND SHOULD BE USED FOR PRELIMINARY PLANNING PURPOSES ONLY.

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11801 EAST ORELL ROAD
JEFFERSON COUNTY, KENTUCKY

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WATERWETLAND
LOCATION MAP

REVISED DATE: 12-05-23 | DRAWN BY: ZIT

FIGURE 1

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