



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 7/2/2020
 ORM Number: LRL-2016-630
 Associated JDs: LRL-2016-630-gjd, Preliminary JD dated December 14, 2016
 Review Area Location¹: State/Territory: Indiana City: Washington County/Parish/Borough: Daviess
 Center Coordinates of Review Area: Latitude 38.6949 Longitude -87.08049

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Antioch Creek	11,510	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream exhibited flow beyond in response to precipitation on multiple site visits, even during drier than normal conditions as identified using the antecedent precipitation tool. The channel morphology is also consistent with that of other intermittent streams in the region. This stream flows through a system of intermittent and perennial tributaries consisting of South Fork Prairies Creek then to Prairie Creek, which then flows to the White River, an (a)(1) water

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
AC-03E	880	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream exhibited flow beyond in response to precipitation on multiple site visits, even during drier than normal conditions as identified using the antecedent precipitation tool. The channel morphology is also consistent with that of other intermittent streams in the region. This stream flows through a system of intermittent and perennial tributaries consisting of South Fork Prairies Creek then to Prairie Creek, which then flows to the White River, an (a)(1) water
Obert's Ditch	5,995	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream exhibited flow beyond in response to precipitation on multiple site visits, even during drier than normal conditions as identified using the antecedent precipitation tool. The channel morphology is also consistent with that of other intermittent streams in the region. This stream flows through a system of intermittent and perennial tributaries consisting of South Fork Prairies Creek then to Prairie Creek, which then flows to the White River, an (a)(1) water
OD-07S	119	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream exhibited flow beyond in response to precipitation on multiple site visits, even during drier than normal conditions as identified using the antecedent precipitation tool. The channel morphology is also consistent with that of other intermittent streams in the region. This stream flows through a system of intermittent and perennial tributaries consisting of South Fork Prairies Creek then to Prairie Creek, which then flows to the White River, an (a)(1) water
OD-05S Lower	480	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream exhibited flow beyond in response to precipitation on multiple site visits, even during drier than normal conditions as identified using the antecedent precipitation tool. The channel morphology is also consistent with that of other intermittent streams in the region. This stream flows through a system of intermittent and perennial tributaries consisting of South Fork Prairies Creek then to Prairie Creek, which then flows to the White River, an (a)(1) water
OD-05S Upper	498	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream exhibited flow beyond in response to precipitation on multiple site visits, even during drier than normal conditions as identified using the antecedent precipitation tool. The channel morphology is also consistent with that of other intermittent streams in the region. This stream flows through a system of intermittent and perennial tributaries consisting of South Fork Prairies Creek



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
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NAVIGABLE WATERS PROTECTION RULE**

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(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			then to Prairie Creek, which then flows to the White River, an (a)(1) water

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
OW1	0.3	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
OW2	1.5	acre(s)	(a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
OW4	1.7	acres(s)	a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			OW4 is an impoundment of OD-05S, a jurisdictional (a) (2) water.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
AC-01W	1,584	linear feet	(b)(3) Ephemeral feature, including both the wet and dry season. The feature only

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			an ephemeral stream, swale, gully, rill, or pool.	exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
Antioch Creek, Upper Reach Section 1,2,3	4,556	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The upper reach of Antioch Creek exhibits a morphology change characteristic of ephemeral streams in the region. The site was assessed multiple times in both the dry and wet season, and flow was only observed in direct response to precipitation on the upper reach.
Knepp Wetland	1.4	acre(s)	(b)(1) non-adjacent wetland	Knepp Wetland is connected downstream through a (b) (3) excluded feature, and is not considered adjacent to a (a)(1)-(3) water.
AC-04W	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
AC-05W	127	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
AC-06W	162	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
AC-07W	400	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
AC-08W	157	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
AC-05E	1,892	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
AC-06E-01N	404	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
AC-06E	619	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
AC-07E	40	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
OW 3	0.2	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The only potential of contribution downstream would be through AC-07E or AC-06E-01N, which are both (b) (3) excluded features. It is too distance from any jurisdictional waters to potentially receive or contribute flow from flooding.
OD-01N-01E	1,332	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
OD-03N-01E	923	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
OD-03N	898	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature did not have a defined bed and bank and was vegetated throughout. The feature has a morphology typical of a grassed waterway in the region.
OD-06S	278	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
OD-02S	1,074	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature did not have a defined bed and bank and was vegetated throughout. The feature has a



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				morphology typical of a grassed waterway in the region.
OD-03S	283	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
OD-04S-01E ISO	908	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
OD-04S ISO	555	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
OD-04S Tile	300	linear feet	(b)(2) Groundwater, including groundwater drained through subsurface drainage systems.	The feature is a groundwater subsurface tile, and is therefore excluded as (b)(2)
OD-04S-01W ISO	199	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
OW 5	0.5	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	The only potential of contribution downstream would be through OD-04S, which is a (b) (3) excluded features. It is too distance from any jurisdictional waters to potentially receive or contribute flow from flooding.
OW6	0.6	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an	The only potential of contribution downstream would be through OD-04S, which is a (b) (3) excluded features. It is too distance from any jurisdictional waters to potentially receive or contribute flow from flooding.



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REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		(a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	
ED-06E Upper	1,819	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. The feature was observed multiple times during both the wet and dry season. The feature only exhibited flow in direct response to precipitation. The features has a morphology typical of an ephemeral stream in this region.
ED-06E(Grassed waterway)	430	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. The feature was observed multiple times during both the wet and dry season. The feature did not have a defined bed and bank and was vegetated throughout. The feature has a morphology typical of a grassed waterway in the region.
ED-06E-02N	405	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. The feature was observed multiple times during both the wet and dry season. The feature did not have a defined bed and bank and was vegetated throughout. The feature has a morphology typical of a grassed waterway in the region.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [“ACOE 404/401 Permit Application Antioch A1”](#) dated June 2020; [“PCN 2016 Solar LRL-2016-630-gjd”](#) dated December 2016;SMCRA Permits#S-355-1 & #S-355-2

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

- Data sheets prepared by the Corps: Title(s) and/or date(s).
- Photographs: Aerial: [Google Earth\(3/28/16;9/22/13;6/19/10;7/26/06;9/05/03;3/28/98\)](#)
- Corps site visit(s) conducted on: [November 10, 2016](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRL-2016-630, PJD dated January 4, 2017](#)
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>
- USFWS NWI maps: [NWI Mapper](#)
- USGS topographic maps: [24k Montgomery, IN \(216,2013, 1979, 1958, 1944\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<i>N/A.</i>
USDA Sources	<i>N/A.</i>



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

- B. Typical year assessment(s):** The Antecedent Precipitation Tool was utilized for the Corps site visit on November 25, 2016 and the applicant stream assessment dates of June 24, 2013 and September 04, 2013. The data shows that the Corps site visit was during the wet season in drier than normal conditions. The June 2013 assessment date was during normal conditions in the dry season and the September assessment date was in drier than normal conditions during the dry season. The site assessment during June 2013 was considered a typical year condition, and conditions during the other two assessments were considered drier than typical year.
- C. Additional comments to support AJD:** A Level III Rosgen Stream Assessment was conducted on all streams from April - June 2013 which provided a stream morphological description and a stream state evaluation.