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): 1/14/2021
ORM Number: LRL-2017-1114-sjk
Associated JDs: N/A
Review Area Location[1]: State/Territory: IN City: Richmond County/Parish/Borough: Wayne
Center Coordinates of Review Area: Latitude 39.8565 Longitude -84.9491

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
Lick Creek	1,519	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Lick Creek flows perennially to the East Fork Whitewater River, then into Great Miami River (TNW).

[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.

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
N/A.	N/A.	N/A.	N/A.	N/A.

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.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Ditch 1	1,176	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The ditch was constructed in dry land for the purpose of conveying stormwater along a road.
Ditch 2	1,748	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The ditch was constructed in dry land for the purpose of conveying stormwater along a road.
Ditch 3	516	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The ditch was constructed in dry land for the purpose of conveying stormwater along a road.

[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.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Ditch 4	340	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The ditch was constructed in dry land for the purpose of conveying stormwater from an excluded stormwater basin to Lick Creek.
Ditch 5	3,870	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The ditch was constructed in dry land for the purpose of conveying stormwater across agricultural land.
Stormwater Basin	5	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The basin was constructed in dry land for the purpose of retaining stormwater for an adjacent development.
Pond 1	1.65	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	The pond was historically excavated from excluded wetland areas.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wetland 1	0.83	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a forested area. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 2	0.68	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 3	1.5	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 4	0.17	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 5	0.39	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a forested area. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 6	0.06	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 7	0.06	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 8	2.71	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a forested area. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 9	4.09	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a forested area, and is impounded by a railroad. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 10	0.38	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 11	0.5	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a fallow field divided by an equalizer pipe under a railroad. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Wetland 12	0.13	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a fallow field, and it is impounded by an adjacent railroad. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 13	0.1	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a fallow field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 14	0.31	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a fallow field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland 15	0.08	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic depression in a fallow field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.

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: Revised wetland delineation report dated 7/5/2018 by Little River Consutlants, LLC.

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 and Other: site photos in delineation report (9/2017, 6/2018); 9/24/2014 aerial (delineation report); Site photos by USACE (5/8/2018);1936, 1940, 1950, 1961, 1976, 1983, 1986, 1992, 2017 9City of Richmond GIS); 2/2018 (DigitalGlobe)

☒ Corps site visit(s) conducted on: 5/8/2018

☒ Previous Jurisdictional Determinations (AJDs or PJDs): LRL-2017-1114-sjk, 8/20/2018

☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.

☒ USDA NRCS Soil Survey: Web Soil Survey, Wayne County (see delineation report)

☒ USFWS NWI maps: NWI shapefiles in delineation report

☒ USGS topographic maps: 7.5' Richmond

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	Stormwater structures map, 10-ft contour map (City of Richmond GIS)
FEMA/FIRM maps	DFIRM (delineation report)

B. Typical year assessment(s): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.