



**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): 5/18/2021  
 ORM Number: LRL-2018-1113-MKD  
 Associated JDs: LRL-2018-1113-MKD AJD and PJD  
 Review Area Location<sup>1</sup>: State/Territory: Indiana City: Memphis County/Parish/Borough: Clark  
 Center Coordinates of Review Area: Latitude 38.465673 Longitude -85.723536

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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
Intermittent Stream 1	20	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent Stream 1 is approximately 2-4 feet wide and approximately 1 foot deep. The stream flows off-site eventually connecting to Sinking Fork. Intermittent Stream 1 exhibited run and pool characteristics with limited riffle habitat.

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

<sup>2</sup> 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.

<sup>3</sup> 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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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
Wetland 4	0.364	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 4 is an emergent to scrub-shrub wetland abutting Intermittent Stream 1.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ephemeral Stream 1	78	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 1 is approximately 1-2 feet wide with bank heights up to 1 foot. The stream exhibited minimal flow with pooling water up to 2 inches in depth. The stream flows offsite.
Ephemeral Stream 2	501	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 2 is approximately 2-4 feet wide with bank heights up to 1 foot. The stream exhibited no flowing water with pooling up to 6 inches in depth. Ephemeral Stream 2 flows into Wetland 4.
Wetland 1	0.186	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is an emergent wetland located in a depression area of a farm field that exhibits no connection to any other waters. Wetland 1 is not adjacent to any “waters of the U.S.”
Wetland 2	0.07	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is a fringe emergent wetland of Pond 1 that exhibits no connection of any other waters. Wetland 2 is not adjacent to any “waters of the U.S.”
Wetland 3	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 is an linear emergent wetland located in an farm field that exhibits no connection of any other waters. Wetland 3 is not adjacent to any “waters of the U.S.”
Wetland 5	0.033	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 is an emergent wetland located in a depression area. The wetland is not connected to any other waters. Wetland 5 is not adjacent to any “waters of the U.S.”
Wetland 6	0.722	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6 is a mix of forested, scrub-scrub, and emergent wetland that is connected to Ephemeral Stream 1. Wetland 6 is not adjacent to any “waters of the U.S.”

<sup>4</sup> 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.

<sup>5</sup> 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.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 7	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 7 is an emergent wetland located in a depressional area. The wetland is not connected to any other waters. Wetland 7 is not adjacent to any “waters of the U.S.”
Pond 1	0.223	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).	Pond 1 is an open water feature that appears to have been constructed with high berms as a dam structure and collects surface runoff. The pond is not connected to any other waters.

**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: [Request for Updated Jurisdictional Determination, Hawks Landing Section Two, February 10, 2021](#), [Request for Jurisdictional Determination, Hawks Landing Section Two, December 10, 2018](#)

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: [Other: Photos submitted in the delineation](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRL-2018-1113-MKD](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [NRCS Websoil Survey](#)
- USFWS NWI maps: [USFWS NWI](#)
- USGS topographic maps: [1:24K Charlestown](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** [N/A](#)



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**C. Additional comments to support AJD:** *The applicant requested that the previous jurisdictional determination be reviewed under the NWPR. There were no changes to the site or the aquatic resources at the site. The review was requested due to the presence of ephemeral streams and wetlands adjacent to the ephemeral streams.*