



**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): [2/4/2021](#)

ORM Number: [LRL-2020-1068-LCL](#)

Associated JDs: [N/A.](#)

Review Area Location¹: State/Territory: [Indiana](#) City: [Jolietville](#) County/Parish/Borough: [Hamilton](#)

Center Coordinates of Review Area: Latitude [40.0475](#) Longitude [-86.2250](#)

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: [Wetland delineation determined hydric soils present, but lacking dominance of hydrophytic vegetation and hydrology. Area located in agricultural land and some wetland signatures present on aerials, so wetland mapping conventions used to aid in determination. Wetland hydrology not present. See further discussion in III.C. below.](#)
- 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.

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.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

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.

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

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: [Wetland Delineation Report, Mule Barn Property, for Commercial Links LLC, by Earth Source, dated 10/15/2020.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Additional analysis of aerials and wetland mapping convention required.](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Delineation on-site photos dated 9/24/2020. Delineation Report Aerials: 1976, 1985, 1998, 7/12/2003, 6/30/2004, 6/30/2005, 7/26/2006, 7/1/2007, 8/29/2012, 9/28/2014. Additional Google Earth aerials reviewed: 6/18/2008, 5/5/2010, 6/19/2010, 10/10/2013, 10/17/2015, 10/22/2016, 08/07/2017, 08/25/2017, 10/22/2018. Digital Globe Aerials: 06/14/2019, 05/30/2020, 08/08/2020.](#)
- Corps site visit(s) conducted on: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\).](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [See delineation report.](#)
- USFWS NWI maps: [See delineation report.](#)
- USGS topographic maps: [See delineation report.](#)

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	N/A.
Other Sources	LRL Viewer – LiDAR/DEM

B. Typical year assessment(s): [APT analysis was run for each aerial image date listed above \(2003-2020\).](#)
[Normal typical year conditions were present for 10 dates \(2003, 2004, 2005, 2006, 2007, 2012, 2014,](#)

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.



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2017, 2019, 2020. APT also indicated drier than normal typical year conditions for delineation date of 9/24/2020.

- C. Additional comments to support AJD:** Mapping convention analysis in delineation report evaluated signatures on aerials during normal precipitation years, with most recent normal year being 2014. It was determined only 2 of the 7 normal years (29%) had wetland signatures present on aerials, therefore hydrology and wetland conditions were determined not present. USACE evaluated additional, more recent aerials including 2017-2020. A total of 10 years of aerials with normal conditions was reviewed, with signatures present on 3 (30%). These include 7/12/2003, 9/28/2014, and 8/7/2017. Although 30% have signatures, the two most recent years with signatures (2014 and 2017), moderate to severe wetness was present. Additionally, in the two most recent aerials (2019 and 2020), although normal conditions were present the PDSI indicates mild to extreme wetness and no signatures are present. Giving weight to this, hydrology and wetland conditions are consider not present.