



**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): 1/21/2021
 ORM Number: LRL-2020-1110-sjk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IN City: Newport County/Parish/Borough: Vermillion
 Center Coordinates of Review Area: Latitude 39.8358 Longitude 87.4476

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.

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
S-4	452	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
S-5	1,094	linear feet	(a)(2) Intermittent tributary contributes

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.



**U.S. ARMY CORPS OF ENGINEERS
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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
S-8	885	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The tributary carries intermittent flow into Little Raccoon Creek, Buck Creek, then into Wabash River, a TNW.
S-11	492	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The tributary carries intermittent flow into Little Vermilion River, which becomes a TNW.

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
S-1	354	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
S-2	465	linear feet	(b)(3) Ephemeral feature, including an ephemeral	The stream flows only in result of rain events.

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
			stream, swale, gully, rill, or pool.	
S-3	196	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
S-6	1,651	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
S-7	187	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
S-9	109	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
S-10	622	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
S-12	860	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
S-13	625	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
S-14	99	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in result of rain events.
W-1	0.03	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a linear depression that does not abut, nor is inundated by, an (a)(1)-(a)(3) water in a typical year.
W-2	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a linear depression that does not abut, nor is inundated by, an (a)(1)-(a)(3)



**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	
				water in a typical year.
W-3	0.53	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a depression and does not abut, not is inundated by, an (a)(1)-(a)(3) water in a typical year.
W-4	0.07	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a depression and drains to an excavated stormwater ditch. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
W-5	0.07	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a depression adjacent to ephemeral/excluded stream 10.
W-6	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a depressional area in an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
W-7	0.12	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a depression associated with a swale. It neither abuts not is inundated by an (a)(1)-(a)(3) water in a typical year.
W-8	1.79	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to mining/construction or pit excavated in upland/non-jurisdictional water to obtain fill/sand/gravel.	This pond is an abandoned gypsum mine that was constructed in dry land.
W-9	0.34	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a depression in a fallow field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
W-10	0.05	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a linear depression around a spoil pile. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
W-11	2.75	acre(s)	(b)(9) Water-filled depression constructed/excavated in upland/non-jurisdictional water incidental to	This pond is an abandoned gypsum mine that was constructed in dry land.



**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
			mining/constructi on or pit excavated in upland/non- jurisdictional water to obtain fill/sand/gravel.	
W-12	3.12	acre(s)	(b)(9) Water-filled depression constructed/exca vated in upland/non- jurisdictional water incidental to mining/constructi on or pit excavated in upland/non- jurisdictional water to obtain fill/sand/gravel.	This pond is an abandoned gypsum mine that was constructed in dry land.
W-13	0.01	acre(s)	(b)(1) Non- adjacent wetland.	The wetland lies in a depression surrounded by agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
W-14	0.2	acre(s)	(b)(1) Non- adjacent wetland.	The wetland lies in a depression surrounded by agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
D-1	221	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 to convey stormwater along infrastructure.
D-2	1,429	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional	The ditch was constructed in dry land to convey stormwater along infrastructure.



**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
			water to convey, treat, infiltrate, or store stormwater runoff.	
D-3	208	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 to convey stormwater along infrastructure.
D-4	945	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 to convey stormwater along infrastructure.
D-5	1,149	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 to convey stormwater along infrastructure.
D-6	1,026	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 to convey stormwater along infrastructure.



**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	
D-7	409	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 to convey stormwater along infrastructure.
D-8	681	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 to convey stormwater along infrastructure.
D-9	2,519	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 to convey stormwater along infrastructure.
D-10	496	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 to convey stormwater along infrastructure.
D-11	674	linear feet	(b)(10) Stormwater control feature constructed or	The ditch was constructed in dry land to convey stormwater along infrastructure.



**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
			excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	
D-12	1,913	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 to convey stormwater along infrastructure.
D-13	2,040	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 to convey stormwater along infrastructure.
D-14	2,685	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 to convey stormwater along infrastructure.
D-15	2,014	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey,	The ditch was constructed in dry land to convey stormwater along infrastructure.



**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
			treat, infiltrate, or store stormwater runoff.	
D-16	1,960	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 to convey stormwater along infrastructure.
D-17	2,209	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 to convey stormwater along infrastructure.
D-18	844	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 to convey stormwater along infrastructure.
D-19	3,175	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 to convey stormwater along a railroad.



**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 Size	Exclusion ⁵	Rationale for Exclusion Determination
D-20	1,960	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 to convey stormwater along a railroad.
D-21	83	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 to convey stormwater along infrastructure.
D-22	2,121	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 to convey stormwater along infrastructure.
D-23	2,092	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 to convey stormwater along infrastructure.
D-24	564	linear feet	(b)(10) Stormwater control feature constructed or	The ditch was constructed in dry land to convey stormwater along infrastructure.



**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
			excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	
D-25	355	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 to convey stormwater along infrastructure.
D-26	2,122	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 to convey stormwater along infrastructure.
D-27	138	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 to convey stormwater along infrastructure.
D-28	271	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey,	The ditch was constructed in dry land to convey stormwater along a railroad.



**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
			treat, infiltrate, or store stormwater runoff.	
D-29	128	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 to convey stormwater along infrastructure.
D-30	1,266	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 to convey stormwater along infrastructure.

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 dated 12/21/2020 by Burns & McDonnell.](#)

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: Undated aerials in delineation report; Site photos from delineation report \(10/2020\); 4/4/1992 \(Google Earth\)](#)

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: [Web Soil Survey, Vermillion County \(see delineation report\)](#)

USFWS NWI maps: [Digital shapefile map in delineation report](#)

USGS topographic maps: [7.5' Dana \(see delineation report\)](#)

Other data sources used to aid in this determination:



**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
USGS/WBD/NHD data/maps	NHD map in delineation report
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	DFIRM map in 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.