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): 9/25/2020
ORM Number: LRL-2020-413
Associated JDs: N/A.
Review Area Location[1]: State/Territory: Indiana City: West Lafayette County/Parish/Borough: Tippecanoe
Center Coordinates of Review Area: Latitude 40.4427 Longitude -86.9580

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
Tributary C - UNT Jordan Creek	~1,800	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary C is an intermittent stream located in a deep valley ravine flowing north to south on the western side of the site. The stream is an unnamed tributary to Jordan Creek. It joins Jordan Creek just south of the review area. Jordan Creek flows into the Wabash River, an (a)(1) water, approximately 5 miles further southwest. The stream is shown on the U.S.G.S quad as an intermittent blue-line. According to Streamstats, the stream has a drainage area of 0.164 square miles, or 105 acres. Stream flow was observed during the Corps site visit on 7-1-

[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.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
				20, the consultant's delineation on 3-2-20, and on multiple aerials during normal typical year conditions. The stream has a channel width ranging 6 feet wide on the north end, to at least 20 feet wide on the south end. Substrate includes sand, gravel, and cobble. It is likely the intermittent stream may become perennial towards the south end, but data could not be obtained to substantiate this finding.

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 B	0.11	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland B was delineated as abutting Tributary C, an intermittent (a)(2) tributary to Jordan Creek. Therefore, Wetland B is consider an adjacent (a)(4) wetland.
Wetland C	4.0	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland C was delineated as abutting Tributary C, an intermittent (a)(2) tributary to Jordan Creek. Therefore, Wetland C is consider an adjacent (a)(4) wetland.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
Tributary A	630	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Reported Tributary A is an ephemeral stream running generally north to south through the forested portion on the east side of the site. It is not shown on the U.S.G.S quad. The channel varies from 6 inches to 2 feet wide in areas, and was observed to be discontinuous in some areas during the site visit. The stream is too small to have a delineated basin in StreamStats, but is estimated to drain less than 10 acres. Flow was present during the consultant's delineation, but significant rainfall had occurred in the previous 24 hrs. The APT indicated that conditions were normal, but very close to wetter than normal and PDSI drought index indicated moderate wetness. During the Corps' site visit on 7-1-20, the APT

[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
				indicated normal conditions. No flow was observed in the channel, although almost 2 inches of rain had occurred in the previous week. The evidence indicates this stream channel is ephemeral.
Tributary B	250	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Reported Tributary B is an ephemeral stream running generally north to south, in the south central portion of the site. It originates at the farm field edge and extends south into Wetland C. It is not shown on the U.S.G.S quad. The channel varies from 1 to 2 feet wide in areas. The stream is too small to have a delineated basin in StreamStats, but is estimated to drain less than 10 acres. Flow was present during the consultant's delineation, but significant rainfall had occurred in the previous 24 hrs. The APT indicated that conditions were normal, but very close to wetter than normal and PDSI drought index indicated moderate wetness. During the Corps' site visit on 7-1-20, the APT indicated normal conditions. No flow was observed in the channel, although almost 2 inches of rain had occurred in the previous week. The evidence indicates this stream channel is ephemeral.
Wetland A	0.14	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is located in the middle of the agricultural farm field on the north part of the site. The closest (a)(2) tributary is Tributary C – UNT to Jordan Creek, which is over 500 feet away. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.

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: Three Meadows Subdivision Wetland Delineation Report – Dillterra revised September 11, 2020.

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

Rationale: Additional data was needed for analysis of typical year conditions.

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial and Other: Delineation Report Aerials 2010, 2013, 2018; site photos 3-2-2020, 8-3-2020. Google Earth Aerials: 3-23-1992, 2-28-2005, 10-6-2006, 6-18-2008, 5-14-2012, 8-3-2015, 3-26-2016, 8-25-2017, 9-29-2017, 10-23-2018. Corps site photos 7-1-2020. Indiana Historical Aerials 1963.

- ☒ Corps site visit(s) conducted on: July 1, 2020.
- ☐ 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	FEMA FIRM Map
Other Sources	StreamStats Basin Report

B. Typical year assessment(s): The APT was ran to analyze conditions for the consultant's site visits and Corps' site visit, and for all the aerial imagery dates listed above. For the site visits, the APT indicates normal conditions present during the consultants original delineation on 3-2-20. However, this rating was barely in the normal percentile. Significant rainfall had occurred within the previous 24 hrs. For the Corps site visit on 7-1-20, the APT indicates normal typical year conditions were present. The consultant revisited the site on 8-3-20, and the APT indicates conditions drier than normal, although the PDSI drought index indicates mild wetness. For the aerial imagery reviewed, the APT indicates normal typical year conditions present for aerials dated 9-27-17, 8-25-17, 3-26-16, 5-14-12, 10-6-06, and 2-28-05. This analysis was used to support the evidence for the jurisdictional determination of the waters identified on the site as listed above.

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