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): 11/23/2020
ORM Number: LRL-2020-791
Associated JDs: LRL-2004-1355
Review Area Location[1]: State/Territory: IL City: Carrier Mills County/Parish/Borough: Saline
Center Coordinates of Review Area: Latitude 37.6830526 Longitude -88.6823366

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
LocE1	2060	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent flow; unnamed tributaries to South Fork Saline River
LocF1	1870	linear feet	(a)(2) Intermittent tributary contributes	Intermittent flow; unnamed tributaries to South Fork Saline River

[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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	

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
LocE3	760	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-made roadside ditch
LocE2	5.7	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Strip pit with 12'+ depth of standing water; outlet to LocE3, man-made roadside ditch
LocA1	0.2	acre(s)	(b)(1) Lake/pond or impoundment that does not	Man-made topography with ephemeral rill overflow to LocA2, which has no outlet

[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
			contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	
LocA2	0.5	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Man-made topography, depression within spoil piles with no outlet
LocA3	0.4	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Man-made topography, depression within strip pit previously filled with mine slurry from coal processing; does not support vegetation adapted for life in saturated soil conditions; rill overflow to culvert under Legion Road only during rainfall events, flow from culvert to LocD1 which has no outlet
LocB1	0.9	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Man-made topography, low area with embankment on downstream edge with no outlet.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
LocB2	0.5	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Man-made topography, low area with embankment on downstream edge with no outlet.
LocB3/B4	1.4	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Shallow impoundments separated by small berm; Man-made topography, depression with outlet flow only during rainfall events to LocB6.
LocB5	930	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-made ditch (relocated drainage) with ephemeral flow.
LocB6	0.4	acre(s)	(b)(1) Non-adjacent wetland.	Man-made topography, depression within mine spoils, does support vegetation adapted for life in saturated soil conditions (phragmites); does not abut (a)(1) – (a)(3) waters, is not flooded by (a)(1) – (a)(3) waters, is not separated by (a)(1) – (a)(3) waters by natural / artificial barrier
LocB7/B8	0.7	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Shallow impoundments separated by small berm; Man-made topography, depression with outlet flow only during rainfall events to LocB9.
LocB9	460	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-made ditch (relocated drainage) with ephemeral flow.

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
LocB10	2.4	acre(s)	(b)(1) Non-adjacent wetland.	Man-made topography with mine spoil berm, does support vegetation adapted for life in saturated soil conditions (phragmites); does not abut (a)(1) – (a)(3) waters, is not flooded by (a)(1) – (a)(3) waters, is not separated by (a)(1) – (a)(3) waters by natural / artificial barrier
LocB11	1160	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-made ditch (relocated drainage) with ephemeral flow.
LocC1	2.9	acre(s)	(b)(1) Non-adjacent wetland.	Man-made topography with no defined outlet; does support vegetation adapted for life in saturated soil conditions; does not abut (a)(1) – (a)(3) waters, is not flooded by (a)(1) – (a)(3) waters, is not separated by (a)(1) – (a)(3) waters by natural / artificial barrier
LocD1	1.5	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	Man-made topography, depression within strip pit previously filled with mine slurry from coal processing; low area with embankment on downstream edge with no outlet.
LocD2	1020	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Man-made ditch (relocated drainage) with ephemeral flow.
LocD3	780	linear feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of	Manmade topography with ditch within strip pit previously filled with mine slurry from coal processing; due to the depth of slurry at this

Excluded waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
			a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	location, the ditch is a losing ditch and has ephemeral flow.

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: Title(s) and date(s)
  This information Select. sufficient for purposes of this AJD.
  Rationale: N/A or describe rationale for insufficiency (including partial insufficiency).
- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- ☒ Photographs: Aerial and Other: Photos taken on site as well as aerial showing point of photo
- ☐ Corps site visit(s) conducted on: Date(s).
- ☒ Previous Jurisdictional Determinations (AJDs or PJDs): LRL-2004-1355
- ☐ Antecedent Precipitation Tool: *provide detailed discussion in Section III.B*.
- ☐ USDA NRCS Soil Survey: Title(s) and/or date(s).
- ☒ USFWS NWI maps: August 21, 2020
- ☒ USGS topographic maps: Title(s) and/or date(s).

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	Louisville District Regulatory View, 11/23/2020
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

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.