



**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): 11/19/2020
 ORM Number: LRL-2020-895-sjk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IN City: Mt. Comfort County/Parish/Borough: Hancock
 Center Coordinates of Review Area: Latitude 39.8163 Longitude -85.9476

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
Area B (O'Brian Ditch)	499 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The tributary carries perennial flow in a typical year downstream to Indian Creek, Fall Creek, and White River which becomes a TNW. Numerous aerials dating back to 1937 show the channel full of water, and the APT supports the fact that flow is perennial even during drought periods.

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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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
Area A	0.05	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area C	2.56	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area D	0.24	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area E	3.98	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area F	0.31	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area G	0.02	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area H	0.01	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				(a)(1)-(a)(3) water in a typical year.
Area I	0.03	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area J	1.38	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area K	0.01	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Area L	1.14	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a topographic bowl that receives runoff from surrounding agricultural fields. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.

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 9/11/2020 by Three Rivers Wetland Consulting, LLC](#)
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: Site photos by consultant \(8/26/2020, 8/28/2020, 8/31/2020\), USACE \(10/30/2020\); 1992, 1998, 2003, 2004, 2005, 2006, 2007, 2008, 2010, 2012, 2013, 2014, 2015, 2016, 2017, 2018 aerials in delineation report; 1937, 1941 \(MapIndy\); 10/7/2020 \(DigitalGlobe\)](#).
- Corps site visit(s) conducted on: [10/30/2020](#)
- 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: [Web Soil Survey, Hancock County](#)
- USFWS NWI maps: [Digital mapper \(see delineation report\)](#)
- USGS topographic maps: [7.5' Cumberland quad](#)

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.



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Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
Other state/local data (specify)	MapIndy stream map (accessed 11/16/2020)
FEMA/FIRM maps	DFIRM layer in LRL Regulatory Viewer

B. Typical year assessment(s):

The wetland delineation report contains an APT analysis for each year of the aerials provided in the report and for the two dates when the delineation inspection occurred. The APT for 8/26/2020 and 8/30/2020 (delineation inspections) showed normal conditions during the dry season. The APT for 10/30/2020 (USACE site visit) showed normal conditions in the wet season. The drought index indicated mild wetness. The APT reports for each of the provided aerials indicates O'Brian Ditch/Area B contained visible flowing water, regardless of how dry or wet it was.

C. Additional comments to support AJD: [N/A](#) or provide additional discussion as appropriate.