



**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): 12/3/2020

ORM Number: LRL-2020-976-sjk

Associated JDs: N/A

Review Area Location¹: State/Territory: IN City: West Lafayette County/Parish/Borough: Tippecanoe

Center Coordinates of Review Area: Latitude 40.4525 Longitude -86.8981

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
UNT 2	987	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			The stream provides intermittent flow to the Wabash River (TNW) in a typical year.

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
WL01	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts UNT2.
WL02	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts UNT2.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
UNT 1	179	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream provides flow only during or immediately after rain events from areas of steep topography. The bottom portion is lined with concrete.
UNT 3	272	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream provides flow only during or immediately after rain events from areas of steep topography. The bottom portion is lined with concrete.
UNT 4	15	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream provides flow only during or immediately after rain events from areas of steep topography.
UNT 5	415	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream provides flow only during or immediately after rain events from areas of steep topography. The entire channel is lined with concrete and serves as a roadside ditch for US 52.

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: **“Regulated Waters Delineation Report” dated 4/17/2020 by Cardno.**

This information is sufficient for purposes of this AJD.

Rationale: **N/A**

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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- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Site photos in delineation report \(3/7/2017\); 2018 aerial \(delineation report\)](#)
- 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: [SSURGO Tippecanoe County \(see delineation report\)](#)
- USFWS NWI maps: [Digital shapefiles \(see delineation report\)](#)
- USGS topographic maps: [7.5' West Lafayette quad](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS 8, 10, 12 digit HUC maps	HUC 14 (see delineation report)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	LRL-2015-489-sjk site photos (dated 5/6/2010)
Other state/local data (specify)	NHD shapefiles (see delineation report)
FEMA/FIRM maps	Panel 18157C0134D, Eff. Date 9/25/2009 (see delineation report)

B. Typical year assessment(s):

[3/7/2017 APT \(Delineation inspection\): WETS data shows the delineation was performed during normal conditions during the wet season. The drought index shows mild wetness. The site received rainfall immediately prior to and during the delineation inspection.](#)

[5/6/2010 APT \(delineation date for LRL-2015-489-sjk\): WETS data shows the delineation was completed during normal conditions during the wet season. The drought index shows mild wetness.](#)

C. Additional comments to support AJD: [A delineation report from LRL-2015-489-sjk covered the review area. Photos of the streams support the consultant's conclusion on flow regime for UNT 1, UNT 2, and UNT 5.](#)