

#### I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 4/20/2021

ORM Number: LRL-2021-168-SCM

Associated JDs: N/A

Review Area Location1: State/Territory: Indiana City: Lafayette & Battle Ground

County/Parish/Borough: Tippecanoe County

Center Coordinates of Review Area: Latitude 40.496695 N Longitude -86.868326 W

#### **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)<sup>2</sup>

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
Wabash River	1,580	linear feet	RHA Non-tidal water is on the district's Section 10 waters list	Wabash River is a TNW and is on the Louisville District's Section 10 waters list.

#### C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters):3					
(a)(1) Name	(a)(1) Siz	ze	(a)(1) Criteria	Rationale for (a)(1) Determination	
Wabash River	1,580	linear feet	(a)(1) Water is also subject to Sections 9 or 10 of the Rivers and Harbors Act - RHA Tidal water is subject to the ebb and flow of the tide.	Wabash River is a TNW and is on the Louisville District's Section 10 waters list.	

Tributaries (	Tributaries ((a)(2) waters):						
(a)(2) Name	(a)(2) S	Size	(a)(2) Criteria	Rationale for (a)(2) Determination			
Burnett's Creek (South)	363	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an	Tributary contains perennial flow throughout the year (as evidenced by numerous aerials listed in Section IIIA below, and multiple observations by the delineation consultant during normal conditions). Burnett's Creek			

<sup>&</sup>lt;sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> 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) wa	iters):		
(a)(2) Name	(a)(2) S	Size	(a)(2) Criteria	Rationale for (a)(2) Determination
			(a)(1) water in a typical year.	contributes flow downstream into the Wabash River (TNW). See Section IIIB & WR photos 26-27, 130-131
UNT 5 to Burnett's Creek	364	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contains intermittent flow throughout the year (as evidenced by numerous aerials listed in Section IIIA below, and multiple observations by the delineation consultant during normal conditions). UNT 5 to Burnett's Creek contributes flow downstream into Burnett's Creek, which flows into the Wabash River (TNW). See Section IIIB for additional information, & WR photos 74-76, 133
Burnett's Creek (North)	303	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contains perennial flow throughout the year (as evidenced by numerous aerials listed in Section IIIA below, and multiple observations by the delineation consultant during normal conditions). Burnett's Creek contributes flow downstream into the Wabash River (TNW). See Section IIIB & WR photos 79-81

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 v	Excluded waters $((b)(1) - (b)(12))$ : <sup>4</sup>						
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination			
UNT 1 to Wabash River	705	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibits ephemeral flow during normal climatic conditions (see APT Data Report, Waters Report photos 1-4).			
UNT 2 to Wabash River	579	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibits ephemeral flow during normal climatic conditions (see APT Data Report, Waters Report photos 8-9).			
UNT 3 to Burnett's Creek	181	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibits ephemeral flow during normal climatic conditions (see APT Data Report, Waters Report photos 58-59).			

<sup>4</sup> 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.

<sup>&</sup>lt;sup>5</sup> 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 \				T
Exclusion Size Name		ion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
UNT 4 to Burnett's Creek	549	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibits ephemeral flow during normal climatic conditions (see APT Data Report, Waters Report photos 60 &132).
UNT 6 to Burnett's Creek	340	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibits ephemeral flow during normal climatic conditions (see APT Data Report, Waters Report photos 72-74).
UNT 7 to Burnett's Creek	1111	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibits ephemeral flow during normal climatic conditions (see APT Data Report, Waters Report photos 32-38).
UNT 8 to Burnett's Creek	329	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibits ephemeral flow during normal climatic conditions (see APT Data Report, Waters Report photos 77-78).
UNT 9 to Burnett's Creek	218	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream exhibits ephemeral flow during normal climatic conditions (see APT Data Report, Waters Report photos 107-108, & 134).
Roadside Ditch 1	917	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, Waters Report photos 5-7).
Roadside Ditch 2	1188	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, Waters Report photos 9-11).
Roadside Ditch 3	198	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, Waters Report photos 41-43).
Wetland 1	0.079	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See Waters Report photos 28-29



Excluded v	waters ((	b)(1) – (b)	(12)):4	
Exclusion Name		ion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland 2	0.410	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See Waters Report photos 44-45
Wetland 3a	0.173	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See Waters Report photo 52
Wetland 3b	0.247	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 50-51).
Wetland 4	0.028	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See Waters Report photos 46-47
Wetland 5	0.088	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See Waters Report photo 48
Wetland 6	0.127	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 53-54).
Wetland 7	0.014	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See Waters Report photos 61-62
Wetland 8	0.191	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 68-71).
Wetland 9	0.144	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 63-67).
Wetland 10a	0.030	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water,	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland



Excluded v		ion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Name	Exclus	ion Size	EXClusion	Rationale for Exclusion Determination
Wetland	0.037	acre(s)	and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).  (b)(5) Ditch that is not	features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 85-86).  Ditch was wholly excavated in an upland area,
10b			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).	and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 83-84).
Wetland 11	0.053	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 87-89).
Wetland 12	0.080	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photo 94).
Wetland 13	0.021	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photo 95).
Wetland 14	0.072	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 96-98).
Wetland 15	0.035	acre(s)	(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	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to



Excluded				
Exclusion Name	Exclus	ion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			satisfy the conditions of (c)(1).	an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 99-100).
Wetland 16	0.003	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos for DP 40).
Wetland 17	0.224	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photo 101).
Wetland 18	0.088	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 103-106).
Wetland 19	0.039	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See WR photos 109-111, 113
Wetland 20	0.010	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See WR photos 114-115
Wetland 21	0.007	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water. See Waters Report photos 116-117
Wetland 22	0.070	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 119-121).
Wetland 23	0.397	acre(s)	(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	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to



Excluded \	waters ((	b)(1) – (b)	(12)):4	
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			satisfy the conditions of (c)(1).	an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 122-123).
Wetland 24	0.301	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, WR photos 125, 128-129).
Wetland 25	0.136	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, and WR photos 41-43)

#### **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: Waters of the US Report, I-65 Added Travel Lanes, Tippecanoe County, Indiana (Des. No. 2001172 & 2100049), dated February 10, 2021, by HNTB consultants

This information is sufficient for purposes of this AJD.

Rationale: Data in Waters Report maps & photos is sufficient for determination.

- ☐ Data sheets prepared by the Corps: Title(s) and/or date(s).
- 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.
- □ USFWS NWI maps: NWI Map, Tippecanoe County (see Waters Report)
- □ USGS topographic maps: USGS Topographic Map, Tippecanoe County, IN Quadrangles (see Waters 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.



Data Source (select)	Name and/or date and other relevant information
Other Sources	N/A.

- **B. Typical year assessment(s):** The APT was utilized for three site visits. For the 5/7/2020 delineation site visit, the data shows normal climatic conditions (see 2020-05-07\_APT Data.pdf) during the wet season. For the 7/28/2020 delineation site visit, the data shows normal climatic conditions (see 2020-07-28\_APT Data.pdf) during the dry season. For the 9/2/2020 delineation site visit, the data shows normal climatic conditions (see 2020-09-02\_APT Data.pdf) during the dry season. Therefore, delineation consultants observations and APT data indicate that the hydrologic conditions observed at the site for all three dates are considered "typical year" conditions.
- C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.