



**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): 4/26/2021

ORM Number: LRL-2021-170-sam

Associated JDs: LRL-2021-171-sam

Review Area Location¹: State/Territory: Indiana City: Mount Comfort County/Parish/Borough: Hancock

Center Coordinates of Review Area: Latitude 39.8179 Longitude -85.9295

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
N/A.	N/A.	N/A.	N/A.

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.

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.15	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located within a depression of an agricultural field
Wetland B	0.14	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located within a depression of an agricultural field
Wetland C	0.39	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located within a depression of an agricultural field
Wetland D	0.21	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located within a depression of an agricultural field
Wetland E	0.20	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located within a depression of an agricultural field
Wetland F	0.11	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located within a depression of an agricultural field
Wetland G	0.75	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located within a depression of an agricultural field
Wetland H	0.15	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located within a depression of an agricultural field
Wetland I	1.16	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent emergent wetland located on the edge of a pond
Pond 1	6.58	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Man-made pond constructed in Uplands

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: [Approved JD – Proposed Points 70 Development; Waters Determination Report; January 15, 2021](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

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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- Photographs: [Aerial and Other: Site Photographs and Aerials provided by Waters Determination 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: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [Cumberland Quad: 1:24k](#)

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.
CorpsMap ORM Map Layers	Corps Topo Layers; NWI Layers
State/Local/Tribal Sources	N/A.
Other information (specify)	Waters Determination Report; Corps ID LRL-2021-171-sam; submitted for the joint project and adjacent parcels

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: [This water's report and a report for adjacent parcels \(LRL-2021-171-sam\) were submitted at the same time for a joint venture development. Wetland I was evaluated on both reports \(Also named Section IV under LRL-2021-171-sam\), however the data was collected by two separate consulting firms and have two differencnt acreages for the wetland. The large of the two acreages will be used and the boundary of the wetland will be determined by the State Agency since the wetland is excluded under Federal jurisdiction but likely is subject to State regulation.](#)