



**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): 6/9/2021
 ORM Number: LRL-2021-227-SCM
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Linden & Romney
 County/Parish/Borough: Montgomery & Tippecanoe County
 Center Coordinates of Review Area: Latitude 40.224794 N Longitude -86.90409 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)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	0.002	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 1-5, 8).
Wetland B	0.089	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 6, 8-12, 19-23).
Wetland C	0.001	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 119-124).
Wetland D	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 117-118, 125-134.
Wetland E	0.001	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 164-169.
Wetland F	0.004	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 216-222).
Wetland G	0.037	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 230-237, 247.
Wetland H	0.152	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

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
			and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	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 251-252, 254, 257-262).
Wetland I	0.130	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 249, 255-256, 263-266, 268).
Wetland J	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, WR photos 279-282).
Wetland K	0.057	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 289, 295-299).
Wetland L	0.265	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 316-318, 329-334, 336-337, 339-341.
Wetland M	0.021	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 320, 322-328.
Roadside Ditch 1A	871	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 Waters Report photos 18, 25, & 27).
Roadside Ditch 9	566	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)	Ditch was wholly excavated in an upland area and did not relocate or alter a tributary. Ditch does not contribute perennial or intermittent



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			water that do not satisfy the conditions of (c)(1).	surface flow to an (a)(1) – (a)(3) water in a typical year (see Waters Report photos 64 & 66).
Roadside Ditch 10	171	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 Waters Report photos 73 & 77).
Roadside Ditch 18	219	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 Waters Report photos 137 & 139).
Roadside Ditch 21	199	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 Waters Report photos 161-163, 171).
Roadside Ditch 24	42	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 Waters Report photos 227).
Roadside Ditch 25	224	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 Waters Report photos 250).
Roadside Ditch 26	76	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 Waters Report photos 270 & 273).
Roadside Ditch 27	126	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 Waters Report photos 266, 268, 278).
Roadside Ditch 28	95	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 Waters Report photos 279).



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Roadside Ditch 29	233	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 Waters Report photos 287-289).
Roadside Ditch 30	620	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 Waters Report photos 301 & 305).
Roadside Ditch 32	688	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 Waters Report photos 321).
Roadside Ditch 33	155	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 Waters Report photos 343).

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 Determination Report, US 231 Added Passing Lanes, Montgomery & Tippecanoe County, Indiana \(Des. No. 1700190\), dated January 20, 2021, prepared by Metric Environmental 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\(s\).](#)

Photographs: [Aerial and Other: Site photos in Waters Report and supplemental information \(6/25/2020, 6/29/2020, & 7/8/2020 – delineation site visit photos\)](#)

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: [Web Soil Survey, Montgomery & Tippecanoe County \(see Waters Report\)](#)

USFWS NWI maps: [NWI Map, Montgomery & Tippecanoe County \(see Waters Report\)](#)

USGS topographic maps: [USGS Topographic Map, Montgomery & Tippecanoe County, IN Quadrangles \(see Waters Report\)](#)

Other data sources used to aid in this determination:



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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.
Other Sources	N/A.

B. Typical year assessment(s): The APT was utilized for three site visits. For the 6/25/2020 delineation site visit, the data shows drier than normal conditions during the dry season (see [2020-06-25_APT Data.pdf](#)). For the 6/29/2020 delineation site visit, the data shows drier than normal conditions during the dry season (see [2020-06-29_APT Data.pdf](#)). For the 7/8/2020 delineation site visit, the data shows drier than normal conditions during the dry season (see [2020-07-08_APT Data.pdf](#)). Therefore, delineation consultants observations and APT data indicate that the hydrologic conditions observed at the site for all three dates are considered “atypical year” conditions.

C. Additional comments to support AJD:

Roadside Ditches 1B, 2, 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, 16, 17, 19, 20, 22, 23, & 31 are listed in the Waters Report, however, based on photo documentation these features do not exhibit stream or wetland characteristics and are not considered to be aquatic resources. Therefore, INDOT requested that only Roadside Ditches 1A, 9, 10, 18, 21, 24, 25, 26, 27, 28, 29, 30, 32, & 33 be included in the Approved Jurisdictional Determination.