



**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): 8/12/2021
 ORM Number: LRL-2021-628-SCM
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Scottsburg & Little York
 County/Parish/Borough: Scott & Washington Counties
 Center Coordinates of Review Area: Latitude 38.68166 N & 38.68129 N Longitude -85.85968 W & -85.889115 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.

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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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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
UNT to Zion Run	141	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 6-12).
Roadside Ditch 1 (Scott Co.)	66	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, & WR photos 1-2).
UNT to Ox Ditch	52	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 22-25).
Roadside Ditch 1 (Washington Co.)	48	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, & WR photos 13-14).
Roadside Ditch 2 (Washington Co.)	92	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, WR photos 15, 18, 19).

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 Determination/ Wetland Delineation Report, SR 56 Culvert Replacements, Scott & Washington Counties, Indiana \(Des. No. 1902152\), dated July 8, 2021, prepared by ASC Group, Inc. consultants](#)

This information is sufficient for purposes of this AJD.

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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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 - 10/14/2020 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, Scott & Washington Counties \(see Waters Report\)](#)
- USFWS NWI maps: [NWI Map, Scott & Washington Counties \(see Waters Report\)](#)
- USGS topographic maps: [USGS Topographic Map, Scott & Washington Counties, 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.
Other Sources	N/A.

B. Typical year assessment(s): [The APT was utilized for two site visits. For the 10/14/2020 Scott County delineation site visit, the data shows normal climatic conditions during the wet season \(see 2020-10-14_APT Data_Scott County.pdf\). For the 10/14/2020 Washington County delineation site visit, the data shows normal climatic conditions during the wet season \(see 2020-10-14_APT Data.pdf\). Therefore, delineation consultants observations and APT data indicate that the hydrologic conditions observed at the site are considered “typical year” conditions.](#)

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