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): 3/22/2021
ORM Number: LRL-2021-65-SCM
Associated JDs: N/A
Review Area Location[1]: State/Territory: Indiana City: Elizabethtown County/Parish/Borough: Jennings County
Center Coordinates of Review Area: Latitude 39.114939 N Longitude -85.755335 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.	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.	N/A.

Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Unnamed tributary (UNT) 1 to Rock Creek	83	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 1 to Rock Creek contributes flow downstream into Rock Creek, which flows into Sand Creek, which flows into the East Fork of the White River, which flows into the White River (TNW). See Section IIIB for additional information.

[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.

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 waters ((b)(1) – (b)(12)):[4]				
Exclusion Name	Exclusion Size		Exclusion[5]	Rationale for Exclusion Determination
UNT 2 to Rock Creek	48	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 9 & 10).
Wetland A	0.009	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.
Roadside Ditch 1 (Wetland B)	0.005	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).
Roadside Ditch 2 (Wetland C)	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)
Roadside Ditch 3 (Wetland D)	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).

[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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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 Report, SR 7 & CR 900 N Intersection Improvements, Jennings County, Indiana (Des. No. 1592224), dated January 15, 2021, by American Structurepoint consultants

This information is sufficient for purposes of this AJD.

Rationale: Maps and photos are sufficient for determination, Corps site visit was not necessary.

☐ Data sheets prepared by the Corps: Title(s) and/or date(s).

☒ Photographs: Aerial and Other: Site photos in Waters Report and supplemental information (8/7/2019 and 8/13/2019).

☐ 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, Jennings County (see Waters Report)

☒ USFWS NWI maps: NWI Map, Jennings County (see Waters Report)

☒ USGS topographic maps: USGS Topographic Map, Elizabethtown, 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	FEMA 100-Year Floodplain Map, Jennings County, 7/18/2019

B. Typical year assessment(s): The APT was utilized for the site visit completed by American Structurepoint consultants. For the 8/7/2019 delineation site visit, the data shows normal climatic conditions during the dry season (see 2019-08-07_APT Data.pdf). Therefore, consultant 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.