



**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): 12/2/2020
 ORM Number: LRL-2020-665-MKD
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Henryville County/Parish/Borough: Clark
 Center Coordinates of Review Area: Latitude 38.560104 Longitude -85.806143

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
Intermittent Stream 1	40	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Intermittent Stream 1 is a named intermittent tributary, Calf Run, according to NHD and topographic maps. During the site visit, standing water was observed in the channel with no flow.

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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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
Ephemeral 1	40	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 1 is located near an existing road. The channel is not identified on topographic maps; however, the contour lines indicate a draw that would likely contain an ephemeral type feature with a small drainage area. Ephemeral 1 was dry during the site visit, after a recent rainfall.
Ephemeral 2	40	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 2 is a small tributary to Intermittent 1. The drainage area for this feature is very small and the channel was dry during the site visit, after a recent rainfall.
Ephemeral 3	40	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 3 is a tributary to an offsite intermittent channel. The channel is not identified on topographic maps; however, the contour lines indicate a draw that would likely contain an ephemeral type feature. Ephemeral 3 was dry during the site visit, after a recent rainfall.
Ephemeral 4	40	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 4 is a tributary to an offsite intermittent channel. The channel is not identified on topographic maps; however, the contour lines indicate a draw that would likely contain an ephemeral type feature. Ephemeral 4 was dry during the site visit, after a recent rainfall.
Ephemeral 5	478	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 5 is a tributary to Ephemeral 4. The channel is not identified on topographic maps; however, the contour lines indicate a draw that would likely contain an ephemeral type feature. Ephemeral 5 was dry during the site visit, after a recent rainfall.

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
Ephemeral 6	375	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 6 is a small channel/headwater that flows into Ephemeral 5. The channel is not identified on topographic maps; however, the contour lines indicate a draw that would likely contain an ephemeral type feature. Ephemeral 6 was dry during the site visit, after a recent rainfall.
Ephemeral 7	165	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 7 is a small channel/headwater that flows into Ephemeral 5. The channel is not identified on topographic maps; however, the contour lines indicate a small draw that would likely contain an ephemeral type feature. Ephemeral 7 was dry during the site visit, after a recent rainfall.
Ephemeral 8	531	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 8 is a small channel/headwater that flows into Ephemeral 5. The channel is not identified on topographic maps; however, the contour lines indicate a small draw that would likely contain an ephemeral type feature. Ephemeral 8 was dry during the site visit, after a recent rainfall.
Ephemeral 9	903	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 9 is a channel that flows into Ephemeral 3. The channel is not identified on topographic maps; however, the contour lines indicate a draw that would likely contain an ephemeral type feature. Ephemeral 9 was dry during the site visit, after a recent rainfall.
Ephemeral 10	791	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 10 is a channel that flows into Ephemeral 3. The channel is not identified on topographic maps; however, the contour lines indicate a draw that would likely contain an ephemeral type feature. Ephemeral 10 was dry during the site visit, after a recent rainfall.
Ephemeral 11	1356	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 11 is a channel that flows off-site. The channel is not identified on topographic maps; however, the contour lines indicate a draw that would likely contain an ephemeral feature. Ephemeral 11 was dry during the site visit, after a recent rainfall.
Ephemeral 12	141	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 12 is a small channel/headwater that flows into Ephemeral 4. The channel is not identified on topographic maps; however, the contour lines indicate a small draw that would likely contain an ephemeral type feature. Ephemeral 12 was dry during the site visit, after a recent rainfall.
Ephemeral 13	237	linear feet	(b)(3) Ephemeral feature, including	Ephemeral 12 is a channel/headwater that flows into Ephemeral 4. The channel is not identified



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		an ephemeral stream, swale, gully, rill, or pool.	on topographic maps; however, the contour lines indicate a small draw that would likely contain an ephemeral type feature. Ephemeral 13 was dry during the site visit, after a recent rainfall.

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: [Clark Map with Streams, November 6, 2020](#)

This information **is** sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

Photographs: [Select. Title\(s\) and/or date\(s\)](#).

Corps site visit(s) conducted on: [August 12, 2020](#)

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: [NRCS Websoil Survey](#)

USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).

USGS topographic maps: [1:24K, Henryville](#)

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 Antecedent Precipitation Tool \(ATP\) was used for the date of the Corps' site visit, August 12, 2020. Conditions at the time of the visit were considered normal. There was a rain event during the week prior to the site visit.](#)

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