APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): August 4, 2016

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: CELRL-OPF-N; Duke Energy Dresser Station – 142 acres, LRL-2016-552; Jurisdictional Waters - Wabash River, Streams 1, 2, 3, 4, WTLDS 2, 6, 7.

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Indiana County/parish/borough: Vigo City: West Terre Haute
Center coordinates of site (lat/long in degree decimal format): Lat. 39.4058 °, Long. -87.4951 °
Universal Transverse Mercator: N/A.
Name of nearest waterbody: Wabash River.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Wabash River.
Name of watershed or Hydrologic Unit Code (HUC): 05120111, Middle Wabash – Busseron.

☑ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☑ Office (Desk) Determination. Date: August 4, 2016

☑ Field Determination. Date(s): July 12, 2016

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

☐ Waters subject to the ebb and flow of the tide.

☑ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain: Boundary of study area runs along right descending bank of Wabash River for approximately 4,400 LF. The Wabash River from the Ohio River confluence to the Adams/Wells County, Indiana line was determined to be a navigable waterway under Regulations at 33 CFR Part 329, by the Louisville District per public notice 83-LD-016, dated 28-JUL-89.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. ***[Required]***

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]

☑ TNWs, including territorial seas

☑ Wetlands adjacent to TNWs

☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs

☑ Non-RPWs that flow directly or indirectly into TNWs

☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

☑ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

☐ Impoundments of jurisdictional waters

☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters: Wabash River: 4,400 LF, Stream 1: 136 LF, 1 foot wide; Stream 2: 1233 LF, 1.5 feet wide, Stream 3: 112 LF, 1 foot wide, Stream 4: 153 LF, 1 foot wide.
   Wetlands: WTLD 2: 3.03 acres PFO; WTLD 6: 13.81 acres PFO; WTLD 7: 12.34 acres PFO.

   c. **Limits (boundaries) of jurisdiction** based on: 1987 Delineation Manual

   Elevation of established OHWM (if known): *Click here to enter text.*

2. **Non-regulated waters/wetlands (check if applicable):**[3]

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

☐ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
Explain: *Click here to enter text.*

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: Wabash River

Summarize rationale supporting determination: The Wabash River from the Ohio River confluence to the Adams/Wells County, Indiana line was determined to be a navigable waterway under Regulations at 33 CFR Part 329, by the Louisville District per public notice 83-LD-016, dated 28-JUL-89.

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": Wetlands 6 and 7 were delineated in the study area with the boundaries abutting the top of bank of the Wabash River. Therefore, they are adjacent.

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: 2020.14 square miles
Drainage area: 0.061 square miles

Average annual rainfall: 42.34 inches
Average annual snowfall: 14.6 inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

☑ Tributary flows directly into TNW.

☐ Tributary flows through *Choose an item.* tributaries before entering TNW.

Project waters are 1 (or less) river miles from TNW.
Project waters are 1 (or less) river miles from RPW.
Project waters are 1 (or less) aerial (straight) miles from TNW.
Project waters are 1 (or less) aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: *Click here to enter text.*

Identify flow route to TNW[5]: Stream 1 and 3 flow into Stream 2, which flows into Wetland 6 abutting the Wabash River. Stream 4 flows into Wetland 2 which abuts Stream 2.
Tributary stream order, if known: 1

(b) General Tributary Characteristics (check all that apply):

Tributary is: ☑ Natural

☐ Artificial (man-made). Explain: *Click here to enter text.*

☐ Manipulated (man-altered). Explain:

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Tributary properties with respect to top of bank (estimate):
Average width: Stream 1: 2 ft; Stream 2: 5 ft; Stream 3: 4 ft; Stream 4: 2 ft
Average depth: Stream 1: 0.2 ft; Stream 2: 1 ft; Stream 3: 1 ft; Stream 4: 0.2 ft
Average side slopes: 2:1

Primary tributary substrate composition (check all that apply):

☑ Silts	☑ Sands	☐ Concrete
☑ Cobbles	☑ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover: *Click here to enter text.*	
☐ Other. Explain: *Click here to enter text.*		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: stable
Presence of run/riffle/pool complexes. Explain: small ephemeral channels, no riffle/pools present
Tributary geometry: Meandering
Tributary gradient (approximate average slope): Unknown

(c) Flow:
Tributary provides for: Ephemeral Flow
Estimate average number of flow events in review area/year: 20 (or greater)
Describe flow regime: Ephemeral channels that flow during and shortly after each rain event.
Other information on duration and volume: *Click here to enter text.*

Surface flow is: Discrete and Confined Characteristics: Flow confined to channels except where flows enters abutting wetlands.

Subsurface flow: Unknown Explain findings: *Click here to enter text.*
☐ Dye (or other) test performed: *Click here to enter text.*

Tributary has (check all that apply):
☑ Bed and banks
☑ OHWM[6] (check all indicators that apply):

☑ clear, natural line impressed on the bank	☑ the presence of litter and debris
☑ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☑ the presence of wrack line
☑ vegetation matted down, bent, or absent	☐ sediment sorting
☑ leaf litter disturbed or washed away	☑ scour
☑ sediment deposition	☐ multiple observed or predicted flow events
☑ water staining	☐ abrupt change in plant community *Click here to enter text.*
☐ other (list): *Click here to enter text.*	

☐ Discontinuous OHWM.[7] Explain: *Click here to enter text.*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list): *Click here to enter text.*	

(iii) Chemical Characteristics:
Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain: Natural channels, water appeared to be clear. Upstream watershed is small and relatively undisturbed. Water quality unknown.
Identify specific pollutants, if known: *Click here to enter text.*

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☑ Riparian corridor. Characteristics (type, average width): Forested >10 meters.
- ☐ Wetland fringe. Characteristics: *Click here to enter text.*
- ☑ Habitat for:
  - ☑ Federally Listed species. Explain findings: Potential habitat for Indiana bat and Northern Long-eared bat.
  - ☐ Fish/spawn areas. Explain findings: *Click here to enter text.*
  - ☐ Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
  - ☑ Aquatic/wildlife diversity. Explain findings: Habitat for macroinvertebrates.

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:
Properties:
Wetland size: WTLD 2: 3.03 acres
Wetland type. Explain: PFO
Wetland quality. Explain: average. Mid successional PFO with typical diversity of native and invasive species.
Project wetlands cross or serve as state boundaries. Explain: *Click here to enter text.*

(b) General Flow Relationship with Non-TNW:
Flow is: Ephemeral Flow Explain: Ephemeral streams flow into the wetland, and flow from the wetlands is through ephemeral channels.

Surface flow is: Discrete and Confined
Characteristics: *Click here to enter text.*

Subsurface flow: Unknown Explain findings: *Click here to enter text.*
- ☐ Dye (or other) test performed: *Click here to enter text.*

(c) Wetland Adjacency Determination with Non-TNW:
- ☑ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: *Click here to enter text.*
  - ☐ Ecological connection. Explain: *Click here to enter text.*
  - ☐ Separated by berm/barrier. Explain: *Click here to enter text.*

(d) Proximity (Relationship) to TNW
Project wetlands are 1 (or less) river miles from TNW.
Project waters are 1 (or less) aerial (straight) miles from TNW.
Flow is from: Wetland to Navigable Waters
Estimate approximate location of wetland as within the 100 - 500-year floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: Water appeared to be clear. Upsteam watershed is relatively undisturbed. Water quality unknown.
Identify specific pollutants, if known: *Click here to enter text.*

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☑ Riparian buffer. Characteristics (type, average width): Forest >10 meters.
- ☑ Vegetation type/percent cover. Explain: Mid successional hardwood species dominate. >100% cover.
- ☑ Habitat for:
  - ☑ Federally Listed species. Explain findings: Potential habitat for Indiana bat and Northern Long-eared bat.
  - ☐ Fish/spawn areas. Explain findings: *Click here to enter text.*
  - ☐ Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
  - ☑ Aquatic/wildlife diversity. Explain findings: Multiple habitat types for mammals, reptiles, amphibians, and birds.

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: 2
Approximately (16.84) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Yes	3.03 – WTLD 2	*Y/N*	#
No	13.81 – WTLD 6	*Y/N*	#
Y/N	#	*Y/N*	#
Y/N	#	*Y/N*	#

Summarize overall biological, chemical and physical functions being performed: These tributaries and their associated wetlands as part of their biological functions, support plant diversity, primary productivity, and resting, foraging, and nesting habitat for many bird, mammal, reptile, amphibian, and invertebrate species. As part of their chemical and physical functions, these tributaries and wetlands store storm water and release it slowly; they slow the velocity of storm water; they facilitate groundwater recharge; they trap sediments; and they control pollution. These functions have more than a speculative or insubstantial effect on the chemical, physical and biological integrity of the Wabash River (TNW).

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: *Click here to enter text.*

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

   These tributaries and their associated wetlands as part of their biological functions, support plant diversity, primary productivity, and resting, foraging, and nesting habitat for many bird, mammal, reptile, amphibian, and invertebrate species. As part of their chemical and physical functions, these tributaries and wetlands store storm water and release it slowly; they slow the velocity of storm water; they facilitate groundwater recharge; they trap sediments; and they control pollution. These functions have more than a speculative or insubstantial effect on the chemical, physical and biological integrity of the Wabash River (TNW).

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☑ TNWs: 4,400 linear feet 275 width (ft).
   - ☑ Wetlands adjacent to TNWs: WTLD 6: 13.81 acres, WTLD 7: 12.34 acres.

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: *Click here to enter text.*.
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: *Click here to enter text.*.

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: # linear feet # width (ft).

☐ Other non-wetland waters: # acres.

Identify type(s) of waters: *Click here to enter text.*

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**

☑ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

☑ Tributary waters: **Stream 1: 136 LF, 1 foot wide; Stream 2: 1233 LF, 1.5 feet wide, Stream 3: 112 LF, 1 foot wide, Stream 4: 153 LF, 1 foot wide.**

☐ Other non-wetland waters: # acres.

Identify type(s) of waters: *Click here to enter text.*

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.

☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: *Click here to enter text.*

☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: *Click here to enter text.*

Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

☑ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: WTLD 2: 3.03 acres.

7. **Impoundments of jurisdictional waters.[9]**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

☐ Demonstrate that impoundment was created from "waters of the U.S.," or

☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or

☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.

☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

☐ which are or could be used for industrial purposes by industries in interstate commerce.

☐ Interstate isolated waters. Explain: *Click here to enter text.*

☐ Other factors. Explain: *Click here to enter text.*

Identify water body and summarize rationale supporting determination: *Click here to enter text.*

Provide estimates for jurisdictional waters in the review area (check all that apply):

☐ Tributary waters: # linear feet # width (ft).

☐ Other non-wetland waters: # acres.

Identify type(s) of waters: *Click here to enter text.*

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[8]See Footnote # 3.

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

☐ Wetlands: # acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.

☐ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.

☐ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).

☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: *Click here to enter text.*

☐ Other: (explain, if not covered above): *Click here to enter text.*

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).

☐ Lakes/ponds: # acres.

☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.

☐ Wetlands: # acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).

☐ Lakes/ponds: # acres.

☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.

☐ Wetlands: # acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Cardno Delineation Report, January 2016.

☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☑ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: *Click here to enter text.*

☐ Corps navigable waters' study: *Click here to enter text.*

☐ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☑ U.S. Geological Survey map(s). Cite scale & quad name: Terre Haute, IN 1:24K quad.

☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Vigo County Indiana NRCS Soil Survey.

☑ National wetlands inventory map(s). Cite name: USFWS NWI Maps.

☐ State/Local wetland inventory map(s): *Click here to enter text.*

☐ FEMA/FIRM maps: *Click here to enter text.*

☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)

☑ Photographs: ☑ Aerial (Name & Date): Indiana Orthophotography Various years.

☐ or ☑ Other (Name & Date): Site photos December 2015.

☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*

☐ Applicable/supporting case law: *Click here to enter text.*

☐ Applicable/supporting scientific literature: *Click here to enter text.*

☐ Other information (please specify): *Click here to enter text.*

B. ADDITIONAL COMMENTS TO SUPPORT JD: Non-jurisdictional resources documented on separate JD form.

Laban C. Lindley
Team Leader
Indianapolis Regulatory Office

8/9/16
Date

Lindley/Approved JD LRL-2016-552 LL
McKay/OPF-NCM 8-10-16
RECORD COPY

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U.S. Army Corps of Engineers

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C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Indiana County/parish/borough: Vigo City: West Terre Haute
Center coordinates of site (lat/long in degree decimal format): Lat. 39.4058 °, Long. -87.4951 °
Universal Transverse Mercator: N/A.
Name of nearest waterbody: Wabash River.
Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: None.
Name of watershed or Hydrologic Unit Code (HUC): 05120111, Middle Wabash – Busseron.

☑ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc…) are associated with this action and are recorded on a different JD form

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SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There are no "*navigable waters of the U.S.*" within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [*Required*]

☐ Waters subject to the ebb and flow of the tide.

☐ Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There are no "*waters of the U.S.*" within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. ***[Required]***

1. **Waters of the U.S.**
   a. **Indicate presence of waters of U.S. in review area (check all that apply):** [1]

☐ TNWs, including territorial seas
☐ Wetlands adjacent to TNWs
☐ Relatively permanent waters[2] (RPWs) that flow directly or indirectly into TNWs
☐ Non-RPWs that flow directly or indirectly into TNWs
☐ Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
☐ Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
☐ Impoundments of jurisdictional waters
☐ Isolated (interstate or intrastate) waters, including isolated wetlands

   b. **Identify (estimate) size of waters of the U.S. in the review area:**
   Non-wetland waters:
   Wetlands:

   c. **Limits (boundaries) of jurisdiction** based on: *Choose an item.*

   Elevation of established OHWM (if known): *Click here to enter text.*

2. **Non-regulated waters/wetlands (check if applicable):**[3]

☑ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: Four wetlands were identified in the review area as isolated. WTLD 1 – 0.02 acre PEM, WTLD 3 – 0.02 acre PEM, WTLD 4 - <0.001 PEM, WTLD 5 – 0.28 acre PEM. These wetlands do not possess any surface or subsurface hydrological connection or adjacency to any waters of the U.S., did not capture or divert any waters of the U.S., and are not susceptible to use in interstate or foreign commerce. As

[1] Boxes checked below shall be supported by completing the appropriate sections in Section III below.
[2] For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).
[3] Supporting documentation is presented in Section III.F.

such, these isolated wetlands are not waters of the U.S. Additionally, open water Pond 1 – 4.90 acres was identified in the review area. This pond was excavated in the uplands as part of the coal generation facilities. It is not located in hydric soils, did not capture any waters of the U.S., and is not susceptible in interstate or foreign commerce. Therefore, this pond is not a waters of the U.S.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. **TNW**
   Identify TNW:

   Summarize rationale supporting determination:

2. **Wetland adjacent to TNW**
   Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody[4] is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. **Characteristics of non-TNWs that flow directly or indirectly into TNW**

   (i) **General Area Conditions:**
   Watershed size: square miles
   Drainage area: square miles

   Average annual rainfall: inches
   Average annual snowfall: inches

   (ii) **Physical Characteristics:**
   (a) Relationship with TNW:

   ☐ Tributary flows directly into TNW.

   ☐ Tributary flows through *Choose an item.* tributaries before entering TNW.

   Project waters are *Choose an item.* river miles from TNW.
   Project waters are *Choose an item.* river miles from RPW.
   Project waters are *Choose an item.* aerial (straight) miles from TNW.
   Project waters are *Choose an item.* aerial (straight) miles from RPW.
   Project waters cross or serve as state boundaries. Explain: *Click here to enter text.*

   Identify flow route to TNW[5]:
   Tributary stream order, if known:

   (b) General Tributary Characteristics (check all that apply):

   Tributary is: ☐ Natural

   ☐ Artificial (man-made). Explain: *Click here to enter text.*

   ☐ Manipulated (man-altered). Explain:

   Tributary properties with respect to top of bank (estimate):
   Average width:

[4] Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.
[5] Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

Average depth:
Average side slopes: *Choose an item.*

Primary tributary substrate composition (check all that apply):

☐ Silts	☐ Sands	☐ Concrete
☐ Cobbles	☐ Gravel	☐ Muck
☐ Bedrock	☐ Vegetation. Type/% cover: *Click here to enter text.*	
☐ Other. Explain: *Click here to enter text.*		

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:
Presence of run/riffle/pool complexes. Explain:
Tributary geometry: *Choose an item.*
Tributary gradient (approximate average slope):

(c) Flow:

Tributary provides for: *Choose an item.*
Estimate average number of flow events in review area/year: *Choose an item.*
Describe flow regime:
Other information on duration and volume: *Click here to enter text.*

Surface flow is: *Choose an item.* Characteristics:

Subsurface flow: Unknown Explain findings: *Click here to enter text.*
☐ Dye (or other) test performed: *Click here to enter text.*

Tributary has (check all that apply):
☐ Bed and banks
☐ OHWM[6] (check all indicators that apply):

☐ clear, natural line impressed on the bank	☐ the presence of litter and debris
☐ changes in the character of soil	☐ destruction of terrestrial vegetation
☐ shelving	☐ the presence of wrack line
☐ vegetation matted down, bent, or absent	☐ sediment sorting
☐ leaf litter disturbed or washed away	☐ scour
☐ sediment deposition	☐ multiple observed or predicted flow events
☐ water staining	☐ abrupt change in plant community *Click here to enter text.*
☐ other (list): *Click here to enter text.*	

☐ Discontinuous OHWM.[7] Explain: *Click here to enter text.*

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

☐ High Tide Line indicated by:	☐ Mean High Water Mark indicated by:
☐ oil or scum line along shore objects	☐ survey to available datum;
☐ fine shell or debris deposits (foreshore)	☐ physical markings;
☐ physical markings/characteristics	☐ vegetation lines/changes in vegetation types.
☐ tidal gauges	
☐ other (list): *Click here to enter text.*	

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).
Explain:
Identify specific pollutants, if known: *Click here to enter text.*

[6]A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.
[7]Ibid.

(iv) Biological Characteristics. Channel supports (check all that apply):

- ☐ Riparian corridor. Characteristics (type, average width):
- ☐ Wetland fringe. Characteristics: *Click here to enter text.*
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings:
  - ☐ Fish/spawn areas. Explain findings: *Click here to enter text.*
  - ☐ Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
  - ☐ Aquatic/wildlife diversity. Explain findings:

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:
Properties:
Wetland size: acres
Wetland type. Explain:
Wetland quality. Explain:
Project wetlands cross or serve as state boundaries. Explain: *Click here to enter text.*

(b) General Flow Relationship with Non-TNW:
Flow is: *Choose an item.* Explain:

Surface flow is: *Choose an item.*
Characteristics: *Click here to enter text.*

Subsurface flow: *Choose an item.* Explain findings: *Click here to enter text.*
- ☐ Dye (or other) test performed: *Click here to enter text.*

(c) Wetland Adjacency Determination with Non-TNW:
- ☐ Directly abutting
- ☐ Not directly abutting
  - ☐ Discrete wetland hydrologic connection. Explain: *Click here to enter text.*
  - ☐ Ecological connection. Explain: *Click here to enter text.*
  - ☐ Separated by berm/barrier. Explain: *Click here to enter text.*

(d) Proximity (Relationship) to TNW
Project wetlands are *Choose an item.* river miles from TNW.
Project waters are *Choose an item.* aerial (straight) miles from TNW.
Flow is from: *Choose an item.*
Estimate approximate location of wetland as within the *Choose an item.* floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:
Identify specific pollutants, if known: *Click here to enter text.*

(iii) Biological Characteristics. Wetland supports (check all that apply):

- ☐ Riparian buffer. Characteristics (type, average width):
- ☐ Vegetation type/percent cover. Explain:
- ☐ Habitat for:
  - ☐ Federally Listed species. Explain findings:
  - ☐ Fish/spawn areas. Explain findings: *Click here to enter text.*
  - ☐ Other environmentally-sensitive species. Explain findings: *Click here to enter text.*
  - ☐ Aquatic/wildlife diversity. Explain findings:

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: *Choose an item.*
Approximately (#) acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N)	Size (in acres)	Directly abuts? (Y/N)	Size (in acres)
Y/N	#	Y/N	#
Y/N	#	Y/N	#
Y/N	#	Y/N	#
Y/N	#	Y/N	#

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D: *Click here to enter text.*

2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: *Click here to enter text.*

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
   - ☐ TNWs:
   - ☐ Wetlands adjacent to TNWs:

2. **RPWs that flow directly or indirectly into TNWs.**
   - ☐ Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: *Click here to enter text.*.
   - ☐ Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally: *Click here to enter text.*.

   Provide estimates for jurisdictional waters in the review area (check all that apply):
   - ☐ Tributary waters: # linear feet # width (ft).
   - ☐ Other non-wetland waters: # acres.
     Identify type(s) of waters: *Click here to enter text.*

3. **Non-RPWs[8] that flow directly or indirectly into TNWs.**
   - ☐ Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

[8]See Footnote # 3.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- ☐ Tributary waters:
- ☐ Other non-wetland waters: # acres.
  Identify type(s) of waters: *Click here to enter text.*

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**
   - ☐ Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
     - ☐ Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: *Click here to enter text.*
     - ☐ Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: *Click here to enter text.*

   Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**
   - ☐ Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisidictional. Data supporting this conclusion is provided at Section III.C.

   Provide acreage estimates for jurisdictional wetlands in the review area: # acres.

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**
   - ☐ Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

   Provide estimates for jurisdictional wetlands in the review area:

7. **Impoundments of jurisdictional waters.[9]**
   As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.
   - ☐ Demonstrate that impoundment was created from "waters of the U.S.," or
   - ☐ Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
   - ☐ Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):[10]

- ☐ which are or could be used by interstate or foreign travelers for recreational or other purposes.
- ☐ from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- ☐ which are or could be used for industrial purposes by industries in interstate commerce.
- ☐ Interstate isolated waters. Explain: *Click here to enter text.*
- ☐ Other factors. Explain: *Click here to enter text.*

Identify water body and summarize rationale supporting determination: *Click here to enter text.*

Provide estimates for jurisdictional waters in the review area (check all that apply):

- ☐ Tributary waters: # linear feet # width (ft).
- ☐ Other non-wetland waters: # acres.
  Identify type(s) of waters: *Click here to enter text.*
- ☐ Wetlands: # acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- ☑ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
  - ☑ Prior to the Jan 2001 Supreme Court decision in "*SWANCC*," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR).
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain: *Click here to enter text.*

[9] To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.
[10] Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA *Memorandum Regarding CWA Act Jurisdiction Following Rapanos.*

☑ Other: (explain, if not covered above): Upland Man-made Pond 1 – 4.90 acres.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).

☐ Lakes/ponds: # acres.

☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.

☑ Wetlands: WTLD 1 – 0.02 acre PEM, WTLD 3 – 0.02 acre PEM, WTLD 4 - <0.001 PEM, WTLD 5 – 0.28 acre PEM.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

☐ Non-wetland waters (i.e., rivers, streams): # linear feet # width (ft).

☐ Lakes/ponds: # acres.

☐ Other non-wetland waters: # acres. List type of aquatic resource: *Click here to enter text.*.

☐ Wetlands: # acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Cardno Delineation Report, January 2016.

☑ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

- ☑ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: *Click here to enter text.*

☐ Corps navigable waters' study: *Click here to enter text.*

☐ U.S. Geological Survey Hydrologic Atlas: *Click here to enter text.*

- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.

☑ U.S. Geological Survey map(s). Cite scale & quad name: Terre Haute, IN 1:24K quad.

☑ USDA Natural Resources Conservation Service Soil Survey. Citation: Vigo County Indiana NRCS Soil Survey.

☑ National wetlands inventory map(s). Cite name: USFWS NWI Maps.

☐ State/Local wetland inventory map(s): *Click here to enter text.*

☐ FEMA/FIRM maps: *Click here to enter text.*

☐ 100-year Floodplain Elevation is: *Click here to enter text.* (National Geodectic Vertical Datum of 1929)

☑ Photographs: ☑ Aerial (Name & Date): Indiana Orthophotography Various years.

☐ or ☑ Other (Name & Date): Site photos December 2015.

☐ Previous determination(s). File no. and date of response letter: *Click here to enter text.*

☐ Applicable/supporting case law: *Click here to enter text.*

☐ Applicable/supporting scientific literature: *Click here to enter text.*

☐ Other information (please specify): *Click here to enter text.*

B. ADDITIONAL COMMENTS TO SUPPORT JD: Jurisdictional resources documented on separate JD form.

Laban C. Lindley
Team Leader
Indianapolis Regulatory Office

8/9/16
Date

Lindley/Approved JD LRL-2016-552 LCL
McKay/OPF-N 8-10-16
RECORD COPY