



**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): 12/17/2020  
 ORM Number: LRL-2020-921-MKD  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Indiana City: Galena County/Parish/Borough: Floyd  
 Center Coordinates of Review Area: Latitude 38.346537 Longitude -85.932128

**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)<sup>2</sup>**

§ 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): <sup>3</sup>				
(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
Perennial Stream 1	1,175	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Perennial Stream 1 is approximately 5 to 7 feet wide, with bank heights up to 4 feet. The stream is identified as an intermittent stream in the topographic and NHD maps, however, the stream was flowing during both the delineation and the Corps site visit. The flow of the stream has likely increased due to the surrounding residential developments.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Ephemeral Stream 1	55	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream is a small channel approximately 1.5 feet wide and flows directly into Perennial Stream 1. The channel was dry during both the delineation and Corps site visit.
Ephemeral Stream 2	1,065	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 2 is approximately 3 feet wide and flows across the southern portion of the site. The stream channel was dry during the Corps site visit, however, pooled water with minimal flow was present during the delineation. According to the ATP tool conditions for both site visits dates were wet, however, still fell under normal conditions for the 30 year average.
Ephemeral Stream 3	20	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 3 is a small channel that is approximately 2 feet wide and flows from an existing gravel road to Ephemeral Stream 2. The stream channel was dry during the Corps site visit, however, pooled water with minimal flow was present during the delineation. According to the ATP tool conditions for both site visits dates were wet, however, still fell under normal conditions for the 30 year average.
Ephemeral Stream 4	45	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 4 is a small channel that is approximately 2 feet wide and flows from offsite to Ephemeral Stream 2. The stream channel was dry during the Corps site visit, however, pooled water with minimal flow was present during the delineation. According to the ATP tool conditions for both site visits dates were wet, however, still fell under normal conditions for the 30 year average.
Ephemeral Stream 5	490	linear feet	(b)(3) Ephemeral feature, including	Ephemeral Stream 5 is approximately 2 feet wide and flows from a developed area to the

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		an ephemeral stream, swale, gully, rill, or pool.	east through the site to Ephemeral Stream 2. The stream channel was dry during the Corps site visit, however, pooled water with minimal flow was present during the delineation. According to the ATP tool conditions for both site visits dates were wet, however, still fell under normal conditions for the 30 year average.
Wetland 1	0.089	acre(s)	(b)(1) Non-adjacent wetland. Wetland 1 is an emergent-scrub/shrub wetland that emerges from a seep in the hillside. The wetland is identified on topographic maps as being a potential pond that has filled in. Wetland 1 is not adjacent to any “waters of the U.S.”
Wetland 2	0.101	acre(s)	(b)(1) Non-adjacent wetland. Wetland 2 is an emergent-scrub/shrub wetland that is adjacent to Ephemeral Streams 2 and 3. The wetland is not adjacent to any “waters of the U.S.”

**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: **Title(s) and date(s)**  
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: **November 4, 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: **USFWS NWI**
- USGS topographic maps: **1:24K, Georgetown**

**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 agent submitted the reports for the ATP tool for both the delineation date and the Corps site visit. The results show that the conditions were considered wet for the specific days, however, were considered normal for the 30 year range.



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**C. Additional comments to support AJD: [N/A](#)**