



**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): 10/20/2020
 ORM Number: LRL-2018-1010
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Seymour County/Parish/Borough: Jackson
 Center Coordinates of Review Area: Latitude 38.958100 Longitude -85.848426

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
UNT 1 Sandy Branch	373 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNT 1 Sandy Branch is an intermittent stream that flows to Sandy Branch, which flows to the Muscatatuck River, which flows to the East Fork White River, which flows to the White River, which is a Section 10 water

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
Wetland 1A	0.11	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland serves as the riparian buffer for UNT 1 Sandy Creek, an (a)(2) water. Its boundaries abut the tributary.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
UNT 2 and UNT 3 Sandy Creek	649	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the physical conditions of the streams and observations by consultant and Corps employee, these are ephemeral features. The streams flow only in response to rain events. The channels had a defined bed and bank and OHW mark. Although the delineation was conducted in a period of extreme wetness, the streams had little to no flow. See typical year assessment below in Section III. B.
RSDs 1, 3, 4, and 6	2,876	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).	The features are ditches parallel to the road that were excavated as stormwater features.
Wetlands 3, 4, 4b, 5, 6, 7, 7A, 8, 9, 10, and 11	2.26	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3)water.

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 Report US 50 Roadway Construction and Installation of a Multi-Use Pedestrian Path Widening of US 50 over UNT to Sandy Branch I-65 and US 50 Interchange Modification Jackson County, INDOT Designation Numbers 1400090, 1400197, and 1500153, October 23, 2018.](#)

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: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: in Waters Report](#)
- Corps site visit(s) conducted on: [September 20, 2018](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRL-2018-1010, December 19, 2018](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Survey](#)
- USFWS NWI maps: [Chestnut Ridge quadrangle](#)
- USGS topographic maps: [Chestnut Ridge quadrangle](#)

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 photos of the ephemeral stream identified as UNT 2 Sandy Branch that are included in the Waters Report were taken on April 9 and 10, 2018. The photos of UNT 3 Sandy Branch were taken on July 31, 2018. These photos showed channels with little water. Data from the Antecedent Precipitation Tool indicates that April 9, 2018, was a period of wetter than normal conditions in the wet season and July 31, 2018, was a period of normal conditions during the dry season. Since the conditions were wetter than the 30 year average range for UNT 2, and the photos showed little flow, UNT 2 Sandy Branch was determined to be ephemeral. Although the photos of UNT 3 were taken during the dry season, the conditions were within the 30 year average range and there was very little flow in UNT 3. UNT 3 was also determined to be ephemeral. A Corps' employee verified the ephemeral nature of the streams in a site visit on September 20, 2018.

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