



**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): [2/8/2021](#)

ORM Number: [LRL-2020-1037-JMG](#)

Associated JDs: [Pre JD LRL-2016-110-GJD](#)

Review Area Location¹: State/Territory: [Indiana](#) City: [Newburgh](#) County/Parish/Borough: [Warrick](#)

Center Coordinates of Review Area: Latitude [38.006215° N](#) Longitude [-87.331445° 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
Stream 2	440	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Reports to downstream TNW
Stream 3	955	linear feet	(a)(2) Intermittent tributary contributes	Reports to downstream TNW

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	
Stream 4	1,815	linear feet (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Reports to downstream TNW
Stream 5	1,385	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Reports to downstream TNW
Stream 6	3,357	linear feet (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Reports to downstream TNW
Stream 7	120	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Reports to downstream TNW

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
WL 60b	5.56	acre(s) (a)(3) Lake/pond or impoundment of a jurisdictional water contributes surface water flow directly or indirectly to an	Contributes flow to Stream 3



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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
		(a)(1) water in a typical year.	

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
WL 4	0.23 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 2
WL 5	0.31 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 2
WL 60a	0.10 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 3
WL 70	6.70 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 3
WL 72	0.05 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 3
WL 80	0.02 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 3
WL 7	0.31 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 3
WL 71	0.09 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 3
WL 9a	0.26 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 3
WL 9b	0.09 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 3
WL 73	2.99 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 4
WL 8	1.61 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 4
WL 63	0.11 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 5
WL 68	1.19 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 5



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
WL 62	4.29	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 5
WL 1	2.95	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 6
WL 2	0.73	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent to Stream 6

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 1	585	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	N/A.
WL 67	0.42	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 53	0.05	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 54	0.23	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 55	0.09	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 56	0.30	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 57	0.42	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 52	2.53	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 51	0.16	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 49	0.33	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 47	1.47	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 46	0.14	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 44	0.04	acre(s)	(b)(1) Non-adjacent wetland.	N/A.

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
WL 45	0.23	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 41	0.11	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 42	0.04	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 43	0.10	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 39	0.25	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 37	0.02	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 38	0.03	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 36	0.27	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 34	0.04	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 35	0.02	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 40	0.11	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 33	0.34	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 32	0.07	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 30	0.06	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 31	0.02	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 29	0.16	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 74	0.04	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 23	0.02	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 22	0.03	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 21	0.02	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 20	0.11	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 19	0.15	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 24	0.24	acre(s)	(b)(1) Non-adjacent wetland.	N/A.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WL 25	0.24	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 26	0.09	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 27	0.09	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 28	0.34	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 81	0.04	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 18	0.25	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 17	0.06	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 16	0.14	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 15	0.38	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 14	0.23	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 13	0.08	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 12	0.99	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 11	0.31	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 10	0.07	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 6	0.24	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 61	0.05	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 75	0.16	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 76	0.02	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 77	0.07	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 78	0.05	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 79	0.25	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 64	0.35	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 65	0.37	acre(s)	(b)(1) Non-adjacent wetland.	N/A.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
WL 66	0.16	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 3	0.63	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 69	0.07	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 48a	0.13	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 50a	0.07	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 58a	0.85	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 59a	0.49	acre(s)	(b)(1) Non-adjacent wetland.	N/A.
WL 48b	1.97	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	N/A.
WL 50b	1.04	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.	N/A.
WL 58b	23.63	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from	N/A.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		an (a)(1)-(a)(3) water in a typical year.	
WL 59b	12.45	acre(s)	(b)(1) Lake/pond or impoundment that does not contribute surface water flow directly or indirectly to an (a)(1) water and is not inundated by flooding from an (a)(1)-(a)(3) water in a typical year.

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: [USACE Permit Application, submitted by Oakland Holdings, dated 13NOV2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

- 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: [Date\(s\).](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRL-2016-110-GJD](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\).](#)
- USFWS NWI maps: [Title\(s\) and/or date\(s\).](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

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): [N/A](#)

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



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