



**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): 9/2/2020

ORM Number: LRL-2020-561-MKD

Associated JDs: N/A

Review Area Location¹: State/Territory: Indiana City: Floyds Knobs County/Parish/Borough: Floyd

Center Coordinates of Review Area: Latitude 38.314175 Longitude -85.907975

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
Intermittent 1	595	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent 1 is indicated as an intermittent stream on the USGS topographic map. The stream is 3-10 feet wide with an average depth of 8 inches. The stream was flowing during the site visit during wetter than normal conditions. Intermittent 1 flows directly into Little Indian Creek, a perennial stream that eventually flows into the Ohio River.
Intermittent 2	808	linear feet	(a)(2) Intermittent tributary contributes	Intermittent 2 is indicated as an intermittent stream on the USGS topographic map. The stream is 6-12 feet wide with a range of depth of 3 inches to 3 feet.

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.	The stream was flowing during the site visit during wetter than normal conditions. Intermittent 1 flows directly into Little Indian Creek, a perennial stream that eventually flows into the Ohio River.

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.

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.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Ephemeral 1	72 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 1 is an incised channel that flows to flows from man-made terraces to Intermittent 1. The channel was dry during site visit. According to the ANT tool the site visit was conducted during wetter than normal conditions.
Ephemeral 2	65 N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 2 is an incised channel that flows to flows from man-made terraces to Intermittent 1. The channel was dry during site visit. According to the ANT tool the site visit was conducted during wetter than normal conditions.
Ephemeral 3	118 N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 3 is an incised channel that flows to flows from man-made terraces to Intermittent 1. The channel was dry during site visit. According to the ANT tool the site visit was conducted during wetter than normal conditions.
Ephemeral 4	36 N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral 4 is approximately 2-4 feet wide and bank heights of approximately 3-8 inches. The stream flows into Intermittent 2. The channel was dry during site visit. According to the ANT tool the site visit was conducted during wetter than normal conditions.
Roadside Swale	500 N/A.	(b)(3) Ephemeral feature, including an ephemeral	The roadside swale is a linear feature with no defined bed or bank and no ordinary high water mark. The feature is a man-made drainage swale along North Luther Road.

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
		stream, swale, gully, rill, or pool.	
Pond Outfall	284	N/A.	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.
Wetland 1	0.032	N/A.	(b)(1) Non-adjacent wetland.
Wetland 2	0.03	N/A.	(b)(1) Non-adjacent wetland.
Pond	1.378	N/A.	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).

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: [Bierman-Loftus-Romeo Property, Request for Jurisdictional Determination, Water/Wetland Location Map](#)

This information is sufficient for purposes of this AJD.



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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: [06Aug2020](#)
- 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: [Websoil Survey](#)
- USFWS NWI maps: [USFWS NWI](#)
- USGS topographic maps: [USGS Topographic map](#)

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 ANT tool was used for the Corps' site visit on 6Aug2020. The site conditions during the visit were wetter than normal for the 30 year range.](#)

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