



**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): 12/7/2020

ORM Number: LRL-2020-588-SCM

Associated JDs: N/A

Review Area Location¹: State/Territory: Indiana City: Portland County/Parish/Borough: Jay County

Center Coordinates of Review Area: Latitude 40.43258 N Longitude -84.96348 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.

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
Salamonie River	200 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contains perennial flow throughout the year (as evidenced by numerous aerals listed in Section IIIA below, and observations by the delineation consultant during normal conditions). Salamonie River contributes flow downstream into Salamonie Lake, which flows into the Wabash River (TNW). See Section IIIB for additional information.

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	
N/A.	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	
Wetland A	0.128	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland B	0.005	acre(s)	(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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year.
Open-water/ Pond	0.037	acre(s)	(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).	Man-made pond was constructed /excavated in an upland area prior to 1998. Creation of Pond did not impound a jurisdictional water. No channelized feature or drainage ditch allowing flow from the Pond to the river is present, therefore, the pond does not contribute surface flow to the Salamonie River, an (a)(1) – (a)(3) water, in a typical year (see 12/4/2020 Field Visit photos).

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 Determination Report, SR 26 over Salamonie River, Bridge Replacement, Jay County, Indiana \(Des. No. 1600828\), dated April 2, 2020, prepared by Metric Environmental consultants](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).

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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- Photographs: [Aerial and Other: August 28, 2019 site photos in Waters Report and supplemental information](#)
- Corps site visit(s) conducted on: [December 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: [Web Soil Survey, Jay County \(see Waters Report\)](#)
- USFWS NWI maps: [NWI Map \(see Waters Report\)](#)
- USGS topographic maps: [USGS Topographic Map, Portland, IN Quadrangles \(see Waters Report\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrography Dataset Map, Jay County (8/26/2019)
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 APT was utilized for one site visit. The data shows normal climatic conditions for the 8/28/2019 delineation site visit \(see 2019-08-28_APT Data.pdf\). Therefore, consultant observations and APT data indicate that the hydrologic conditions observed at the site for both dates are considered “typical year” conditions.](#)

C. Additional comments to support AJD: [N/A or provide additional discussion as appropriate.](#)