



**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): 10/22/2020

ORM Number: LRL-2020-804-lcl

Associated JDs: N/A.

Review Area Location¹: State/Territory: Indiana City: Mt. Comfort County/Parish/Borough: Hancock

Center Coordinates of Review Area: Latitude 39.8203 Longitude -85.9406

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
N/A.	N/A.	N/A.	N/A.

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Area A	1.77	acre(s)	(b)(1) Non-adjacent wetland.	Area A is a reported forested wetland. It is over 900 feet from the nearest potential (a)(2) tributary, Heinrich Ditch located west of the site. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Area B	0.65	acre(s)	(b)(1) Non-adjacent wetland.	Area B is a reported forested wetland. It is over 300 feet from the nearest potential (a)(2) tributary, Heinrich Ditch located west of the site. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Area C	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Area C is a reported emergent wetland. It is over 1,200 feet from the nearest potential (a)(2) tributary, Heinrich Ditch located west of the site. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Area D	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Area D is a reported emergent wetland. It is over 1,800 feet from the nearest potential (a)(2) tributary, Heinrich Ditch located west of the site. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Area E	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Area E is a reported emergent wetland. It is over 2,100 feet from the nearest potential (a)(2) tributary, Heinrich Ditch located west of the site. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Area F	0.11	acre(s)	(b)(1) Non-adjacent wetland.	Area F is a reported emergent wetland. It is over 2,400 feet from the nearest potential (a)(2)

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
			tributary, Heinrich Ditch located west of the site. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Area G	0.40	acre(s)	(b)(1) Non-adjacent wetland. Area G is a reported emergent wetland. It is over 2,300 feet from the nearest potential (a)(2) tributary, Heinrich Ditch located west of the site. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Area H	0.03	acre(s)	(b)(1) Non-adjacent wetland. Area H is a reported emergent wetland. It is over 1,200 feet from the nearest potential (a)(2) tributary, Heinrich Ditch located west of the site. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.

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: [Shaw-Snider Wetland Delineation Report for North Buck Realty, by Three Rivers Wetland Consulting dated September 11, 2020.](#)

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: [Aerial and Other: Google Earth Aerials in Delineation report: 1998-2018. Site photos in Delineation Report dated 8/27/20.](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

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 Hancock County Soil Survey, see delineation report.](#)

USFWS NWI maps: [USFWS NWI Wetland Mapper, see delineation report.](#)

USGS topographic maps: [Cumberland, IN USGS Quad, see delineation report.](#)

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.



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Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other information (specify)	LRL Regulatory Viewer, Hillshade and DEM.

B. Typical year assessment(s): Although wetland identification is not a parameter under the NWPR that requires a typical year analysis, the consultant included the APT analysis in the delineation report for the date of their delineation and each aerial image reviewed for Wetland Mapping Convention analysis. The APT showed normal typical year conditions present for the delineation date of 8/27/20. For wetland signature analysis to evaluate possible hydrology on active agricultural ground, the APT showed normal typical year conditions were present for nine aerials reviewed. An equal number of wet and dry year aerials were used to obtain the minimum number of aerials.

C. Additional comments to support AJD: N/A or provide additional discussion as appropriate.