



**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): 11/16/2020
 ORM Number: LRL-2020-818-lcl
 Associated JDs: N/A.
 Review Area Location¹: State/Territory: Indiana City: Lebanon County/Parish/Borough: Boone
 Center Coordinates of Review Area: Latitude 40.0508 Longitude -86.4553

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
Prairie Creek	62 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Prairie Creek is a perennial blue-line stream on the USGS quad map. Within the review area it has an OHWM width of 20 feet and depth of 2 feet. Channel substrate includes cobble, gravel, silt, and detritus. StreamStats indicate that Prairie Creek upstream of the review area has a drainage area of 12.61 square miles, or 8,070 acres. Prairie Creek was flowing during the consultant’s delineation site visit, and during the USACE site visit.
Mann Ditch	3,725 linear feet	(a)(2) Perennial tributary	Mann Ditch is a perennial dashed blue-line stream on the USGS quad map. Within the review area it

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
		contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	has an OHWM width of 15 feet and depth of 2 feet. Channel substrate includes cobble, gravel, silt, and detritus. StreamStats indicate that Mann Ditch within and upstream of the review area has a drainage area of 2.07 square miles, or 1,325 acres. Mann Ditch was flowing during the consultant's delineation site visit, and during the USACE site visit.

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
Wetland 1	0.15 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is an emergent farmed wetland located in a depression in the farm field. It is over 800 feet from the nearest (a)(2) tributary, Mann Ditch. 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.
Wetland 2	0.31 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is located in a forested depression. It is located over 1,000 feet from the nearest (a)(2) tributary, Mann Ditch. 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.
Wetland 3	0.03 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 is located in a forested depression. It is located over 300 feet from the nearest (a)(2) tributary, Mann Ditch. 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.

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
Wetland 4	0.26 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 is located in a forested depression. It is located over 100 feet from the nearest (a)(2) tributary, Mann Ditch. USACE confirmed this separation is through flatwood uplands. There is no natural berm, bank, dune, or similar natural feature providing the only separation. There is no evidence of inundation by flooding in a typical year by an (a)(1), (2), or (3) water. 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.
Wetland 5	0.22 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 is located in a forested depression. It is located over 350 feet from the nearest (a)(2) tributary, Mann Ditch. 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: [Artman Property Wetland Delineation report by Christopher B. Burke Engineering dated September 2019, revised November 2020.](#)
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: [Aerial and Other: Wetland Report Aerial 2016; Google Earth Aerials 5-5-2010, 10-17-2015, 3-2-2018, 10-22-2018; Delineation Report site photos 9-19-2019; USACE site photos 10-28-2020.](#)
- Corps site visit(s) conducted on: [10-28-2020](#)
- 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: [See delineation report - Boone County NRCS Soil Survey.](#)
- USFWS NWI maps: [See delineation report – USFWS NWI 2018.](#)
- USGS topographic maps: [See delineation report – USGS Lebanon, IN quad.](#)

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	FEMA FIRM Map.



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Data Source (select)	Name and/or date and other relevant information
Other Sources	StreamStats Report
Other Sources	LRL Regulatory Viewer – Hillshade LIDAR and DEM

B. Typical year assessment(s): The APT analysis was run for the consultants delineation date of 9-19-2019, and indicates that conditions were drier than normal, therefore typical year conditions were not present. However, even with drier than normal conditions, both Mann Ditch and Prairie Creek were observed to be flowing. The APT was also ran for the USACE site visit date of 10-28-2020. The APT indicates that normal typical year conditions were present. Both Mann Ditch and Prairie Creek were flowing on this date as well. This information further supports that these two streams are perennial.

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