



**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-2020-819-lcl
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Richmond County/Parish/Borough: Wayne
 Center Coordinates of Review Area: Latitude 39.8468 Longitude -84.8845

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
Wetland A	5.00	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3)
			The Middle Fork of East Fork Whitewater River is located just south of the delineated Wetland A and outside the review area. This is a perennial (a)(2)

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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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
			water only by an artificial structure allowing a direct hydrologic surface connection between the wetland and the (a)(1)-(a)(3) water, in a typical year.	tributary. Wetland A is separated from the (a)(2) tributary only by a man-made gravel road (artificial structure). Near the southwest corner of Wetland A there is a culvert under the road that allows a direct hydrological connection from the wetland to the river in a typical year. Water was observed flowing from the wetland to the river during the USACE site visit, in which normal typical year conditions were present. Therefore, Wetland A is an adjacent (a)(4) wetland.
Wetland D	0.30	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland D was delineated to the bank of the East Fork Whitewater River, an (a)(2) tributary. Therefore, Wetland D is considered an adjacent (a)(4) wetland.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland B	0.10	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is located in a closed depression over 500 feet from the nearest (a)(2) tributary. 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 C	0.79	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C is located in a closed depression over 100 feet from the nearest (a)(2) tributary. 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 E	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetland E is located in a closed depression over 500 feet from the nearest (a)(2) tributary. 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 F	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland F is located in a closed depression over 500 feet from the nearest (a)(2) tributary. 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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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: [Wetland Delineation/JD Request for Former Reid Hospital, 1401 Chester Boulevard, Richmond IN, by ERM dated September 21, 2020.](#)

This information is and is not sufficient for purposes of this AJD.

Rationale: [Provided information sufficient; however additional desktop information \(topo map, soil survey, LIDAR, additional aerials\) and site visit required to completed JD.](#)

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

Photographs: [Aerial and Other: Aerials: NAIP 2018, Google Earth 9-24-2014, 2-28-2005, 3-26-1998, Digital Globe 1-22-2020. On-site photos from ERM delineation dated 3-24-2020. USACE site visit photos 12-2-2020.](#)

Corps site visit(s) conducted on: [12-2-2020](#)

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, Wayne County, Indiana.](#)

USFWS NWI maps: [USFWS NWI Maps.](#)

USGS topographic maps: [USGS topo map, LRL Regulatory Viewer](#)

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 and LIDAR – LRL Regulatory Viewer
Other Sources	Beacon County GIS Contours

B. Typical year assessment(s): [APT analysis was ran for the delineation date of 3-24-2020, and the USACE site visit date of 12-2-2020. The APT indicates that climatic conditions were wetter than normal for the delineation date, and normal typical year conditions were present during the USACE site visit.](#)

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