



**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): 1/4/2021

ORM Number: LRL-2020-971

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Indiana City: Enter. County/Parish/Borough: Warren and Tippecanoe

Center Coordinates of Review Area: Latitude 40.454725 Longitude -87.374003

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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
UNTs 1 through 5 Mud Pine Creek, UNTs 1 through 6 Big Pine Creek, Gephart-Magee Ditch,	2,959 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNTs 1 through 5 Mud Pine Creek flow to Mud Pine Creek, UNTs 1 through 6 Big Pine Creek flows to Big Pine Creek, Gephart-Magee Ditch and UNT 1 Little Pine Creek flow to Little Pine Creek. Mud Pine Creek, Big Pine Creek, and Little Pine Creek flow to the Wabash River.

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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
UNT 1 Little Pine Creek			
Mud Pine Creek, Big Pine Creek, Holder Ditch, UNT 7 Big Pine Creek	630	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.

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
Wetlands 5, 15, 16, 19, 22, 32, and 35	0.191 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 5 abuts UNT 3 Mud Pine Creek, Wetland 15 abuts UNT 1 Big Pine Creek, Wetland 16 abuts UNT 3 Big Pine Creek, Wetland 19 abuts UNT 5 Big Pine Creek, Wetland 22 abuts UNT 6 Big Pine Creek, and Wetlands 32 and 35 abut UNT 1 Little Pine Creek. The wetlands all directly abut an (a)(2) water.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
UNT 6 Mud Pine Creek	70 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Based on the physical conditions of the streams and observations by consultant, these are ephemeral features. The stream flows only in response to rain events. The channel had a defined bed and bank and OHW mark. The stream had very little flow in the wet season. See typical year assessment below in Section III. B
Wetlands 2, 3, 4, 7, 10-12, 14, 18, 23, 28, 31, 34, 36, and 40	1.157 acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3)water.
Wetlands 1, 6, 8, 9, 13, 17, 20, 21,	0.564 acre(s)	(b)(5) Ditch that is not an (a)(1) or	These features are ditches parallel to the road that were excavated as stormwater features.

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
24-27, 29, 30, 33, 37, 38, and 39		(a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	

**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 of the U.S. Delineations State Road 26 Improvements Warren and Tippecanoe Counties, Indiana Des. No. 1400249](#)

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: waters report](#)

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: [web soil survey](#)

USFWS NWI maps: [Pine Village, Chatterton, and Otterbein 1:32,000 quads](#)

USGS topographic maps: [Pine Village, Chatterton, and Otterbein 1:32,000 quads](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">Other Sources</a>	<a href="#">N/A.</a>

**B. Typical year assessment(s):** The photos of UNT 6 Mud Pine Creek in the waters report were taken on July 19, 2019, and May 4, 2020. The Antecedent Precipitation Tool showed that July 19, 2019, was in the dry season with normal conditions and a drought index of severe wetness and that May 4, 2020, was in the wet season with wetter than normal conditions and a drought index of moderate wetness. The photos (Photos 224 through 230) show a narrow channel with very little flow. Since the May 4 photos were taken in wetter than normal conditions in the wet season and there was very little water in the channel, it was determined that the stream flows in response to rain events and is ephemeral.

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