



**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): 5/13/2021  
 ORM Number: LRL-2021-147-MKD  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: Indiana City: Ellettsville County/Parish/Borough: Monroe  
 Center Coordinates of Review Area: Latitude 39.229467 Longitude -86.642330

**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.	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.	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.	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.	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.

<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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**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
Ephemeral Stream 1	83	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 1 appears to have formed due to West Reeves Road drainage. Culverts carry water from the north of the road into Wetland 3 where the channel fans out. During the Corps' site visit the stream was pooled with no flow.
Wetland 1	0.494	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is an emergent wetland that has formed in a depressional area that formed due to the construction of Open Water 1. The wetland is drained through a culvert to the west under the neighbor's driveway. The drainage feature to the west is an intermittent tributary that flows approximately 3,500 feet to a sink hole. Wetland 1 is not adjacent to any "waters of the U.S."
Wetland 2	1.826	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is an emergent wetland that has formed in the fringes of Open Water 1. Wetland 2 is not adjacent to any "waters of the U.S."
Wetland 3	0.619	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 3 is an emergent wetland that has formed in a depressional area between West Reeves Road and the neighboring driveway. The wetland abuts a culvert under the driveway, which flows into the intermittent drainage feature that flows into a sink hole. Wetland 3 is not adjacent to any "waters of the U.S."
Open Water 1	2.388	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).	Open Water 1 is an open water pond constructed in an upland drainage pattern. The original pond was in the early 1950s. The pond's dam was rework and enlarged prior to 1998. The pond's outlet flows into Wetland 1 and through the driveway culvert into the intermittent drainage feature. Open Water 1 is not connected to any "waters of the U.S."

**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.

<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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- Information submitted by, or on behalf of, the applicant/consultant: [Request for Jurisdictional Determination, Reeves Road Property; February 5, 2021.](#)  
This information is and is not sufficient for purposes of this AJD.  
Rationale: [The submitted delineation identifies the aquatic features; however, it incorrectly determines the jurisdictional status of one of the aquatic features.](#)
- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Historic Aerials and photos submitted in the delineation.](#)
- Corps site visit(s) conducted on: [March 10, 2021](#)
- 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 WebSoil Survey](#)
- USFWS NWI maps: [USFWS NWI](#)
- USGS topographic maps: [1:24K, Whitehall](#)

**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="#">NHD Map</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 delineation report contains the results from the ATP Tool. Conditions at the time of the delineation were considered wetter than normal.](#)
- C. Additional comments to support AJD:** [The offsite intermittent drainage feature flows west from the site. According to NHD maps, the feature flows approximately 3,500 linear feet from the site to a sink hole. Topographic maps show that the sink hole is located in a large depression feature. It is unknown where or if the stream resurfaces connecting to a “water of the U.S.”](#)