



**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): 8/4/2021

ORM Number: LRL-2021-288-MKD

Associated JDs: N/A

Review Area Location¹: State/Territory: Indiana City: Mitchell County/Parish/Borough: Lawrence

Center Coordinates of Review Area: Latitude 38.75816 Longitude -86.470716

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.	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.	N/A.

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Stream 1	215	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 1 is an intermittent tributary to Rock Lick Branch. The OHWM is approximately 1 foot in width with a depth of 0.5 foot. The top of bank is approximately 4 feet in width and 1.25 feet in height. The substrate consists of bedrock with leaf pack and woody debris. The stream was flowing at the time of the delineation.
Stream 2	148	linear feet	(a)(2) Intermittent tributary contributes	Stream 2 is an intermittent tributary to Rock Lick Branch. The OHWM is approximately 4 feet in width with a depth of 9 inches. The top of bank is

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	
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	approximately 9 feet in width and 1.5 feet in height. The substrate consists of sand and silt. The stream was flowing at the time of the delineation.
Stream 3	441	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 3 is a perennial tributary to Rock Lick Branch. The OHWM is approximately 10 feet in width with a depth of 1 foot. The top of bank is approximately 22 feet in width and 3 feet in height. The substrate consists of cobble and gravel. The stream channel appears as a blue line intermittent channel on topographic maps.
Stream 6	82	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 6 is an intermittent tributary to Rock Lick Branch. The OHWM is approximately 1 foot in with a depth of 1 inch. The top of bank is approximately 10 feet in width and 4 feet in height. The substrate consists of gravel and silt. The stream was flowing at the time of the delineation.
Stream 7	287	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 7 is an intermittent tributary to Rock Lick Branch. The OHWM is approximately 2 feet in width with a depth of 2-3 inches. The top of bank is approximately 4 feet in width and 2 feet in height. The substrate consists of gravel and silt. The stream was flowing during the delineation.
Stream 8	407	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 8 is an intermittent tributary to Rock Lick Branch. The OHWM is approximately 2 feet in width with a depth of 2-3 inches. The top of bank is approximately 8 feet in width and 2 feet in height. The substrate consists of boulder slab and gravel. The stream was flowing during the delineation.
Stream 9	72	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 9 is an intermittent tributary to Rock Lick Branch. The OHWM is approximately 2 feet in width with a depth of 2-3 inches. The top of bank is approximately 8 feet in width and 2 feet in height. The substrate consists of cobble and gravel. The stream was flowing during the delineation.
Stream 10	77	linear feet	(a)(2) Intermittent tributary contributes	Stream 10 is an intermittent tributary to Rock Lick Branch. The OHWM is approximately 1 foot in width with a depth of 2-3 inches. The top of bank is



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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	approximately 8 feet in width and 2 feet in height. The substrate consists of sand and silt. The stream was flowing during the delineation.
Stream 11	1,394	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Stream 11 is a named perennial tributary (Rock Lick Branch) to the East Fork White River. The stream appears on topographic maps as a blue line stream. The OHWM is approximately 18 feet in width with a depth of 9-10 inches. The top of bank is approximately 30 feet in width and 2 feet in height. The substrate consists of cobble and gravel.

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
Wetland 3	0.13	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 3 is a scrub-shrub wetland that is adjacent to Rock Lick Branch.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 1 is a depressional forested wetland that is not adjacent to any jurisdictional waters.
Wetland 2	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is an emergent wetland that formed along side the existing roadway. Wetland 2 is not adjacent to any jurisdictional waters.
Wetland 4	0.08	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 is a forested wetland located in a depressional area in an active stone quarry. Wetland 4 is not adjacent to any jurisdictional waters.
Wetland 5	0.003	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 is a small forested wetland located in a depressional area near an access road to the stone quarry. Wetland 5 is not adjacent to any jurisdictional waters.

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 6	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 6 is an emergent wetland that has formed in a roadside ditch. Wetland 6 is not adjacent to any jurisdictional waters.
Stream 4	219	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 4 is an ephemeral stream channel that flows into a karst feature. The OHWM is approximately 6 feet in width with a depth of 6 inches. The top of bank is approximately 15 feet in width and 3 feet in height. The substrate consists of bedrock and cobble.
Stream 5	207	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 5 is an ephemeral stream channel that flows into a karst feature. The OHWM is approximately 2 feet in width with a depth of 2-3 inches. The top of bank is approximately 6 feet in width and 1 foot in height. The substrate consists of silt.
Detention Basin	0.93	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The open water pond feature was constructed in uplands and functions as part of the Lehigh Cement Manufacturing Plant stormwater treatment facility.
Stormwater Basin	0.13	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The open water pond feature was constructed in uplands and functions as part of the Lehigh Cement Manufacturing Plant stormwater treatment facility.

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: [Regulated Waters Delineation Report, Douglas-Lehigh Pipeline, Mitchell, Lawrence County, Indiana; March 2021](#)

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

Rationale: [Some of the jurisdictional calls for the identified wetlands were not correct.](#)

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

Photographs: [Aerial and Other: Google Earth Imagery and Photos submitted in the delineation.](#)



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- 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 Websoil Survey](#)
- USFWS NWI maps: [USFWS NWI](#)
- USGS topographic maps: [1:24K, Bedford East](#)

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	N/A.

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)