



**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): 5/19/2021  
 ORM Number: LRL-2021-30-MKD  
 Associated JDs: N/A or ORM numbers and identifiers (e.g. HQS-2020-00001-MSW-MITSITE).  
 Review Area Location<sup>1</sup>: State/Territory: Indiana City: Harrison County/Parish/Borough: Lanesville  
 Center Coordinates of Review Area: Latitude 38.293911 Longitude -86.014032

**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
UNT 2	340	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNT 2 is approximately 9 feet wide with 0.8-foot bank heights. UNT 2’s drainage area is approximately 26 acres. The channel was dry during the delineation; however, during the Corps’ site visit the channel was flowing.
UNT 3	485	linear feet	(a)(2) Intermittent tributary contributes	UNT 3 is approximately 28 feet wide at the top of bank with bank heights of 1 foot. UNT 3 is indicated

<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
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	as a blue line intermittent tributary on topographic maps. Water was present during the delineation.
UNT 4	218	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNT 4 is approximately 6 feet in width with a bank height of 1 foot. UNT 4's drainage area is approximately 50 acres. A karst spring feature flows into UNT 4, however, the stream was dry at the time of the delineation.
UNT 5	304	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNT 5 is approximately 10 feet in width with bank heights of 2.5 feet. UNT 5's drainage area is approximately 29 acres. The stream channel was dry at the time of the delineation.
UNT 6	898	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNT 6 is approximately 9 feet in width with banks heights of 1.6 feet. UNT 6 receives ground water flow from multiple karst features. The channel was dry at the time of the delineation.

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.

**D. Excluded Waters or Features**



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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	
UNT 1	457	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	UNT 1 is approximately 4.5 feet wide with 0.6-foot bank heights. UNT 1's drainage area is approximately 6 acres and the channel was dry during the delineation and Corps site visit.
UNT 7	69	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	UNT 7 is approximately 2.5 feet in width with bank heights of 0.6 feet. UNT 7's drainage area is approximately 4 acres. The stream channel was dry at the time of the delineation and Corps site visit.
UNT 8	151	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	UNT 8 is approximately 2.8 feet in width with bank heights of 0.8 feet. UNT 8's drainage area is approximately 8 acres. The stream channel was dry at the time of the delineation and Corps site visit.

**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 and Waters Report, Lanesville Connector-Phase III. December 28, 2020.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)
- Photographs: [Aerial and Other: Google Earth Historic Aerials and photos submitted in the delineation](#)
- Corps site visit(s) conducted on: [February 4, 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: [Crandall, 1:24K](#)

**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>

<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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- B. Typical year assessment(s):** The ATP tool was used for the dates of the delineation and Corps site visits. The conditions for the delineation date were considered wetter than normal. The conditions for the Corps site visit were considered normal.
- C. Additional comments to support AJD:** The Corps site visit was conducted February 4, 2021. The site visit was limited to UNTs 1, 2, 7, and 8 due to rainfall that started shortly after arriving at the site. UNTs 1, 7, and 8 exhibited no flow in the stream channels. UNT 2 exhibited a moderate flow with approximately 1 -3 inches of water in the channel.