



**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): 7/8/2021

ORM Number: LRL-2021-503-LCL

Associated JDs: N/A

Review Area Location¹: State/Territory: Indiana City: Pendleton County/Parish/Borough: Madison

Center Coordinates of Review Area: Latitude 40.0155 Longitude -85.7323

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 B	0.61	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.
			Wetland B extends off-site to the west and abuts Prairie Creek, a perennial (a)(2) tributary.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.15	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A is located greater than 1,000 feet from an (a)(2) water and is not adjacent. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Ephemeral Stream 1	892	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 1 is an ephemeral feature with an ordinary high water mark width of two feet and a channel depth of 0.5 feet. The dominate substrate is clay, sand, and silt. The drainage area is too small to be delineated in StreamStats, but is estimated to be just a few acres. No flow was observed during Corps site visit. Based on the drainage area, physical conditions, typical year analysis in Section III.B below, and site observations, this is an ephemeral feature and is therefore excluded.
Ephemeral Stream 2	651	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Stream 2 is an ephemeral feature with a variable ordinary high water mark width of up to three feet and a channel depth of 0.5 feet. The dominate substrate is clay, sand, and silt. The drainage area is 0.075 square miles according to StreamStats. A very small amount of flow was observed in the upper portion of the channel during the Corps site visit, but the downstream portion was dry. The APT analysis indicates the conditions were just slightly drier than normal on the site visit date of 6/16/21. However, the previous day, and other days in the week prior, the APT indicates normal conditions. Additionally, according to NOAA climatic observation records, a total of 2 inches of rainfall occurred in the week prior. Last, Ephemeral Stream 2 appears to lose all bed and bank just off-site and does not connect to any (a)(2) tributary. Based on the drainage area, physical conditions, typical year analysis, and site observations, this is an ephemeral feature and is therefore excluded.
Ephemeral Stream 3	1,178	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Ephemeral Stream 3 is an ephemeral feature with a variable ordinary high water mark width of up to four feet and a channel depth of 0.5 feet.

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
			stream, swale, gully, rill, or pool.	The dominate substrate is clay, sand, and silt. The drainage area is 0.075 square miles according to StreamStats. A small amount of flow was observed in the middle section of the channel during the Corps site visit around Wetland A, but the upstream and downstream portions were dry. The APT analysis indicates the conditions were just slightly drier than normal on the site visit date of 6/16/21. However, the previous day, and other days in the week prior, the APT indicates normal conditions. Additionally, according to NOAA climatic observation records, a total of 2 inches of rainfall occurred in the week prior. Last, Ephemeral Stream 3 flows into Stream 2, which appears to lose all bed and bank just off-site and does not connect to any (a)(2) tributary. Based on the drainage area, physical conditions, typical year analysis, and site observations, this is an ephemeral feature and is therefore excluded.
Erosional Feature 1	500	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Erosional Feature 1 was excavated from uplands between 1998 and 2003. The feature lacks a defined ordinary high water mark. The feature is isolated and does not connect to any tributary. Based on the physical conditions, typical year analysis, and site observations, this is an ephemeral feature and is therefore excluded.

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: [Begley Property Natural Resource Assessment, for M/I Homes of Indiana, by V3 Companies dated July 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: V3 Report: 2017 Aerial Imagery, Site Photos 6/2/2020. Google Earth Aerials 12/27/2016, 9/25/2019, Madison County GIS Aerial 2019, Corps Site photos 6/16/2021.](#)

Corps site visit(s) conducted on: [6/16/2021](#)

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: [Madison County Indiana Hydriil Soil Survey](#)

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

USGS topographic maps: [Anderson South Quadrangle.](#)



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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
Other Sources	NOAA Observed Climatic Conditions Records – June 2021.

B. Typical year assessment(s): APT Analysis indicated wetter than normal conditions during the dry season for the consultants delineation date of 6/2/2020. APT was run for the Corps site visit on 6/16/2021, which indicated slightly drier than normal conditions. However, the day prior (6/15/2021), as well as other days during the week prior, indicate normal typical year conditions.

C. Additional comments to support AJD: N/A.