



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): 04-FEB-2021

ORM Number: LRL-2020-00850-JWS

Associated JDs: N/A

Review Area Location¹:

State/Territory: IN City: Grandview County/Parish/Borough: Spencer County

Center Coordinates of Review Area: Latitude 37.961103 Longitude -86.992819

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
WC-06	8360 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See delineation report.
WC-06a	1617 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Water found flowing in stream during both site visits. See APT confirmation on last page. Stream responds to more than just rainfall events and flows with high water table.
WC-10	899 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See delineation report.

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.

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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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WC-12	1234 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See delineation report.
WC-B-04	742 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See delineation report.
WC-B-05	2728 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See delineation report.
WC-B-06	508 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See delineation report.
WC-C-01	2519 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See delineation report.
WC-C-04	1754 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Water found flowing in stream during both site visits. See APT confirmation on last page. Stream responds to more than just rainfall events and flows with high water table.
WC-C-35	172 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Water found flowing in stream during both site visits. See APT confirmation on last page. Stream responds to more than just rainfall events and flows with high water table.
WC-C-40	2515 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Water found flowing in stream during both site visits. See APT confirmation on last page. Stream responds to more than just rainfall events and flows with high water table.
WC-C-41	4830 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	See delineation report.
WC-C-42	2999 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Water found flowing in stream during both site visits. See APT confirmation on last page. Stream responds to more than just rainfall events and flows with high water table.
WC-C-45	1801 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Water found flowing in stream during both site visits. See APT confirmation on last page. Stream responds to more than just rainfall events and flows with high water table.
WC-C-48	1183 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Water found flowing in stream during both site visits. See APT confirmation on last page. Stream responds to more than just rainfall events and flows with high water table.
WC-C-50	1001 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Water found flowing in stream during both site visits. See APT confirmation on last page. Stream responds to more than just rainfall events and flows with high water table.

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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
WB-C-03	0.08 acres	(a)(4) Wetland abuts an (a)(1)-(a)(3) water	Wetland abuts jurisdictional stream

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
WC-01	1038 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-02	515 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-03	1990 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-04	1090 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-05	2238 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-05a	541 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-07	591 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-08	522 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-08b	274 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-09	250 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-11	2690 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-01	1840 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.

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WC-B-02	96 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-07	1194 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-08	234 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-09	418 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-10	1148 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-11	237 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-12	164 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-13	88 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-B-14	200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-02	922 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-03	326 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-05	254 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-06	124 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-07	154 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-08	272 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-09	66 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-10	194 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-11	558 feet	(b)(3) Ephemeral feature, including	See delineation report.

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WC-C-12	98 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-13	88 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-14	102 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-15	243 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-16	89 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-17	317 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-18	328 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-19	831 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-20	77 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-21	909 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-22	1605 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-23	100 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-24	58 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-25	163 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-26a	548 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-26b	230 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-27	94 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully,	See delineation report.

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		rill, or pool	
WC-C-28	87 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-29	63 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-30	413 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-31	105 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-32	97 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-33	665 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-34	70 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-36	1366 feet	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1)	See delineation report.
WC-C-37	1455 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-38	79 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-39	627 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-43	777 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-44	157 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-46	1163 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-47	91 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-49	416 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-51	148 feet	(b)(3) Ephemeral feature, including	See delineation report.

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WC-C-52	99 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WC-C-53	48 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	See delineation report.
WB-01	0.2 acres	(b)(1) Non-adjacent wetland	Adjacent wetland near an ephemeral stream
WB-02	0.1 acres	(b)(1) Non-adjacent wetland	Adjacent wetland near an ephemeral stream
WB-03	0.11 acres	(b)(1) Non-adjacent wetland	Adjacent wetland near an ephemeral stream
WB-04	0.54 acres	(b)(1) Non-adjacent wetland	Wetland located in the draw of an upland location
WB-05	0.25 acres	(b)(1) Non-adjacent wetland	Wetland located in the draw of an upland location
WB-06	0.06 acres	(b)(1) Non-adjacent wetland	Adjacent wetland near an ephemeral stream
WB-07	0.04 acres	(b)(1) Non-adjacent wetland	Wetland adjacent to an intermittent stream
WB-08	0.07 acres	(b)(1) Non-adjacent wetland	Wetland drained by WASCOB in farm field
WB-B-01	0.23 acres	(b)(1) Non-adjacent wetland	PUB pond located in uplands
WB-B-02	0.37 acres	(b)(1) Non-adjacent wetland	Wetland does not abut jurisdictional water
WB-B-03	0.2 acres	(b)(1) Non-adjacent wetland	Farmed wetland, not abutting a jurisdictional water
WB-C-01	1.6 acres	(b)(1) Non-adjacent wetland	PUB pond is connected to non-jurisdictional waters
WB-C-02	1.59 acres	(b)(1) Non-adjacent wetland	PUB pond in uplands. No jurisdictional connection
WB-C-04	1.29 acres	(b)(1) Non-adjacent wetland	PUB pond in uplands. No jurisdictional connection
WB-C-05	0.17 acres	(b)(1) Non-adjacent wetland	PUB pond in uplands. No jurisdictional connection
WB-C-06	0.06 acres	(b)(1) Non-adjacent wetland	Wetland located in uplands, no jurisdictional connection
WB-C-07	0.23 acres	(b)(1) Non-adjacent wetland	PUB pond in uplands. No jurisdictional connection
WB-C-08	0.85 acres	(b)(1) Non-adjacent wetland	Wetland swale not connected to a jurisdictional water
WB-C-09	0.16 acres	(b)(1) Non-adjacent wetland	Wetland does not abut jurisdictional water
WB-C-10	0.54 acres	(b)(1) Non-adjacent wetland	PUB pond in uplands. No jurisdictional connection
WB-C-11	0.84 acres	(b)(1) Non-adjacent wetland	Wetland does not abut a jurisdictional water
WB-C-12	0.24 acres	(b)(1) Non-adjacent wetland	Wetland located in uplands, no jurisdictional connection
WB-C-13	0.12 acres	(b)(1) Non-adjacent wetland	PUB is not connected to a jurisdictional water

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: *Grandview Solar Project, Final Submittal dated 04 FEB 2021*

This information **IS** sufficient for purposes of this AJD.

Rationale: *N/A*

Data sheets prepared by the Corps: *Stream Stats*

Photographs: *Site visit photos, 19 NOV 2020, 03 FEB 2021*

Corps Site visit(s) conducted on: *Date(s). 19 NOV 2020, 03 FEB 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: *See delineation packet.*

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 independent 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.

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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- USFWS NWI maps: *RegViewer Access 18 NOV 2020*
 USGS topographic maps: *RegViewer Access 18 NOV 2020*

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):** Initial APT was ran to compare the conditions at the time of the delineation. Normal conditions were present during the week of 18 NOV 2019 and 13 AUG 2020 when Westwood conducted the delineation. The APT calculator was then ran for both field visits conducted by the Corps Project Manager. The initial site visit on 19 NOV 2020 was found to be in conditions that were “wetter than normal.” A second site visit was conducted during normal conditions on 03 FEB 2021.
- C. Additional comments to support AJD:** N/A

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 and 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.

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