



**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): 7/14/2020
 ORM Number: LRL-2020-492-LCL
 Associated JDs: N/A.
 Review Area Location¹: State/Territory: Indiana City: Rushville County/Parish/Borough: Rush
 Center Coordinates of Review Area: Latitude 39.65537 Longitude -85.54466

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
Little Blue River	42	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			The Little Blue River is a perennial stream that flows year-round in a typical year. The river drains 420 square miles and flows into the Big Blue River, which flows into Sugar Creek, then into Driftwood River, then into East Fork White River, which eventually becomes a TNW.

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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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 1	0.1	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland 1 was delineated to the top of bank of the Little Blue River on the site. Therefore, it is abuts an (a)(2) water.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 2	247	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 2 was reported as having an OHWM width of 1 foot and depth of 2 inches, with a bed consisting of soil. The feature does not show any sign of channelization. The feature does not show up as a NHD stream feature, and does not have a delineated basin in StreamStats. The feature is too small to be seen on any aerial photography. The feature only conveys water in response to precipitation. See Section III.B. below for typical year discussion.
Wetland 2	0.08	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 2 is located approximately 500 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)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.

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: [Water Resources Delineation Report, NE of Intersection of CR 580W & CR 300N, Rush County, Indiana, for Jerry Stevens, by Davey Resource Group dated May 14, 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: [Select. Title\(s\) and/or date\(s\).](#)
- 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.*](#)

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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- USDA NRCS Soil Survey: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

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	StreamStats Report obtained 7/13/20
Other Sources	NOAA Record of Climatological Observations obtained 7/14/20

B. Typical year assessment(s): The Antecedent Precipitation Tool (APT) was used to evaluate climatic conditions for the date the consultant completed the delineation field work, April 27, 2020. The APT analysis shows that precipitation and climatic conditions were within the normal periodic range, therefore typical year conditions were present. Additionally, NOAA rainfalls records were obtained from the closest weather station for dates prior to the site visit. Records show 0.78 inches of precipitation fell during the 3 days prior to the site visit, and 0.04 inches fell on the date of the site visit. Based on site photos in the delineation report, some puddles of water were present in Stream 2 during the field delineation, but it was not flowing. As typical year conditions were present, and no flow was observed in Stream 2 following 0.78 inches of rainfall in the preceding 3 days, the assessment provides further evidence that Stream 2 is an ephemeral feature.

C. Additional comments to support AJD: [N/A](#) or provide additional discussion as appropriate.