



**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): 7/2/2021
 ORM Number: LRE-2019-01000-117
 Associated JDs: LRE-2019-01000-117 PJD
 Review Area Location¹: State/Territory: Indiana City: Avilla County/Parish/Borough: Noble
 Center Coordinates of Review Area: Latitude 41.365570 Longitude -85.203830

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
Yarde Drain	2568 on-site	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Yarde Drain, is a perennial feature approximately 2568 feet long within the review. See Section III.C. for additional information.

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
N/A.	N/A.	N/A.	N/A.	N/A.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland A	0.238	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A, is described in the Wetland Delineation Report, as a emergent wetland approximately 0.238 acres in size. Based on the site inspection, review of the applicable USGS Topographic maps, aerial imagery, and National Hydrological drainage maps, Wetland A, is located close to Yarde Drain, an (a)(2) water. Based upon the site inspection, the wetland does not directly abut Yarde Drain and is not physically separated by a natural feature from Yarde Drain, nor is it physically separated by an artificial structure, dike, barrier, etc., that has a direct hydrologic connection. However, the wetland lies within FEMA mapped AE flood zone (1% annual chance of flooding), indicating the geographic location of Wetland A can be inundated by floodwater from Yarde Drain. However, review of applicable aerial photos did not indicate that Wetland A is inundated by flood water from Yarde Drain in a typical year. No physical evidence (wrack line, etc..) was observed during the site visit to support inundation by flood water
Stream B	445	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Stream B is newly constructed feature that conveys stormwater away from a newly constructed access road. Stream B was constructed in uplands and not in a jurisdictional water, this is based on review the applicable resources maps.

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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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 Report from Nulnventa dated 4/26/21 and revised report dated 5/25/21.](#)

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: Site photos by consultant \(4/20/2021\); \(Google Earth, see delineation report\); 2017 Indiana Ortho, 2005 aerial image](#)

Corps site visit(s) conducted on: [May 19, 2021](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [LRE-2019-01000-117 \(PJD\)](#)

Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)

USDA NRCS Soil Survey: [Web Soil Survey, Noble County \(see delineation report\)](#)

USFWS NWI maps: [NWI wetlands mapper \(see delineation report\)](#)

USGS topographic maps: [7.5 minute, Garrett quad \(see delineation report\)](#)

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): [The Antecedent Precipitation Tool \(APT\) pulls precipitation data from NOAA's Daily Global Historical Climatology Network. The APT evaluates normal precipitation conditions based on the three 30-day periods preceding the observation date. For each period, a weighted condition value is assigned by determining whether the 30-day precipitation total falls within, above, or below the 70th and 30th percentiles for totals from the same date range over the preceding 30 years. The APT then makes a determination of "normal," "wetter than normal," or "drier than normal" based on the condition value sum. The APT also displays results generated via the Palmer Drought Severity Index \(PDSI\) and the University of Delaware WebWIMP. Due to data availability, the APT scope was set at single point to ensure the APT had the necessary data. The typical year analysis used the rule recommended periodic range of the three, 30-day periods preceding the observation date. The APT was run for May 19, 2021 site visit. Water was observed within Yarde Drain during the site investigation. APT results show the site visit was conducted during the wet season per the WebWIMP. The PDSI shows that a moderate drought was occurring, so climatic conditions were not normal. Precipitation was normal when compared to the 30-year average. The presence of flowing water within the stream channel when precipitation is normal and climatic conditions are drier than normal due to moderate drought conditions, substantiates that Yarde Drain has at least intermittent flow.](#)

C. Additional comments to support AJD: [During the May 19, 2021 field investigation, it was observed that Yarde Drain exhibits an Ordinary High Water Mark \(OHWM\) and has a defined bed and bank, which](#)



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supports at least intermittent flow. The drain is also mapped as a blue line stream on USGS Topographic maps which indicates at least intermittent flow. The U.S. Fish and Wildlife Survey's NWI maps Yarde Drain within the review area as R2 Lower Perennial stream features and the NRCS Web Soil Survey for Noble maps the resources as a stream, both of which support that Yarde Drain has at least intermittent flow.