



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): March 15, 2021
ORM Number: LRE-2021-00171-102-J21
Associated JDs: N/A
Review Area Location¹: The project site is an agricultural parcel immediately adjacent to 24715 Flatrock Road
State/Territory: Indiana City: Monroeville County/Parish/Borough: Allen County
Center Coordinates of Review Area: Latitude 40.967843 Longitude -84.817226

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

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N/A	N/A	N/A	N/A
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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
Bowers, Stream	1200 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	Bowers, Stream, is an ephemeral feature approximately 1,200 feet long within the review area. Known locally as Scott Drain (Allen County GIS Engineering Viewer) and depicted as Scott Ditch on USGS Topographic maps, the stream originates from a small culvert beneath Flatrock Road and continues north until heading northwest outside the review area in the direction of Morgan Road. See Section III.C. for additional information.

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: *Title(s) and date(s)*.

This information (*is/is not/is and is not*) sufficient for purposes of this AJD.

Rationale: *N/A*.

___ Data sheets prepared by the Corps: *N/A*.

XX Photographs: *Indiana NAIP Aerial Imagery July 09, 2014; DigitalGlobe Aerial Imagery July 01, 2019, April 16, 2020; Site Inspection Photographs, February 26, 2021.*

XX Corps Site visit(s) conducted on: *February 26, 2021.*

Previous Jurisdictional Determinations (AJDs or PJDs): *N/A*.

XX Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*

XX USDA NRCS Soil Survey: *NRCS Web Soil Survey, Allen County.*

XX USFWS NWI maps: *USFWS Online Wetlands Mapper (NWI).*

XX USGS topographic maps: *1:24,000, IN-Dixon, 1960, 2010.*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrography Dataset, Accessed February 2021.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	U.S. Army Corps of Engineers, Detroit District Regulatory Viewer, Accessed February/March 2021.
State/Local/Tribal Sources	Allen County GIS Engineering Viewer, Accessed February/March 2021.
Other Sources	Google Earth, Accessed February/March 2021; National Weather Service Daily Climatological Report for February 26, 2021.

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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 APT was run for February 26, 2021, July 09, 2014, July 01, 2019, and April 16, 2020, to correspond with the date of the Corps site inspection, NAIP aerial imagery, and DigitalGlobe aerial imagery used to determine if Scott Ditch conveyed more than ephemeral flow.

APT results for the July 09, 2014, NAIP aerial image indicate the image was taken during a period that is considered the Dry Season per the WebWIMP. Precipitation was considered "Wetter than Normal" when compared to the 30-year average. Water appeared to be present in some parts of Scott Ditch within the review area on the date the aerial image was taken. However, other reaches of Scott Ditch within the review area appeared to be absent water. The lack of observed water throughout the stream channel within the review area in wetter than normal conditions supports that Scott Ditch does not convey more than ephemeral flow.

APT results for the July 01, 2019, DigitalGlobe aerial image indicate the image was taken during a period that is considered the Dry Season per the WebWIMP. Precipitation was considered "Wetter than Normal" when compared to the 30-year average. The PDSI, indicates that conditions of "Extreme wetness" were present at the time the aerial photograph was taken. No water was observed within Scott Ditch in the review area at the time the aerial image was taken. The absence of observable water within the stream channel within the review area in wetter than normal conditions, and when climatic conditions were also wetter than normal, substantiates that Scott Ditch does not convey more than ephemeral flow.

APT results for the April 16, 2020, DigitalGlobe aerial image indicate the image was taken during a period that is considered the Wet Season per the WebWIMP. Precipitation was considered "Normal" when compared to the 30-year average. The PDSI indicates that conditions of "Severe wetness" were present at the time the aerial photograph was taken. No water was observed within Scott Ditch in the review area on the date the aerial image was taken. The absence of observable water within the

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stream channel within the review area in wetter than normal conditions, and when climatic conditions are also wetter than normal, substantiates that Scott Ditch does not convey more than ephemeral flow

APT results of the February 26, 2021, site inspection date indicate the site was observed during a period that is considered the Wet Season per the WebWIMP. Precipitation was considered “Drier than Normal” when compared with the 30-year average. The PDSI indicates that “Mild Drought” conditions were present at the time of the Corps inspection. Water was observed pooling within Scott Ditch immediately north of Flatrock Road. However, downstream of the review area, water was not observed east of Morgan Road.

C. Additional comments to support AJD:

The evidence supports that Scott Ditch flows only in response to precipitation events and annual snow melt. Water was observed in parts of Scott Ditch within the review area during the time of the Corps site inspection, as well as during review of aerial imagery dated July 09, 2014. However, no evidence was observed during the site inspection or review of aerial imagery that would confirm consistent flow through the entire reach of Scott Ditch within the review area on either of these observation dates.

APT results of the February 26, 2021, site inspection date indicate that precipitation was considered “Drier than Normal”. However, the APT is limited in its ability to address contributions of water from the existing snowpack observed in the area. The National Weather Service Daily Climatological Report for February 26, 2021, indicates the review area had received 17.3 inches of snow during the month of February prior to the inspection date, which is a 10-inch departure from the normal value of 7.3 inches during the climate normal period of 1981 – 2010. A high temperature of 41 degrees Fahrenheit was observed on the day of the site inspection and existing snow within Scott Ditch and surrounding areas was noted to be melting during the inspection. Water was not observed flowing in Scott Ditch within the review area during the inspection. Water was observed pooling in various locations within the ditch channel, while other sections remained dry.

APT results of the July 01, 2019, and April 16, 2020, indicate the images were taken during periods of “Extreme” and “Severe” wetness according to the Palmer Drought Severity Index, yet no water was observed to be present within Scott Ditch in either aerial image. The absence of water under conditions of “extreme” and “severe” wetness, as well as during the wet season with respect to the April 16, 2020, aerial image, provides supporting evidence that Scott Ditch, within the review area, only conveys ephemeral flow immediately after precipitation events and does not meet tributary flow requirements. Further, the landowner has provided anecdotal evidence describing Scott Ditch as dry most of the time and reported observing water flowing in the ditch after rain.

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Given the evidence described above, Scott Ditch conveys only ephemeral flow and therefore meets the (b)(3) exclusion and is not a Water of the United States within the review area.

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