



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): 27-APR-2021

ORM Number: LRE-2021-00280-100-J21

Associated JDs: N/A

Review Area Location¹:

State/Territory: Indiana City: Roselawn County/Parish/Borough: Newton/Jasper County

Center Coordinates of Review Area: Latitude 41.164071 Longitude -87.271488

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
INDOT, Stream 1	967 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 1 (Described as UNT 1 to Otis Ditch in the Waters Determination Report), is an intermittent feature approximately 967 feet long within the review area and flows north along C.R. 1100 West. See Section III.C. for additional information.
INDOT, Stream 2	4358 feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 2 (Described as Otis Ditch in the Waters Determination Report), is a perennial feature approximately 4358 feet long within the review area. See Section III.C. for additional information.
INDOT, Stream 3	19 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1)	Stream 3 (Described as UNT 2 to Otis Ditch in the Waters Determination Report), is an intermittent feature approximately 19 feet long within the review area.

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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		water in a typical year	Stream 3 flows west into the review area and its confluence with Otis Ditch. See Section III.C. for additional information.
INDOT, Stream 4	13 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 4 (Described as UNT 3 to Otis Ditch in the Waters Determination Report), is an intermittent feature approximately 13 feet long within the review area. Stream 4 flows east into the review area and its confluence with Otis Ditch. See Section III.C. for additional information.
INDOT, Stream 5	13 feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year	Stream 5 (Described as UNT 4 to Otis Ditch in the Waters Determination Report), is an intermittent feature approximately 13 feet long within the review area. Stream 5 flows west into the review area and its confluence with Otis Ditch. See Section III.C. for additional information.

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
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
INDOT, Wetland A	0.004 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland B	0.01 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland C	0.006 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland D	0.175 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Open Water 1/Wetland E	0.81 acres	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Per the Jasper County Soil Survey, the pond was excavated out of upland soil. Review of applicable resource maps does not indicate that the pond is an impoundment of a jurisdictional water as no tributaries were observed within the vicinity of INDOT, Open Water 1/Wetland E in any of the reviewed resources.
INDOT, Wetland F	0.016 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.

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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.

XX Information submitted by, or on behalf of, the applicant/consultant: *“Waters Determination Report: Kankakee Rest Area Reconstruction and Expansion along NB and SB I-65”*, prepared by Metric Environmental, LLC., dated February 03, 2021.

This information is sufficient for purposes of this AJD.

Rationale: *N/A*.

Data sheets prepared by the Corps: *Title(s) and/or date(s)*.

XX Photographs: *Waters Determination Report*, Site Photographs, October 04, 09, 10, 2019.

Corps Site visit(s) conducted on: *N/A*.

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

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

XX USDA NRCS Soil Survey: *Waters Determination Report, Exhibit 4, NHD Flowline, NWI Wetland, and NRCS Soil Survey Map.*

XX USFWS NWI maps: *Waters Determination Report, Exhibit 4, NHD Flowline, NWI Wetland, and NRCS Soil Survey Map.*

XX USGS topographic maps: *1:24,000, IN-Shelby, 1959, 1992, 2016.*

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	U.S. Army Corps of Engineers, Detroit District Regulatory Viewer, Accessed April 2021
State/Local/Tribal Sources	Beacon GIS Jasper County and Newton County, Accessed April 2021
Other Sources	Google Earth, Accessed April 2021; NAIP Aerial Imagery, October 27, 2014

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.

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The APT was run for October 27, 2014, and October 10, 2019, to correspond with NAIP aerial imagery and site photographs used to determine if INDOT, Streams 1 – 5 met the definition of (a)(2) waters. APT results for the October 27, 2014, NAIP aerial image indicate the image was taken during a period that is considered the Wet Season per the WebWIMP. Precipitation was considered “Wetter than Normal” when compared to the 30-year average. Water was observed within Otis Ditch (INDOT, Stream 2) and all its tributaries within the review area (INDOT, Stream 1; INDOT, Stream 3; INDOT, Stream 4; and INDOT, Stream 5) in the aerial image. APT results corresponding with the October 10, 2019, site photographs submitted with the Waters Determination Report, indicate the images were taken during a period that is considered the Wet Season per the WebWIMP. Precipitation was considered “Normal Conditions” when compared with the 30-year average. The Palmer Drought Severity Index (PDSI), indicate that “Moderate Wetness” conditions were present at the time the October 10, 2019, site photographs were taken. Water was observed within all tributaries within the review area at the time the site photographs were taken.

C. Additional comments to support AJD:

The geographic location of Wetlands A, B, C, D, and F, in relation to the nearest tributary, do not meet the definition of an adjacent wetland. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Waters Determination Report submitted by the applicant. Wetlands A, B, C, D, and F, do not directly abut an (a)(1) – (a)(3) water, and are not physically separated by a natural feature from an (a)(1) – (a)(3) water, nor are they physically separated by an artificial structure, dike, barrier, etc., that has a direct hydrologic connection to a (a)(1) – (a)(3) water in a typical year. The nearest FEMA mapped AE flood zone (1% annual chance of flooding) is approximately 1.5 miles north of the review area, indicating the geographic location of Wetlands A, B, C, D, and F preclude inundation by floodwater in a typical year from a (a)(1) – (a)(3) water.

Otis Ditch (INDOT, Stream 2) exhibits an Ordinary High Water Mark (OHWM), a defined bed and bank, and is mapped as a blue line stream feature on USGS Topographic maps dated 1959, 1992, and 2016; indicating at least intermittent flow. The unnamed tributaries to Otis Ditch (INDOT, Stream 1; INDOT, Stream 3; INDOT, Stream 4; and INDOT, Stream 5) within the review area, also exhibit OHWMs and defined bed and banks. The unnamed tributaries are mapped as dashed blue line stream features on USGS Topographic maps dated 1959, 1992, and 2016, indicating the streams exhibit at least intermittent flow. The U.S. Fish and Wildlife Survey's NWI maps Otis Ditch and its unnamed tributaries within the review area as R2 Lower Perennial stream features and the NRCS Web Soil Survey for Jasper County maps the resources as stream features.

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The referenced maps, delineation report, and other applicable resources, including the APT, support that Otis Ditch (INDOT, Stream 2) and its unnamed tributaries (INDOT, Stream 1; INDOT, Stream 3; INDOT, Stream 4; and INDOT, Stream 5) have at least intermittent flows, with the resources supporting that Otis Ditch has perennial flow. No cessation of flow was observed in any of the resources used and all the tributaries identified contribute flow to the Kankakee River, a TNW ((a)(1) water).

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