



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): 16-JUL-2021

ORM Number: LRE-2021-00328-137-J21

Associated JDs: N/A

Review Area Location¹: I-65 transportation corridor between Fair Oaks and Rensselaer

State/Territory: Indiana City: Fair Oaks/Rensselaer County/Parish/Borough: Jasper County

Center Coordinates of Review Area: Latitude 41.00933 Longitude -87.263563

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
N/A	N/A	N/A	N/A

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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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
INDOT, UNT 1	15 feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool	UNT 1 enters the review area at the outlet of a culvert located approximately 0.74 miles north of CR 200 South. The stream flows northeast for 15 linear feet before exiting the review area towards an area exhibiting wetland characteristics. See Section III.C. for additional information.
INDOT, Wetland A	0.049 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland AA	0.042 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland B	0.083 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland BB	0.279 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland C	0.03 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland CC	0.011 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland D	0.034 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland DD	0.051 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland E	0.013 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland EE	0.069 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland F	0.032 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland FF	0.052 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland G	0.024 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland GG	0.022 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland H	0.035 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland HH	0.048 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland I	0.031 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland II	0.022 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland J	0.106 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.

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INDOT, Wetland JJ	0.043 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland K	0.079 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland KK	0.017 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland L	0.077 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland LL	0.002 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland M	0.04 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland MM	0.01 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland N	0.019 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland NN	0.002 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland O	0.018 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland OO	0.011 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland P	0.01 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland PP	0.04 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland Q	0.029 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland QQ	0.068 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland R	0.01 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland RR	0.023 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland S	0.152 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland T	0.016 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland U	0.008 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland V	0.033 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland W	0.036 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland X	0.163 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland Y	0.042 acres	(b)(1) Non-adjacent wetland	See Section III.C. for additional information.
INDOT, Wetland Z	0.032 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: *“Wetland Delineation and Waters Report – I-65 Roadway Improvement Project”*, prepared by American Structurepoint, Inc., dated October 27, 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)*.

XX Photographs: *Wetland Delineation and Waters Report – I-65 Roadway Improvement Project, Appendix D, Photographs, 2020*.

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

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

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

XX USDA NRCS Soil Survey: *Wetland Delineation and Waters Report – I-65 Roadway Improvement Project, Appendix C, Figure 3, Jasper County Mapped Soils*.

XX USFWS NWI maps: *Wetland Delineation and Waters Report – I-65 Roadway Improvement Project, Appendix C, Figure 4, NWI and FEMA 100-Year Floodplain*.

XX USGS topographic maps: *1:24,000, IN-Rensselaer, IN-Fair Oaks, IN-Mount Ayr, 1961, 1962, 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 June 2021.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	U.S. Army Corps of Engineers, Detroit District Regulatory Viewer, Accessed June 2021.
State/Local/Tribal Sources	Beacon GIS Jasper County, Accessed June 2021 obtained aerial photographs 2015 and 2018.
Other Sources	N/A.

B. Typical year assessment(s): *N/A*.

C. Additional comments to support AJD:

INDOT, Unnamed Tributary (UNT) 1 only flows in response to precipitation events. The U.S. Fish and Wildlife Service National Wetland Inventory (NWI), the Natural Resources Conservation Service (NRCS) Web Soil Survey, nor the 1961 and 2010 U.S. Geological Survey (USGS) Topographic maps indicate a stream feature in the vicinity of UNT 1. County drainage maps do not provide evidence that

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UNT 1 provides for more than ephemeral flow. The applicable resources reviewed also do not indicate that UNT 1 contributes surface water flow to a downstream (a)(1) water.

Wetland U is perched atop Kasta Ditch (a potential (a)(2) water) as Kasta Ditch flows through a culvert under I-65. The culverted section of Kasta Ditch is a non-jurisdictional water due to its subsurface location within a culvert, thus Wetland U does not abut Kasta Ditch. Wetland U is located within the median of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetland to construct the interstate. No evidence was found during review of the applicable resources to support that Wetland U is physically separated from Kasta Ditch by an artificial structure, dike, barrier, etc., that has a direct hydrologic connection in a typical year. Wetland U is in close proximity to Kasta Ditch, however no evidence was found in the applicable resources to support that the wetland is inundated by flood waters in a typical year from Kasta Ditch.

Wetlands RR & O - The geographic location of both Wetland RR & O in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. Both wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, they are not 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 potential (a)(2) water (an Unnamed Tributary to Curtis Creek) is located approximately 0.1 miles southwest. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from the Unnamed Tributary to Curtis Creek.

Wetlands R, Q, L, M, QQ, N, & P - The geographic location of Wetlands R, Q, L, M, QQ, N, & P in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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 potential (a)(2) water (Kasta Ditch) is located approximately 0.5 miles south. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

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Wetlands S & T - The geographic location of Wetlands S & T in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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. Wetland T and Wetland S are located within close proximity of Kasta Ditch (a potential (a)(2) water). No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

Wetlands K, PP, J, OO, & V - The geographic location of Wetlands K, PP, J, OO, & V in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located in the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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 potential (a)(2) water (Kasta Ditch) is located approximately 0.5 miles east. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

Wetlands I, H, & W - The geographic location of Wetlands I, H, & W in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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 potential (a)(2) water (Kasta Ditch) is located approximately 0.25 miles east. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

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Wetlands F, MM, X, G, & NN - The geographic location of Wetlands F, MM, X, G, & NN in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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 potential (a)(2) water (Kasta Ditch) is located approximately 0.1 miles east. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

Wetlands E, LL, & KK - The geographic location of Wetlands E, LL, & KK in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. Both wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Both wetlands are not 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. Wetlands E and LL are located within close proximity to Kasta Ditch (a potential (a)(2) water). No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

Wetlands D, JJ, II, C & HH - The geographic location of Wetlands D, JJ, II, C & HH in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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 potential (a)(2) water (Kasta Ditch) is located approximately 300 feet east. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

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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.



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

Wetlands B, Y, & GG - The geographic location of Wetlands B, Y, & GG in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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 potential (a)(2) water (Kasta Ditch) is located approximately 250 feet east. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

Wetlands Z & FF- The geographic location of Wetlands Z and FF in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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 potential (a)(2) water (Kasta Ditch) is located approximately 250 feet east. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

Wetlands A, AA, BB, CC, DD, & EE - The geographic location of Wetlands A, AA, BB, CC, DD, & EE in relation to the nearest tributaries, do not meet the definition of adjacent wetlands. This is based upon review of the applicable USGS Topographic maps, aerial imagery, county drainage maps, and information contained in the Wetland Delineation and Waters Report submitted by the applicant. The wetlands are surrounded by uplands and do not directly abut an (a)(1) – (a)(3) water. The wetlands are located within the median/right-of-way of an interstate highway, which precludes separation by a natural feature due to the significant alterations surrounding the wetlands to construct the interstate. Based on review of the applicable resources, the wetlands are not 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 potential (a)(2) water (Kasta Ditch) is located approximately 900 feet east. No evidence was found in the applicable resources to support that the wetlands are inundated by flood waters in a typical year from Kasta Ditch.

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.