



**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): 4/13/2021
 ORM Number: LRL-2017-1101
 Associated JDs: Original JD for LRL-2017-1101
 Review Area Location¹: State/Territory: Indiana City: Zionsville County/Parish/Borough: Boone
 Center Coordinates of Review Area: Latitude 39.9836 Longitude -86.2661

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
S101	469	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
S102	667	linear feet	(a)(2) Intermittent tributary contributes

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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Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
		surface water flow directly or indirectly to an (a)(1) water in a typical year.	
S105i	633	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Upper portion of the channel was determined to be intermittent, while lower portion of the channel developed into ephemeral channel as more water moved off into adjacent wetlands.
S106	7,000	linear feet (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Perennial stream (Gem Creek) carrying downstream flow.
S114	1,345	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent channel flows to Gem Creek to the White River
S121	8,186	linear feet (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Perennial Stream (Eagle Creek) carries perennial flow downstream
S122i	1,483	linear feet (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Upper portion of the channel was determined to be ephemeral, and then transitioned to intermittent channel where ground water seep was observed directly feeding the stream with flow.
S125i	187	linear feet (a)(2) Intermittent tributary contributes	Lower 187 linear feet of channel determined to be intermittent connected to Eagle Creek



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(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
			surface water flow directly or indirectly to an (a)(1) water in a typical year.	
S133	2,044	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent channel that flows more than in response to rain events.
S201	4,144	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Intermittent channel that flows more than in response to rain events. Same stream as S133 but in a different part of the review area and assigned another site ID.

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 102	0.01	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Cox Creek (S133)
Wetland 106	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Gem Creek (S106)
Wetland 108	0.05	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Gem Creek (S106)
Wetland 109	0.15	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to unnamed tributary to Gem Creek (S114)
Wetland 111	0.06	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected Gem Creek (S106)
Wetland 112	0.26	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to unnamed tributary to Gem Creek (S106)



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Adjacent wetlands ((a)(4) waters):				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
Wetland 113	0.73	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to unnamed tributary to Gem Creek (S106)
Wetland 114	0.40	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to unnamed tributary to Gem Creek (S114)
Wetland 116	6.29	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to unnamed tributary to Eagle Creek (S121)
Wetland 201	0.15	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Cox Creek (S201)
Wetland 202	0.11	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Cox Creek (S201)
Wetland 203	0.04	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Cox Creek (S201)
Wetland 204	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Cox Creek (S201)
Wetland 205	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Cox Creek (S201)
Wetland 207	0.07	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Adjacent and hydrologically connected to Cox Creek (S201)

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 101	0.55	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.
Wetland 103	0.10	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.
Wetland 104	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.
Wetland 105	0.72	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.

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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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 107	0.14	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.
Wetland 110	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.
Wetland 115	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.
Wetland 117	0.33	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.
Wetland 206	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland not hydrologically connected to an intermittent or perennial stream.
S103	492	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S104	654	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S105e	230	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S107	558	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S108	136	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S109	313	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S110	123	linear feet	(b)(3) Ephemeral feature, including	Ephemeral Feature carrying flow only after rain events.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			an ephemeral stream, swale, gully, rill, or pool.	
S111	553	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S112	110	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S113	140	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S115	593	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S116	321	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S117	96	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S118	167	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S119	289	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S120	447	linear feet	(b)(3) Ephemeral feature, including an ephemeral	Ephemeral Feature carrying flow only after rain events.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			stream, swale, gully, rill, or pool.	
S122e1	738	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S122e2	283	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S123	144	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S124	163	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S125e	705	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S126	538	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S127	173	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S128	94	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S129	1,803	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
S130	424	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S131	202	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S132	332	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S202	225	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S203	363	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S204	316	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S205	909	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S206	445	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S207	231	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral Feature carrying flow only after rain events.
S208	25	linear feet	(b)(3) Ephemeral feature, including	Ephemeral Feature carrying flow only after rain events.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
		an ephemeral stream, swale, gully, rill, or pool.	

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: [Holiday Properties Regulated Waters Report September 15 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: [Aerial and Other: Aerial and site photographs provided in the Holidays Properties Reguated Waters Report dated September 15, 2020](#)

Corps site visit(s) conducted on: [August 25, 2020](#)

Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).

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

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.
CorpsMap ORM Map Layers	ORM Aerial Data, and ORM Topo maps
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [Site Visit was conducted on August 25, 2020. Running the APT data for that day, the visit occurred during the dry season, under normal conditions. The drought index indicated mild wetness. Observations in the field were made under typical year conditions.](#)

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