



**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): 11/12/2020  
 ORM Number: LRL-2020-643-sjk  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: IN City: Noblesville County/Parish/Borough: Hamilton  
 Center Coordinates of Review Area: Latitude 39.9909 Longitude -85.9444

**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)<sup>2</sup>**

§ 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): <sup>3</sup>			
(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
Section VIA (Sand Creek)	1,300 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Sand Creek is a perennial stream that provides year-round flow to Mud Creek, which flows into Fall Creek, which flows into White River (TNW).
Section VIB (Sand Creek)	1,844 linear feet	(a)(2) Perennial tributary contributes	Sand Creek is a perennial stream that provides year-round flow to Mud Creek, which flows into Fall Creek, which flows into White River (TNW).

<sup>1</sup> Map(s)/figure(s) are attached to the AJD provided to the requestor.

<sup>2</sup> 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.

<sup>3</sup> 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.	

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
Section VIA	3.83 acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland developed within a floodplain shelf and abuts Sand Creek, an (a)(2) water.

**D. Excluded Waters or Features**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Section I	3.59 acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located along an abandoned portion of Boden Road. It is not adjacent to nor is inundated in a typical year by an (a)(1)-(a)(3) water. However, the southern portion of the delineated wetland is associated with compensatory mitigation for LRL-2008-1468.
Section IIA	0.19 acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located along the former location of Boden Road in a topographically lower area that receives only runoff from adjacent agricultural land. It is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section IIB	0.14 acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located along the former Boden Road in a topographically lower area that receives only runoff from adjacent agricultural land. It is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section III	0.16 acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located within an agricultural swale. It is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.

<sup>4</sup> 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.

<sup>5</sup> 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)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Section IV	0.09	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located within an agricultural swale. It is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section V	0.06	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	This basin was constructed in 2007 in dry land to detain stormwater from surrounding parcels. The basin construction is shown on plans for the construction of the Boden Road bridge over Sand Creek (LRL-2005-1605).
Section VII	0.83 893 ft	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	The ditch and associated fringe wetland was constructed from dry land in 2004 to convey stormwater from development to the east to Sand Creek.
Section VIII	0.53	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a topographically confined area surrounded by higher elevations. It is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section IXA	1,272	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.	The ditch was constructed from dry land in 2007 for the purpose of conveying stormwater from development to the east to Sand Creek.
Section IXB	1,344	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey,	The ditch was constructed from dry land in 2007 for the purpose of conveying stormwater from development to the east to Sand Creek.



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>			
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination
		treat, infiltrate, or store stormwater runoff.	
Section X	0.24	acre(s)	(b)(1) Non-adjacent wetland. The wetland is located along Marilyn Road in a topographically lower area that receives only runoff from adjacent agricultural land. It is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section XI	0.18	acre(s)	(b)(1) Non-adjacent wetland. The wetland is located along Marilyn Road in a topographically lower area that receives only runoff from adjacent agricultural land. It is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section XII	0.005	acre(s)	(b)(1) Non-adjacent wetland. The wetland is located along Marilyn Road in a topographically lower area that receives only runoff from adjacent agricultural land. It is not adjacent to nor is inundated by an (a)(1)-(a)(3) water in a typical year.

**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 dated 7/23/2020 and supplemental information dated 11/2/2020 by Earth Source, Inc.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\).](#)

Photographs: [Aerial and Other: Aerial photo dated 2018 and site photos dated 10/30/2018 in delineation report; USACE site photos 10/6/2020; 1936, 1956, 1974, 1985, 2001, 2004, 2007, 2009, aerials \(Hamilton County GIS\), 10/12/2019, 8/8/2020 aerials \(DigitalGlobe\).](#)

Corps site visit(s) conducted on: [10/6/2020](#)

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: [Web Soil Survey, Hamilton County \(see delineation report\)](#)

USFWS NWI maps: [map contained in delineation report](#)

USGS topographic maps: [7.5 minute, McCordsville and Riverwood quads. \(see delineation report\)](#)

**Other data sources used to aid in this determination:**

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Sources</a>	<a href="#">N/A.</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">Other USACE data (specify)</a>	<a href="#">Plan sheets for LRL-2005-1605; mitigation site map for LRL-2008-1461</a>
<a href="#">LiDAR data/maps</a>	<a href="#">USACE Regulatory Viewer layer accessed 9/28/20</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">DFIRM layers (Hamilton County GIS map)</a>



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Data Source (select)	Name and/or date and other relevant information
<a href="#">Other Sources</a>	<a href="#">County regulated drains; 2-ft contour map (Hamilton County GIS)</a>

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

**C. Additional comments to support AJD:** [N/A](#)