



**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): 11/2/2020
 ORM Number: LRL-2020-760-sam
 Associated JDs: NA
 Review Area Location¹: State/Territory: Indiana City: Plainfield County/Parish/Borough: Hendricks
 Center Coordinates of Review Area: Latitude 39.6634 Longitude -86.3737

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
Stream 05	177	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
			Stream 5 is a perennial, named stream (Clarks Creek) that flows year round connecting to White Lick Creek.

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.



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

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
N/A.	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
Wetland 01	0.20	acre(s)	(b)(1) Non-adjacent wetland.	Not Adjacent to an A(1) – A(4) waters
Wetland 02	0.19	acre(s)	(b)(1) Non-adjacent wetland.	Not Adjacent to an A(1) – A(4) waters
Wetland 03	0.43	acre(s)	(b)(1) Non-adjacent wetland.	Not Adjacent to an A(1) – A(4) waters
Wetland 04	0.42	acre(s)	(b)(1) Non-adjacent wetland.	Not Adjacent to an A(1) – A(4) waters
Wetland 05	0.50	acre(s)	(b)(1) Non-adjacent wetland.	Not Adjacent to an A(1) – A(4) waters
Wetland A	0.09	acre(s)	(b)(1) Non-adjacent wetland.	Not Adjacent to an A(1) – A(4) waters
Stream 01	101	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that does not provide normal downstream flow to an A(1) – A(4) water
Stream 02	81	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that does not provide normal downstream flow to an A(1) – A(4) water
Stream 03	181	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that does not provide normal downstream flow to an A(1) – A(4) water
Stream 04	473	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that does not provide normal downstream flow to an A(1) – A(4) water

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**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Stream 06	413	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that does not provide normal downstream flow to an A(1) – A(4) water
Stream S1	49	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Ephemeral channel that does not provide normal downstream flow to an A(1) – A(4) water

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: [Plainfield Logistics Park Delineation Report January 2020 and updated table dated October 6, 2020](#)

This information is sufficient for purposes of this AJD.

Rationale: [NA](#)

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

Photographs: [Other: Mapped Photo Log 9-15-20; Photographs and data from the Delineation Report dated January 2020.](#)

Corps site visit(s) conducted on: [September 15, 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: [7.5m plainfield & Bridgeport Quad provided in Delineation Report](#)

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	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	LRL REGULATORY GIS VIEWER

B. Typical year assessment(s): [The Antecedent Precipitation Tool \(APT\) was used to evaluate the conditions of the site for each of the sites visits made \(Jan 7 and April 6, 2020 by consultants and Sep 15, 2020 by Corps employees\). In reviewing the data, January 7, 2020 was made during the wet season under normal circumstances with the month prior receiving normal rainfall. Drought index during that time was moderate wetness. The April 6, 2020, site visit was conducted during the wet season during wetter than normal conditions with the two previous months receiving higher than average rainfall and the drought index was moderate wetness. For the Sep 15, 2020 site visit, the timing of the visit was made during the](#)



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

dry season under normal conditions. The rainfall was below normal for the month and average for the preceding month. The aquatic features observed on the dates of the site visits allowed the Corps to make a jurisdictional determination under “typical year” conditions.

- C. Additional comments to support AJD:** Ordinary High Water Mark indicators and lack of flowing or pooled water were consistent with an ephemeral flow regime for excluded streams.

Note: The site was delineated at two separate times by two different consultants. The Review Area is the combined area of the two delineations. Because there were two separate delineations, by two different consultants, Stream “S1” and “S2” are the same stream just identified and labeled differently by two different consultants.