



**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): 1/4/2021

ORM Number: LRL-2020-828-LCL

Associated JDs: N/A.

Review Area Location¹: State/Territory: Indiana City: Westfield County/Parish/Borough: Hamilton

Center Coordinates of Review Area: Latitude 40.0752 Longitude -86.1325

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
Cool Creek	1,602	linear feet	Cool Creek is a perennial stream that flows into the White River, which becomes a TNW.
		(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	

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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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 E	0.28	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland E was delineated along Cool Creek and is only separated from the (a)(2) water by a natural bank and berm feature.
Wetland F	0.27	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland F was delineated to the top of bank of Cool Creek and therefore abuts an (a)(2) water.
Wetland G	0.48	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland G was delineated along Cool Creek and is only separated from the (a)(2) water by a natural bank and berm feature.

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland B	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B is located over 1,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland C	0.15	acre(s)	(b)(1) Non-adjacent wetland.	Wetland C is located over 300 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland D	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Wetland D is located over 850 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv), and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland H	0.08	acre(s)	(b)(1) Non-adjacent wetland.	Wetland H is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33

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
			CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland I	0.32	acre(s)	(b)(1) Non-adjacent wetland. Wetland I is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland J	0.03	acre(s)	(b)(1) Non-adjacent wetland. Wetland J is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland K	0.17	acre(s)	(b)(1) Non-adjacent wetland. Wetland K is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland L	0.06	acre(s)	(b)(1) Non-adjacent wetland. Wetland L is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland M	0.01	acre(s)	(b)(1) Non-adjacent wetland. Wetland M is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland N	2.94	acre(s)	(b)(1) Non-adjacent wetland. Wetland N is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland O	0.48	acre(s)	(b)(1) Non-adjacent wetland. Wetland O is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland P	0.24	acre(s)	(b)(1) Non-adjacent wetland. Wetland P is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not



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Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
			meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland Q	0.10	acre(s)	(b)(1) Non-adjacent wetland. Wetland Q is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland R	0.05	acre(s)	(b)(1) Non-adjacent wetland. Wetland R is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland S	0.04	acre(s)	(b)(1) Non-adjacent wetland. Wetland S is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland T	0.01	acre(s)	(b)(1) Non-adjacent wetland. Wetland T is located over 2,000 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland U	0.03	acre(s)	(b)(1) Non-adjacent wetland. Wetland U is located over 1,500 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland V	0.18	acre(s)	(b)(1) Non-adjacent wetland. Wetland V is located over 1,500 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv),and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Stream 1	1,619	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Stream 1 exhibits ephemeral flow in a typical year.
Stream 2	1,090	linear feet	(b)(3) Ephemeral feature, including Stream 2 exhibits ephemeral flow in a typical year.



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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.	
Stream 3	285	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. Stream 3 exhibits ephemeral flow 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: [Chatham Village Natural Resource Assessment report by V3, dated November 2019, revised September and December 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: 2018 Aerial – V3 Report. Google Earth Aerials 5-5-2010, 11-2-2015, 10-22-2018.](#)

Corps site visit(s) conducted on: [12-09-2020](#)

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: [See V3 report.](#)

USFWS NWI maps: [See V3 report.](#)

USGS topographic maps: [See V3 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 Viewer – LIDAR and DEM.

B. Typical year assessment(s): [The APT analysis shows conditions during V3’s delineation date of 10-9-2019, were during the wet season, with slightly drier than normal typical year conditions. However, the PDSI drought index indicated moderate wetness, and 0.22 inches of precipitation fell 2 days prior to the fieldwork. The APT shows that the USACE site visit was during the wet season and normal typical year conditions were present.](#)

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