



**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): 12/17/2020  
 ORM Number: LRL-2020-936-sjk  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: IN City: Avon County/Parish/Borough: Hendricks  
 Center Coordinates of Review Area: Latitude 39.7426 Longitude -86.3408

**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
Stream 1 (Dead Run)	1,998 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The tributary contributes intermittent flow in a typical year to East Fork White Lick Creek, White Lick Creek, then White River, which becomes a 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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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 F	0.271	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts Stream 1.
Wetland R	0.076	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts Stream 1.
Wetland S	0.002	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts Stream 1
Wetland T	0.003	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts Stream 1
Wetland V	0.023	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	The wetland directly abuts Stream 1.

**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
Stream 2	2,737	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 3	1,392	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 4	61	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 5	106	linear feet	(b)(3) Ephemeral feature, including an ephemeral	The stream only carries ephemeral flow 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	
		stream, swale, gully, rill, or pool.		
Stream 6	60	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 7	212	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 8	135	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 9	214	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 10	695	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 11	160	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 12	159	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 13	98	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 14	159	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.



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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	
Stream 15	614	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 16	368	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 17	128	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 18	108	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Stream 19	229	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream only carries ephemeral flow in a typical year.
Wetland A	0.539	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located in the middle of an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland B	0.207	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located in the middle of an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland C	0.076	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located in the middle of an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland D	0.038	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located on the edge of an agricultural field in a wooded area. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland E	0.025	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Stream 19, an excluded feature. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland G	0.123	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located on the edge of an agricultural field and abuts Stream 9, an excluded feature. It neither abuts nor is



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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	
				inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland H	0.085	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located in the middle of an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland I	0.028	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located at the confluence of Streams 2, 10, and 12, which are excluded features. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland J	0.349	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Streams 2, 11, 12, 13, which are excluded features. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland K	0.108	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located in an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland L	0.572	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located in the middle of an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland M	0.103	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Stream 2, an excluded feature. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland N	0.071	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Stream 2, an excluded feature. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland O	0.160	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Stream 3, 16, and 17, which are excluded features. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland P	0.007	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located in the middle of an agricultural field. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland Q	0.015	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Stream 3, an excluded feature. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland U	0.126	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a lower area surrounded by an agricultural field. It nether abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland W	0.045	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Stream 3, an excluded feature. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.



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Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
Wetland X	0.043	acre(s)	(b)(1) Non-adjacent wetland.	The wetland abuts Stream 2, an excluded feature. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland Y	0.015	acre(s)	(b)(1) Non-adjacent wetland.	The wetland lies in a lower area in the middle of a field. It neither abuts 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: [Water Resources Delineation Report dated 9/31/2020, by Davey Resources.](#)

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: Site photos from delineation report \(8/21/2020\), additional site photos from agent \(12/2/2020\); 2018 aerial in delineation report](#)

Corps site visit(s) conducted on: [Date\(s\).](#)

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: [SSURGO, Hendricks County \(see delineation report\)](#)

USFWS NWI maps: [2014 NWI shapefiles \(see delineation report\)](#)

USGS topographic maps: [7.5' Bridgeport quad \(see delineation report\)](#)

**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="#">USACE Sources</a>	<a href="#">N/A.</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">ORM snapshot with FEMA layer</a>

**B. Typical year assessment(s):** [APT 8/21/2020 \(delineation inspection\): The APT shows the inspection occurred during normal conditions shortly after a small rain event. The drought index indicates mild wetness during the dry season.](#)

[APT 12/2/2020 \(additional site photos\): The APT shows the photos were taken during wetter than normal conditions with mild wetness during the wet season. The inspection occurred shortly after a rain event.](#)

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