



**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): 4/20/2021
 ORM Number: LRL-2021-133-sjk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IN City: Plainfield County/Parish/Borough: Hendricks
 Center Coordinates of Review Area: Latitude 39.6726 Longitude -86.3494

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
Luck Creek	107	linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.
UNT to Clarks Creek	632	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.	
UNT to Guilford Branch	137	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	The stream flows intermittently into Guilford Branch, East Fork White Lick Creek, White Lick Creek, and White River, which becomes a TNW.

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
Section I	0.47	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is in a forested, topographically lower area. It is over 1,000 feet away from the nearest potential tributary. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Section II	0.03	acre(s)	(b)(1) Non-adjacent wetland.	The wetland is located at the confluence of two excluded streams, EPH to Guilford Branch 2 and 3.
Section III	0.12	acre(s)	(b)(1) Non-adjacent wetland.	This is an excavated feature that that developed wetland characteristics and receives stormwater from an off-site stormwater pond. It contained rock check dams and other BMPs that suggest it was created as a stormwater conveyance. Therefore, it would likely also qualify under Exclusion (b)(10). The wetland discharges into EPH Luck Creek, an excluded 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
Section IV	0.02	acre(s)	(b)(1) Non-adjacent wetland.	This wetland is an abandoned pond that was excavated from dry land and has converted to emergent wetland.
Section V	0.22	acre(s)	(b)(1) Non-adjacent wetland.	This former pond has been abandoned and has converted to wetland. It was excavated within EPH Guilford Branch 3, an excluded stream.
Section VI	0.19	acre(s)	(b)(1) Non-adjacent wetland.	This former pond has been abandoned and has converted to wetland. It was excavated within EPH Guilford Branch 3, an excluded stream.
EPH Luck Creek	543	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to precipitation events.
EPH Clarks Creek 1	564	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to precipitation events.
EPH Clarks Creek 2	458	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to precipitation events.
EPH Guilford Branch 1	345	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to precipitation events.
EPH Guilford Branch 2	2,327	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to precipitation events.
EPH Guilford Branch 3	801	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only in response to precipitation events.
Pond 1	0.04	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake	The pond was constructed within dry land.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
			or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
Pond 2	0.41	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	The pond was constructed within dry land at a former homestead.

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, Revised 4/19/2021 by Earth Source, Inc.](#)

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 provided by agent \(9/28/20 and 4/6/21\); 2018 aerial \(delineation report\); 12/19/19, 4/20/20, 9/15/20, 12/11/20 \(DigitalGlobe\)](#).

Corps site visit(s) conducted on: [4/6/2021](#)

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, Hendricks County](#)

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

USGS topographic maps: [7.5' Bridgeport, 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	LiDAR, DEM maps from LRL Regulatory Viewer



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- B. Typical year assessment(s):** 9/28/20 through 10/1/20 (delineation inspections): The delineation occurred during drought conditions with drier than normal results for WETS. No significant precipitation had been recorded within the preceeding 2 months.
4/6/21 (USACE field inspection and additional delineation date): The inspection occurred during normal conditions in WETS with average amounts of precipitation compared to the 30 day rolling total and 30-year average. Multiple rain events <1 inch occurred in the preceeding month.
- C. Additional comments to support AJD:** The parcels containing data points T6P2 and T7P1 consist entirely of dry land.