



**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): 8/30/2021
 ORM Number: LRL-2021-514-LCL
 Associated JDs: AJD LRL-2019-416 completed for adjacent Phase I area.
 Review Area Location¹: State/Territory: Indiana City: Indianapolis County/Parish/Borough: Marion
 Center Coordinates of Review Area: Latitude 39.8949 Longitude -86.2097

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 2 – Crooked Creek	2,216 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Crooked Creek flows southeast along the southern boundary of review area, and into the White River which becomes a TNW. The stream flows year round, has an average OHWM width of 20 feet, and dominate substrate of gravel and sand.

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 1	0.01	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland 1 is a forested wetland located on a stream terrace adjacent to Stream 2 (Crooked Creek) and is separated only by a natural berm feature.
Wetland 2	0.12	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland 2 is a forested wetland located in a former oxbow of Stream 2 (Crooked Creek) and is separated only by a natural berm feature. The wetland is also inundated by Crooked Creek in a typical year as evidenced by observed sediment and drift deposits.
Wetland 3	0.23	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland 3 is a forested wetland located only 50 feet from Stream 1 (Crooked Creek) and entirely in the floodplain. It is separated from Crooked Creek only by a natural berm feature. Wetland 3 was previously determined to be an (a)(4) wetland in the approved JD for adjacent Phase I area.
Wetland 7	0.03	acre(s)	(a)(4) Wetland separated from an (a)(1)-(a)(3) water only by a natural feature.	Wetland 7 is a forested wetland located in the floodway of Stream 2 (Crooked Creek) and is separated only by a natural berm feature. The wetland is also inundated by Crooked Creek in a typical year as evidenced by observed sediment and drift deposits

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland 4	0.39	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 4 is located in a depression and over 700 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Wetland 5	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Wetland 5 is located in a depression and over 500 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv)

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
			and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Wetland 6	0.08	acre(s)	(b)(1) Non-adjacent wetland. Wetland 6 is located in a depression along ephemeral Stream 6 and 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)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Wetland 8	0.22	acre(s)	(b)(1) Non-adjacent wetland. Wetland 8 is located along ephemeral Stream 6 and over 700 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Wetland 9	0.73	acre(s)	(b)(1) Non-adjacent wetland. Wetland 9 is located in a depression at the headwater of ephemeral Stream 6 and 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)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Wetland 10	0.49	acre(s)	(b)(1) Non-adjacent wetland. Wetland 10 is located in a depression at the headwater of ephemeral Stream 7 and 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)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Wetland 11	0.25	acre(s)	(b)(1) Non-adjacent wetland. Wetland 11 is located in a depression and 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)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Wetland 12	1.08	acre(s)	(b)(1) Non-adjacent wetland. Wetland 12 is located in a depression and over 800 feet from the nearest (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Wetland 13	0.17	acre(s)	(b)(1) Non-adjacent wetland. Wetland 13 is located in a depression and 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)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 14	0.09 acre(s)	(b)(1) Non-adjacent wetland.	Wetland 14 is located in a depression and 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)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3(b)(1) as a non-adjacent wetland.
Stream 1	181 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 1 has a OHWM width of 1 foot and depth of 0.1 foot and a drainage area of 0.02 square miles. The stream is ephemeral flowing only in response to precipitation.
Stream 3	372 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 3 has a OHWM width of 1 foot and depth of 0.1 foot and a drainage area of 0.01 square miles. The stream is ephemeral flowing only in response to precipitation.
Stream 4	570 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 4 has a OHWM width of 1 foot and depth of 0.2 foot and a drainage area of 0.02 square miles. The stream is ephemeral flowing only in response to precipitation.
Stream 6	1,189 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 6 has a OHWM width of 2 foot and depth of 0.2 foot and a drainage area of 0.03 square miles. The stream is ephemeral flowing only in response to precipitation.
Stream 7	706 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 7 has a OHWM width of 1 foot and depth of 0.2 foot and a drainage area of 0.01 square miles. The stream is ephemeral flowing only in response to precipitation.
Stream 8	37 linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Stream 8 has a OHWM width of 2 foot and depth of 0.2 foot and a drainage area of 0.01 square miles. The stream is ephemeral flowing only in response to precipitation.

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: [Regulated Waters Delineation Report, Augusta Heights Indianapolis, Marion County, Indiana, by Cardno dated May 2021 \(fieldwork April 16-17, 2019\).](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A.](#)

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



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- Photographs: [Aerial and Other: Delineation Report: 2018 NAIP Aerial, On-site photos April 2019. Google Earth Aerials 2-28-2005, 5-5-2010, 10-17-2015. USACE Site photos 8-24-2021.](#)
- Corps site visit(s) conducted on: [8-24-2021.](#)
- 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: [See delineation report.](#)
- USFWS NWI maps: [See delineation report.](#)
- USGS topographic maps: [See 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.
Other USACE data (specify)	Reg Viewer – LiDAR/DEM layers
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [APT analysis indicates that normal typical year conditions were present during the wet season for the consultants delineation fieldwork \(April 16-17, 2021\). A total of 1.74 inches of precipitation occurred in the 7 days prior. APT indicates normal typical year conditions were present during the dry season for the USACE site visit 8-24-21.](#)

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