



**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): 5/24/2021
 ORM Number: LRL-2021-59-sjk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IN City: Indianapolis County/Parish/Borough: Marion
 Center Coordinates of Review Area: Latitude 39.9195 Longitude -86.2425

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 |
| Section II (Oil Creek) | 1,510 linear feet | (a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | The tributary flows intermittently into Crooked Creek, then White River, which becomes a TNW. |

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 |
| Section IX | 0.1 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The wetland directly abuts (and is bisected by) Section II/Oil Creek. |
| Section X | 0.03 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The wetland directly abuts Section II/Oil Creek. |
| Section XI | 0.02 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The wetland directly abuts Section II/Oil Creek. |
| Section XII | 0.03 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The wetland directly abuts Section II/Oil Creek. |
| Section XIII | 0.08 | acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The wetland directly abuts Section II/Oil Creek. |

D. Excluded Waters or Features

| Excluded waters ((b)(1) – (b)(12)): ⁴ | | | | |
|--|----------------|---------|------------------------------|---|
| Exclusion Name | Exclusion Size | | Exclusion ⁵ | Rationale for Exclusion Determination |
| Section I | 0.5 | acre(s) | (b)(1) Non-adjacent wetland. | The wetland is located south of a former quarry pit and is contained in a low area adjacent to a utility easement. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year. |
| Section III | 0.08 | acre(s) | (b)(1) Non-adjacent wetland. | The wetland originates from overland flow from adjacent industrial land and is contained in a low drainage in a forested area. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year. |
| Section IV | 0.05 | acre(s) | (b)(1) Non-adjacent wetland. | The wetland originates from overland flow from adjacent industrial land and is contained in a low drainage in a forested area. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year. |
| Section V | 0.01 | acre(s) | (b)(1) Non-adjacent wetland. | The wetland is in a topographic “bowl” in a forested area approx. 50 feet upslope from Section II/Oil Creek. It neither abuts nor is |

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 |
| | | | | inundated by an (a)(1)-(a)(3) water in a typical year. |
| Section VI | 0.05 | acre(s) | (b)(1) Non-adjacent wetland. | The wetland is contained within a swale adjacent to an overhead transmission line tower. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year. |
| Section VII | 660 | linear feet | (b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool. | The stream flows only in response to rain events in a typical year. |
| Section VIII | 0.08 | acre(s) | (b)(1) Non-adjacent wetland. | The wetland originates from overland flow from adjacent industrial land and is contained in a low drainage in a forested area. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year. |
| NPDES Stormwater ditch | 216 | linear feet | (b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff. | The ditch was constructed in dry land for the purpose of stormwater conveyance. It is likely the ditch is utilized by the adjacent industrial facility for NPDES purposes. |

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 5/18/2021 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 in delineation (7/29/20, 5/13/21); USACE Site photos (5/13/21); 2019, 2018, 2010, 2000, 1986, 1972, 1956, 1941, 1937 (delineation report, MapIndy); 12/19/19, 12/9/20 (DigitalGlobe).*

Corps site visit(s) conducted on: *5/13/21*

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, Marion County.*

USFWS NWI maps: *Digital Mapper (delineation report)*

USGS topographic maps: *7.5' Carmel, IN (delineation report)*



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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 | Daily precipitation data, 7/26/20-7/29/20 |
| USACE Sources | LiDAR/DEM (LRL Regulatory Viewer) |
| State/Local/Tribal Sources | N/A. |
| Other Sources | N/A. |

B. Typical year assessment(s): 7/29/2020 (original delineation inspection): The delineation occurred during a drought period with drier than normal WETS conditions where the preceding three months fell below the 30-year normal range in precipitation and the 30-day rolling total.

5/13/2021 (revised wetland delineation inspection and USACE inspection): The second delineation occurred during normal WETS conditions. The preceding month received several minor rain events, and the 30-day rolling total generally fell within the 30-year normal range.

C. Additional comments to support AJD: N/A