



**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): 1/13/2021
 ORM Number: LRL-2014-655-sjk
 Associated JDs: N/A
 Review Area Location¹: State/Territory: IN City: Fishers County/Parish/Borough: Hamilton
 Center Coordinates of Review Area: Latitude 39.9373 Longitude -85.8711

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
N/A.	N/A.	N/A.	N/A.

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.

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.

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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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Tributary 2 (2013)	492	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	The stream flows only after discrete rain events. See III B below.
Wetland B (2013)	0.13	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This wetland is noted as “Wetland E” on Weihe’s submittal. It abuts Tributary 2, an ephemeral stream. It neither abuts nor is inundated by an (a)(1)-(a)(3) water in a typical year.
Wetland C (2013)	0.08	acre(s)	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	This wetland is noted as “Wetland F” on Weihe’s submittal. It abuts Tributary 2, an ephemeral stream. 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: [Natural Resource Assessment dated November 2013 by Williams Creek Consulting](#); [PCN submittal dated 12/31/2019 by Weihe Engineers](#).

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 \(1/31/13\)](#); [site photos from Weihe Engineers \(3/31/2020\)](#); [2012 aerial in delineation report](#); [2013 aerial from Weihe Engineers](#)
- Corps site visit(s) conducted on: [9/4/2014](#)
- 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, Hamilton County \(2013 delineation report\)](#), [Weihe submittal \(accessed 9/5/2017\)](#)
- USFWS NWI maps: [DFIRM layer map \(2013 delineation report\)](#)
- USGS topographic maps: [7.5’ Ingalls Quad \(2013 delineation report\)](#)

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.

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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Data Source (select)	Name and/or date and other relevant information
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
FEMA/FIRM maps	18057-(259G, 278G, & 286G) Eff. 11/19/2014 (Weihe submittal)

B. Typical year assessment(s): [APT 1/31/2013 \(original delineation date\):](#) The delineation occurred during normal conditions in the wet season. The 30-day rolling total showed elevated rainfall compared to the 30-year normal range. Site photos from the 2013 delineation show the tributary with very little water present in a highly manipulated channel.

[APT 9/4/2014 \(USACE inspection date\):](#) The inspection occurred during normal conditions in the dry season after a series of rain events the week prior. The 30-day rolling total showed elevated rainfall in comparison to the 30-year normal range. During the inspection, minimal water flow was present within the channel.

[APT 3/31/2020 \(Weihe site photos\):](#) Weihe's inspection occurred during a period of severe wetness in the wet season. WETS shows wetter than normal conditions with a score of 18. Several rain events occurred prior to the inspection date. The 30-day rolling total showed elevated rainfall compared to the 30-year normal range. The photos show water flowing in the channel at elevations much higher than the channel morphology indicates is normal.

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