



**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): 10/14/2020

ORM Number: LRL-2017-1021

Associated JDs: N/A

Review Area Location<sup>1</sup>: State/Territory: Indiana City: Indianapolis County/Parish/Borough: Marion

Center Coordinates of Review Area: Latitude 39.902125 Longitude 86.064785

**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
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.

<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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**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
Wetlands 1, 2, 3, 5, 6, 9a, 10 – 15, 18, 20 – 23a, 24, 26, 27, 29 – 33, 35, 41	2.082	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands have formed in depressions in maintained interstate right of way as a result of poor drainage. There are no (a)(1), (a)(2), or (a)(3) waters located near the wetlands
Wetlands 8a, 25, 28, 34, Sa, AKa	0.898	acre(s)	(b)(1) Non-adjacent wetland.	Wetlands abut ephemeral streams, there are no (a)(1), (a)(2), or (a)(3) waters located near the wetlands
Wetlands 7, 8b, 9b, 16b, 17b, 19b, 23b, 36b, 37b, 40b, B – F, F2, G – R, Sb, T – Z, AA – AJ, AKb, AL – AZ, BA – BF, BF2, BG – BV, BWb, BW Addendum Bjb	5.354	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	Roadside ditches excavated for stormwater drainage of interstate highway. Excavated in upland, draining only upland.
UNT 4 White River, UNTs 1 and 2 Allison Run, UNTs 1, 2, 4, 6, 8, and 10 Howland Ditch, UNTs 3 and 4 Hillsdale Run, UNTs 1, 2, 4, and 6 Blue Creek, UNT 1 Garden Run	6,160	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Streams that flow only in response to rain events. The channels had a defined bed and bank and OHW mark. The channels had very little flow during the site investigation in a wet period. See typical year assessment below.

**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: [Waters of the U.S. Report, Clear Path, Marion County, Indiana, Designation Number 1400075 October 2, 2018; Waters of the U.S. Report, Addendum 1, Clear Path, Marion County, Indiana, Designation Number 1400075 July 16, 2019](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

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

<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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- Photographs: [Aerial and Other: In Waters Report](#)
- Corps site visit(s) conducted on: [August 23, 2018 and May 1, 2019](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [LRL-2017-1021, September 2019 non jurisdictional features](#)
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Web Soil Surve](#)
- USFWS NWI maps: [Fishers and Indianapolis East quad](#)
- USGS topographic maps: [Title\(s\) and/or date\(s\).](#)

**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>	N/A.
<a href="#">USDA Sources</a>	N/A.
<a href="#">NOAA Sources</a>	N/A.
<a href="#">USACE Sources</a>	N/A.
<a href="#">State/Local/Tribal Sources</a>	N/A.
<a href="#">Other Sources</a>	N/A.

**B. Typical year assessment(s):** The photos of the ephemeral streams that are included in the Waters Report were taken between August 31, 2016 and September 21, 2016 and between September 12 and 21, 2017. These photos showed channels with little to no water. Data from the Antecedent Precipitation Tool indicates that September 2016 was wetter than normal (PSDI class of severe wetness) and September 2017 was normal (PSDI class of moderate wetness) in the dry season. Since the conditions were wetter than or within the 30 year average range, and the photos showed no or little flow, the channels were determined to be ephemeral. The Corps conducted a site inspection on August 23, 2018, which was normal conditions in a dry season (PSDI class of moderate wetness). The Corps observed minimal or no flow in the ephemeral UNTs during the 2018 site inspection and concurs with the findings of the waters report.

**C. Additional comments to support AJD:** [N/A](#)