



**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): [2/24/2021](#)  
 ORM Number: [LRL-2020-1045-sam](#)  
 Associated JDs: [NA](#)  
 Review Area Location<sup>1</sup>: State/Territory: [Indiana](#) City: [Indianapolis](#) County/Parish/Borough: [Marion](#)  
 Center Coordinates of Review Area: Latitude [39.6589](#) Longitude [-86.0826](#)

**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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A</a>	<a href="#">N/A.</a>	<a href="#">N/A.</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
<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>	<a href="#">N/A.</a>

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
<a href="#">Stream 1 – Pleasant Run</a>	<a href="#">182</a>	<a href="#">linear feet</a>	<a href="#">(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.</a>	<a href="#">Pleasant Run is a named stream that carries perennial flow downstream to the White River, a Traditional Navigable Waters (TNW)</a>
<a href="#">Toon Hendricks Ditch</a>	<a href="#">278</a>	<a href="#">linear feet</a>	<a href="#">(a)(2) Intermittent tributary contributes</a>	<a href="#">Toon Hendricks Ditch is a named intermittent channel that carries flow downstream to Little Buck Creek which then flows to the White River, a TNW.</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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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.	
UNT1	1391	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	UNT 1 is an intermittent channel carrying flow downstream to Toon Hendricks Ditch, to Little Buck Creek, to the White River, 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
Wetland E	0.263	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland E directly abuts UNT 1, an (a)(2) water.
Wetland F	0.002	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland F directly abuts UNT 1, an (a)(2) water.
Wetland G	0.095	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland G directly abuts UNT 1, an (a)(2) water.
Wetland H	0.008	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland H directly abuts UNT1, an (a)(2) water.

**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
Wetland A	0.011	acre(s)	(b)(1) Non-adjacent wetland.	Wetland contained wholly within a roadside ditch. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland

<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.



**U.S. ARMY CORPS OF ENGINEERS  
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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
Wetland B	0.007	acre(s)	(b)(1) Non-adjacent wetland.	Wetland contained wholly within a roadside ditch. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland C	0.095	acre(s)	(b)(1) Non-adjacent wetland.	Wetland contained wholly within a roadside ditch. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland D	0.007	acre(s)	(b)(1) Non-adjacent wetland.	Wetland contained wholly within a roadside ditch. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland I	0.015	acre(s)	(b)(1) Non-adjacent wetland.	Wetland contained wholly within a roadside ditch. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland J	0.002	acre(s)	(b)(1) Non-adjacent wetland.	Non-adjacent wetland is located in a depressional area between a road and commercial property approximately 4100 linear feet from the nearest potential (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland K	0.225	acre(s)	(b)(1) Non-adjacent wetland.	Wetland K is a depressional area adjacent to an agricultural field approximately 1500 linear feet from the nearest potential (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland L	0.037	acre(s)	(b)(1) Non-adjacent wetland.	Wetland L is a depressional area adjacent to the intersection of Emerson Avenue and Tood Road approximately 1200 linear feet from the nearest potential (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore



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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
				excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland.
Wetland M	0.003	acre(s)	(b)(1) Non-adjacent wetland.	Wetland M is a depressional area adjacent to the road located approximately 4,600 linear feet from the nearest potential (a)(2) tributary. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland
Wetland N	0.027	acre(s)	(b)(1) Non-adjacent wetland.	Wetland contained wholly within a roadside ditch. The wetland does not meet the definition of adjacent wetlands per 33 CFR 328.3 (c)(1)(i)(ii)(iii) or (iv) and is therefore excluded per 33 CFR 328.3 (b)(1) as a non-adjacent wetland
RSD 1	218	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 2	149	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 3	117	N/A.	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			store stormwater runoff.	
RSD 4	178	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 5	117	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 6	64	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 7	42	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 8	315	linear feet	(b)(10) Stormwater	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.



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REGULATORY PROGRAM  
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NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size	Exclusion <sup>5</sup>	Rationale for Exclusion Determination	
			control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	
RSD 9	157	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 10	115	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 11	449	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 12	125	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.



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REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	
RSD 13	253	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 14	603	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 15	213	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 16	655	linear feet	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.



**U.S. ARMY CORPS OF ENGINEERS  
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APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
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Excluded waters ((b)(1) – (b)(12)): <sup>4</sup>				
Exclusion Name	Exclusion Size		Exclusion <sup>5</sup>	Rationale for Exclusion Determination
			store stormwater runoff.	
RSD 17	316	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
RSD 18	376	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.	Roadside ditch constructed in dry land to carry storm water. Could qualify as b(5) water as well.
N/A.	N/A.	N/A.	N/A.	N/A.

**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 and Waters of the U.S. Report - Emerson Avenue Imporvement Project Feb 11, 2021](#); [Waters Delineation Report - Emerson Avenue Improvement Project from Stop 11 Road to County Line Road August 23, 2019](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Aerials and Site Photogrphs provided by the consultant](#); [Google Earth Imagery](#)
- Corps site visit(s) conducted on: [Date\(s\)](#).
- 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: [Title\(s\) and/or date\(s\)](#).
- USFWS NWI maps: [Title\(s\) and/or date\(s\)](#).
- USGS topographic maps: [Title\(s\) and/or date\(s\)](#).

**Other data sources used to aid in this determination:**





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REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
CorpsMap ORM Map Layers	Topo Maps, Aerial Photographs
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

**B. Typical year assessment(s):** N/A

**C. Additional comments to support AJD:** Wetlands E, F, G, and H are directly abutting UNT 1; which is an (a)(2) tributary. Consequently, these wetlands are jurisdictional under the Navigable Waters Protection Rule.