



**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): 6/24/2020  
 ORM Number: LRL-2020-148-sjk  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: IN City: Indianapolis County/Parish/Borough: Marion  
 Center Coordinates of Review Area: Latitude 39.8443 Longitude -85.9816

**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
Indian Creek	1,895 linear feet	(a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contains perennial flow throughout the year (as evidenced by numerous aerials listed in Section IIIA below and multiple observations by the delineation consultant) and contributes flow to a downstream TNW (White River). Indian Creek flows into Fall Creek, which flows into White River. See Section IIIB and IIIC for additional information.

<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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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 I	7.25	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Wetland serves as the riparian buffer for Indian Creek, an (a)(2) water. Its boundaries abut the tributary and is inundated by floodwater in a typical year as evidenced by rack lines, sediment deposits, water marks, and scour (as evidenced in 1979 to present, publically available aerials).

**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	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland B	0.66	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3)water.
Wetland C	0.25	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland D	0.1	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland E	0.63	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland F	0.05	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland G	1.3	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland H	0.25	acre(s)	(b)(1) Non-adjacent wetland.	Wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.

**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.

<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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Information submitted by, or on behalf of, the applicant/consultant: "Wetland Delineation Report" dated January 2020 and supplemental information received electronically dated May 11, 2020, by Natural Resource Consulting.

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 report and supplemental information (12/19/2019 and 4/24/2020, respectively); undated aerials contained within the delineation report; 1937, 1956, 1972, 1979, 2005 aerials (MapIndy); 11/14/2019 aerial (DigitalGlobe).
- 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: Web Soil Survey, Marion County (see delineation report)
- USFWS NWI maps: NWI mapper (see delineation report)
- USGS topographic maps: 7.5 minute, Cumberland quad (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.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	2-foot contour map (MapIndy)
Other Sources	2019 aerial with FEMA overlay (MapIndy)

**B. Typical year assessment(s):** The APT was utilized for the two delineation site visits (12/8/2019 and 4/24/2020). The data shows normal climatic conditions for both dates, which indicates the hydrologic conditions observed at the site for both dates are considered "typical year" conditions.

**C. Additional comments to support AJD:** The West Fork White River is currently used in interstate commerce. Public access to the river for interstate tourism purposes (commercial fishing guides, canoe outfitters, etc.) is located at parks and private businesses in the area.