



**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): 6/29/2020
 ORM Number: LRL-2020-212-lcl
 Associated JDs: N/A.
 Review Area Location¹: State/Territory: Indiana City: Greenfield County/Parish/Borough: Hancock
 Center Coordinates of Review Area: Latitude 39.7774 Longitude -85.7806

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	
Wetland A (PEM)	0.5	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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 A (PFO)	0.119	acre(s)	(b)(1) Non-adjacent wetland.	Wetland A (PFO) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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 B	0.087	acre(s)	(b)(1) Non-adjacent wetland.	Wetland B (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. The wetland does not meet the definition of adjacent wetlands

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
			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	0.019	acre(s)	(b)(1) Non-adjacent wetland. Wetland C (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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	0.012	acre(s)	(b)(1) Non-adjacent wetland. Wetland D (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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 E	0.014	acre(s)	(b)(1) Non-adjacent wetland. Wetland E (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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.



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination	
Wetland F	0.036	acre(s)	(b)(1) Non-adjacent wetland.	Wetland F (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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 G	0.036	acre(s)	(b)(1) Non-adjacent wetland.	Wetland G (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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 H	0.066	acre(s)	(b)(1) Non-adjacent wetland.	Wetland H (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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	0.017	acre(s)	(b)(1) Non-adjacent wetland.	Wetland I (PEM) is located in a depression on the landscape, within the fallow field on the eastern half of the review area. The wetland has



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Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				formed following rough construction grading that was completed in 2005, associated with the Sandalwood Section 1 residential development that is immediately to the east. This area was then left idle. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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-1	5.16	acre(s)	(b)(1) Non-adjacent wetland.	Wetland K-1 (PEM) is located in a depression on the landscape, within the farm field on the western half of the review area. The wetland has likely formed due to failing tile drainage as reported by the consultant. There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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-2	3.03	acre(s)	(b)(1) Non-adjacent wetland.	Wetland K-2 (PFO) is located in a depression on the landscape, within the farm field on the western half of the review area. The wetland appears to have been present since at least 1998 (oldest aerial assessed for review). There are no (a)(1), (a)(2), or (a)(3) waters located within or near the review area. The closest potential (a)(2) tributary is located 2000 feet east of the site. 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.
Pond	0.43	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	This is a stormwater pond that was excavated wholly from uplands in 2005, associated with the construction of the Sandalwood Section 1 residential development immediately to the east. It is located in the fallow field area on the eastern half of the review area, in the rough grading area that was conducted in 2005. The pond has sit idle since 2005. The stormwater pond is excluded per 33 CFR 328.3 (b)(10).



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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 for “Westport/Timberstone Sandalwood Westward Expansion” by Natural Resource Consulting, dated May 2020, revised June 19, 2020. “Existing Wetland Exhibit, Sandalwood, Greenfield, IN” by Kimley-Horn, received June 19, 2020.](#)

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: Wetland report site photos – 11/17/2017 & 4/10/2020. Google Earth Aerials – 3/26/1998, 2/28/2005, 6/30/2005, 5/5/2010, 9/28/2014, 3/2/2018.](#)

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: [Hancock County, Indiana Web soil survey](#)

USFWS NWI maps: [USFWS NWI Mapper](#)

USGS topographic maps: [USGS 1:24K Greenfield, IN quad.](#)

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	Beacon County GIS Map with Contours – obtained 6/22/2020.

B. Typical year assessment(s): [N/A.](#)

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