



**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): 8/14/2020
 ORM Number: LRL-2020-426-SCM
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Arcadia & Westfield
 County/Parish/Borough: Hamilton County
 Center Coordinates of Review Area: Latitude 40.131128 N Longitude -86.128100 W

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
Hinkle Creek	1,580 linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contains intermittent flow throughout the year (as evidenced by numerous aerals listed in Section IIIA below, and multiple observations by the delineation consultant and Corps staff during normal conditions and drier than normal conditions). Hinkle Creek contributes flow downstream into Morse Reservoir, which flows into Cicero Creek, which flows into the White River (TNW). See Section IIIB for additional information.

APPROVED BY:

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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Tributaries ((a)(2) waters):				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
Unnamed tributary (UNT) 1 to Hinkle Creek	471	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contains intermittent flow throughout the year (as evidenced by numerous aerials listed in Section IIIA below, and multiple observations by the delineation consultant and Corps staff during normal conditions and drier than normal conditions). UNT 1 to Hinkle Creek contributes flow downstream into Hinkle Creek, which flows into Morse Reservoir, which flows into Cicero Creek, which flows into the White River (TNW). See Section IIIB for additional information.
Baker Ditch	623	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contains intermittent flow throughout the year (as evidenced by numerous aerials listed in Section IIIA below, and multiple observations by the delineation consultant and Corps staff during normal conditions and drier than normal conditions). Baker Ditch contributes flow downstream into Hinkle Creek, which flows into Morse Reservoir, which flows into Cicero Creek, which flows into the White River (TNW). See Section IIIB for additional information.
Unnamed tributary (UNT) 1 to Baker Ditch	106	linear feet	(a)(2) Intermittent tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year.	Tributary contains intermittent flow throughout the year (as evidenced by numerous aerials listed in Section IIIA below, and multiple observations by the delineation consultant and Corps staff during normal conditions and drier than normal conditions). UNT 1 to Baker Ditch contributes flow downstream into Baker Ditch, which flows into Hinkle Creek, which flows into Morse Reservoir, which flows into Cicero Creek, which flows into the White River (TNW). See Section IIIB for additional information.

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 B	0.004	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Emergent wetland boundaries abut Baker Ditch, an (a)(2) water, and serves as the riparian buffer for the tributary (see Waters Report, photos 127-131).
Wetland AA	0.02	acre(s)	(a)(4) Wetland abuts an (a)(1)-(a)(3) water.	Emergent wetland serves as the riparian buffer along both banks of UNT 1 to Hinkle Creek, an (a)(2) water, encompassing the tributary (see Waters Report, photos 332-335 and 373-374).



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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
Roadside Ditch A (Wetland A)	0.01	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Wetland C	0.12	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland D	0.18	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland E	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Roadside Ditch F (Wetland F)	0.001	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Wetland G	0.26	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland H	0.004	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland I	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland J	0.02	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland K	0.006	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.

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
Roadside Ditch L (Wetland L)	0.03	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Wetland M	0.13	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Roadside Ditch N (Wetland N)	0.01	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Roadside Ditch O (Wetland O)	0.004	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Wetland P	0.03	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Wetland Q	0.01	acre(s)	(b)(1) Non-adjacent wetland.	Forested wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Roadside Ditch R (Wetland R)	0.02	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Wetland S	0.002	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.



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Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Roadside Ditch T (Wetland T)	0.02	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Roadside Ditch U (Wetland U)	0.002	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Roadside Ditch V (Wetland V)	0.03	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).	Ditch was wholly excavated in an upland area. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute surface water flow to an (a)(1) – (a)(3) water, nor is it inundated by floodwater from an (a)(1) – (a)(3) water, in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Roadside Ditch W (Wetland W)	0.003	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).
Wetland X	0.04	acre(s)	(b)(1) Non-adjacent wetland.	Emergent wetland neither abuts nor is inundated by floodwater in a typical year from an (a)(1) – (a)(3) water.
Roadside Ditch Y (Wetland Y)	0.04	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).	Ditch was wholly excavated in an upland area, and did not relocate or alter a tributary. Wetland features are present and developed entirely within the lateral limits of the ditch. Ditch does not contribute perennial or intermittent surface flow to an (a)(1) – (a)(3) water in a typical year (see NRCS & NHD Maps, & Corps Site Visit Photos).



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Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland Z	0.03 acre(s)	(b)(1) Non-adjacent wetland.	Forested 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.

Information submitted by, or on behalf of, the applicant/consultant: [Waters Report, US 31 New Interchange, Hamilton County, Indiana \(Des. No. 1702149\), dated June 4, 2020, by Crawford, Murphy, & Tilly, Inc. consultants](#)

This information **Select.** sufficient for purposes of this AJD.

Rationale: [N/A or describe rationale for insufficiency \(including partial insufficiency\).](#)

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

Photographs: [Aerial and Other: Site photos in Waters Report and supplemental information \(9/27/2018, 10/11/2018, & 7/30/2019\); Corps Site Visit Photos, June 26, 2020](#)

Corps site visit(s) conducted on: [June 26, 2020](#)

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 \(see Waters Report\)](#)

USFWS NWI maps: [NWI Map \(see Waters Report\)](#)

USGS topographic maps: [USGS Topographic Map, Sheridan, Arcadia, & Westfield, IN Quadrangles \(see Waters Report\)](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	USGS National Hydrography Dataset Map, Hamilton County (4/30/2020)
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): [The APT was utilized for two site visits. For the 10/11/2018 delineation site visit, the data shows normal climatic conditions \(see 2018-10-11_APT Data.pdf\). For the 6/26/2020 Corps site visit, the data shows drier than normal conditions \(see 2019-07-30_APT Data.pdf\), however, during this site visit, Corps staff observed regular flow within the intermittent streams and high water levels within several wetlands \(see Corps Site Visit Photos\). Therefore, Corps staff observations and APT data indicate that the hydrologic conditions observed at the site for both dates are considered “typical year” conditions.](#)

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