



**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): 8/12/2020  
 ORM Number: LRL-2020-540-LCL  
 Associated JDs: N/A  
 Review Area Location<sup>1</sup>: State/Territory: IN City: Brownsburg County/Parish/Borough: Hendricks  
 Center Coordinates of Review Area: Latitude 36.8682 Longitude -86.4230

**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  |
| Section I - John Collins Drain (Tributary to W.F. White Lick Creek) | 1,689<br>linear feet | (a)(2) Perennial tributary contributes surface water flow directly or indirectly to an (a)(1) water in a typical year. | The tributary stream flows into West Fork White Lick Creek just west of the site, which flows into White Lick Creek, which flows into the White River, which eventually becomes a navigable waterway. The stream is a blue-line on the U.S.G.S. topo map, and was identified by the consultant as a low gradient upper perennial stream. The drainage area is 600 acres. OHWM width ranges from 6 feet to 15 feet along the reach, with substrate of coarse sand and gravel. Flow of 3 inches was observed on the delineation date, which was drier than normal |

<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.



**U.S. ARMY CORPS OF ENGINEERS  
REGULATORY PROGRAM  
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)  
NAVIGABLE WATERS PROTECTION RULE**

| Tributaries ((a)(2) waters): |             |                 |  |
|------------------------------|-------------|-----------------|--|
| (a)(2) Name                  | (a)(2) Size | (a)(2) Criteria | Rationale for (a)(2) Determination   |
|                              |             |                 | according to the APT. Therefore, the stream is considered an (a)(2) tributary. |

| 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   |
| Section I – PSS wetland            | 1.28 acre(s) | (a)(4) Wetland abuts an (a)(1)-(a)(3) water. | The wetland was delineated to the top of bank of the (a)(2) tributary on-site. Therefore, the wetland is abutting 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 |
| 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: [Phillips Property Wetland Delineation Report for Olthof Homes, by Earth Source dated June 22, 2020, with revised figures dated July 22, 2020.](#)

This information is 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: Delineation Report aerial 2012 and site photos June 2020. Google Earth Aerials dated May 8, 2004 and March 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: [See delineation report.](#)

USFWS NWI maps: [See delineation report.](#)

USGS topographic maps: [See delineation report.](#)

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

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

| Data Source (select)                       | Name and/or date and other relevant information                    |
|--|--|
| <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>              | <a href="#">StreamStats report obtained 8/11/20.</a>               |
| <a href="#">Other Sources</a>              | <a href="#">LRL Regulatory Viewer – DEM &amp; Hillshade layers</a> |

**B. Typical year assessment(s):**

1. APT analysis for Google Earth Aerial dated May 8, 2004. Flow can be seen in the Section I stream channel on this date. According to the APT analysis, drier than normal conditions were present at this time. This provides evidence that the stream is an (a)(2) tributary.
  
2. APT analysis for Google Earth Aerial dated March 2, 2018. Flow can be seen in the Section I stream channel on this date. According to the APT analysis, normal conditions were present at this time, and thus is a typical year. This provides further evidence that the stream is an (a)(2) tributary.
  
3. APT analysis for consultants delineation on June 17, 2020. Flow can be seen in the on-site photos of the Section I stream channel on this date. According to the APT analysis, drier than normal conditions were present at this time. In fact the wetness condition was dry for all three preceding months. This provides further evidence that the stream is an (a)(2) tributary.

**C. Additional comments to support AJD:** N/A or provide additional discussion as appropriate.