



**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): 8/31/2020  
 ORM Number: LRL-2020-625-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 39.6856 Longitude -86.2061

**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
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.

<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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**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	
Swale 1 (Hare Ditch)	138	linear feet	(b)(3) Ephemeral feature, including an ephemeral stream, swale, gully, rill, or pool.	Within the review area, the stream does not exhibit intermittent or perennial flow and only contains water after rain events. See Section III B and C below.

**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: [Wetlands & Jurisdictional Water Delineation dated 6/24/2020 bt ATC Group Services LLC](#)

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 and undated aerial in delineation report; 1937, 1956 \(MapIndy\); 3/18/2018 \(DigitalGlobe\); May 2009 Google Streetview screenshot.](#)

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: [Digital mapper \(see delineation report\)](#)

USGS topographic maps: [7.5' Maywood quad](#)

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

Data Source (select)	Name and/or date and other relevant information
<a href="#">USGS Stream stats</a>	<a href="#">Drainage basin characteristics (see delineation report)</a>
<a href="#">USDA Sources</a>	<a href="#">N/A.</a>
<a href="#">NOAA Sources</a>	<a href="#">N/A.</a>
<a href="#">CorpsMap ORM Map Layers</a>	<a href="#">FEMA/DFIRM layer</a>
<a href="#">State/Local/Tribal Sources</a>	<a href="#">N/A.</a>
<a href="#">FEMA/FIRM maps</a>	<a href="#">FIRMette (see delineation report)</a>

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

[5/15/2009 \(Google Streetview screenshot\)](#): The APT was analyzed to determine if the image of the channel represented in Google Streetview would be considered “typical” conditions. The months of April and May 2009 received numerous precipitation events that put May in a “wetter than normal” condition. The drought index shows moderate wetness. Even with all the precipitation, the Streetview photos shows

<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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hardly any water in the channel in the NE quadrant. Therefore, the conditions represented in the Streetview photo would be considered “typical.”

3/18/2019 (DigitalGlobe aerial): The APT was analyzed to determine if the aerial represented typical conditions. The aerial shows water in the channel through the review area; however, the APT shows multiple significant rain events in the month prior, putting conditions as wetter than normal. The drought index shows extreme wetness. Therefore, the conditions represented in this aerial would not be considered “typical.”

6/12/2020 (Delineation inspection date): The APT was analyzed to determine if the photos and data collected during the delineation inspection would be considered “typical” conditions. The APT shows multiple moderate rain events between May and June 2020, including immediately preceding the inspection date. The photos in the delineation report show no water flowing in the review reach of the channel, even after numerous precipitation events. Therefore, the conditions represented in the delineation report would be considered “typical.”

- C. Additional comments to support AJD:** Hare Ditch has been heavily manipulated in the past due to adjacent gravel mining operations. The 1937 aerial indicates Hare Ditch had already been manipulated (likely to improve drainage from agricultural fields). The alignment of the channel within the review area has not changed since 1937. Since the 1950’s large open pit gravel mining operations have resulted in significant manipulation of groundwater and controlled stormwater releases from the quarries, which likely cut off the source of water for the ditch. The StreetStats report shows the upstream drainage basin for the ditch as 0.229 acre, most of which is now open pit gravel mining operations. The ditch now originates along Epler Avenue to the east of the review area. It begins as a grassy swale and develops more stream channel characteristics within the review area, which is likely the historic condition prior to construction of the quarries. The ditch only contains water after large rain events (see APT discussion above) and is ephemeral.