



**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-2020-687-LCL
 Associated JDs: N/A
 Review Area Location¹: State/Territory: Indiana City: Lawrence County/Parish/Borough: Marion
 Center Coordinates of Review Area: Latitude 39.8581 Longitude -86.0375

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
Storm water Detention Pond (Pond 1)	0.42	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.	The open water pond is a storm water detention pond designed to capture and store storm water. It appears to have been constructed between 1986 and 1993. Review of all available resources indicates there may have been a headwater ephemeral channel in the vicinity of where the pond was constructed; however the information is inconclusive as to whether a channel was present and whether the pond was constructed in a channel or wholly in uplands. The USGS topo shows a dashed blue-line just to the west of where the pond was built, and it ends just south of the pond. The soil survey map shows a similar dashed drainage line beginning where the pond was built. USFWS NWI Maps show the pond as an excavated feature. No stream features can be observed on any aerials prior to the pond construction, as the area was mostly forested. There are no waters located upstream (south) of the pond. The pond only receives water from four storm water inlets coming from the high school property. The pond discharges through a culvert to an ephemeral channel that eventually connects to Scout Branch. As the pond is a storm water control feature that was either constructed in upland or a non-jurisdictional water, it is excluded from regulation.

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: Existing pond design drawing – Cripe - December 2015, proposed pond design drawing – Schmidt Associates – May 2020, Williams Creek Delineation Report – February 2016.

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: 1986 Aerial – MapIndy, 1993 Aerial – MapIndy, 2014 Aerial – Delineation Report, November 2019 Aerial – Digital Globe, Site Photos – Delineation Report - February 2016.

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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- 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: [Marion County NRCS Web Soil Survey \(delineation report\)](#)
- USFWS NWI maps: [\(delineation report\)](#)
- USGS topographic maps: [Indianapolis East quad \(delineation report\)](#)

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	LRL Regulatory Viewer Layers – Hillshade, NHD, Topo; Marion County Indiana Soil Survey book.

B. Typical year assessment(s): [N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.](#)

C. Additional comments to support AJD: [For clarification, the 2016 Williams Creek Delineation Report states that they believe the stormwater pond would not be jurisdictional, however based on a March 3, 2016 meeting with USACE, the pond would be considered a waters of the U.S. This was based on the fact that at the time, preliminary coordination indicated the pond may be an impoundment of an ephemeral tributary to Scout Branch, which would have been jurisdictional under former regulations and Rapanos guidance. However further review indicates that there is not conclusive evidence the pond is an impoundment, and regardless the storm water pond is excluded under 33 CFR 328.3 \(b\)\(10\), and not a waters of the U.S.](#)